



Student Code of Conduct

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1. INTRODUCTION

1.1. At the African Leadership University (ALU), we are dedicated to personal growth and academic excellence towards our shared vision of empowering current and future African leaders. In the context of the present document, ALU is understood as the African Leadership College in Mauritius and the African Leadership University in Rwanda, including the School of Business.

1.2. By choosing to join the community, you are agreeing to comply with certain standards of behavior, with the values of the ALU and any other institutional policies or procedures.

1.3. As part of the ALU community, you are required to adhere to this Code of Conduct, with the aim to:

- Promote a campus environment that supports the mission of the ALU;
- Protect the members of our community and our resources from disruption and harm;
- Provide a guide to appropriate individual and group behavior;
- Foster ethical standards, moral values and civic virtues.

2. SCOPE

ALU is on a mission to develop ethical and entrepreneurial leaders. Achieving our mission starts with our culture which is driven by our values. All the members of our community - students, academic and non-academic staff alike - are expected to recognise, respect and conform to the values of ALU, including but not limited to the contents of this Code.

The present document aims defining the conduct expectations for students at ALU and, in particular, at:

2.1. Developing, maintaining and supporting a culture of equality and diversity in employment and education in which community members are treated equitably, and where they can realise their potential whatever their age, race, colour, nationality, ethnic origin, creed, disability, sexual orientation, sex, gender identity, marital or civil partnership status, parental status, religion, belief or nonbelief, social or economic class, employment status, or any other criteria where discrimination cannot be shown.

2.2. Protecting our community members' right to be treated fairly whilst systematically eliminating all forms of discrimination from the activities of the Institution. We seek to ensure inclusion and equality, and to monitor and report on the effectiveness of these procedures by conducting an annual analysis and review of policies. This process will aid us in ensuring that these processes remain organic and that our policies do not in fact prejudice members of our community.

2.3. Ensuring that all members of the community feel safe, secure, free from sexual misconduct of any form, are treated with dignity and respect and that all forms of discrimination are systematically eliminated from the day to day activities of the organisation.

2.4. Raising awareness of all community members of how their behaviour can affect others. To achieve this standard, it is the general expectation that all members of the ALU community, including others who may be working on behalf of ALU, will behave in an acceptable manner - treating others with courtesy, respect and consideration - and conducting themselves professionally when interacting with members of the ALU community.

3. JURISDICTION

3.1. The present Code of Conduct is applicable to the on-campus conduct of all matriculated students. Students also fall within the jurisdiction of the code of conduct for off-campus conduct when they are engaged in projects, site visits and internships and any other activity supporting the pursuit of a degree, certificate or fulfilment of academic course requirements sponsored, organized and authorized by ALU. The Student Code may also be applied to behavior conducted online, via email, or any other electronic medium.

3.2. When learning of conduct or behavior that may not meet the standards included in this document, community members are expected to take an active role in upholding this policy and promoting the inherent dignity of all individuals. By active role, all students are encouraged to advise their peers to read this document and engage in meaningful conversations towards ensuring that everyone within the student body fully understands the provisions of this policy, and by reporting concerns and breaches related to this policy.

3.3. Anyone may file a formal complaint against a student or against a student group alleging a violation(s) of the Code. The unexcused failure of a student to appear and/or respond to the disciplinary process does not prevent the ALU from proceeding with disciplinary proceedings.

3.4. There is no time limit on reporting violations of the Code. However, the longer you wait to report an offense, the harder it becomes for staff members/officials to obtain information and witness statements and to make determinations regarding alleged violations. Anonymous complaints are permitted. However, this may limit ALU's ability to investigate and respond to your complaint.

3.5. No student will be found in violation of any ALU policy without information showing that it is more likely than not that a policy violation occurred and any sanction will be proportionate to the severity of the violation.

3.6. ALU will cooperate fully with law enforcement and other agencies in the enforcement of the law on campus and in the conditions imposed by such legal bodies.

3.7. The Institution reserves the right to exercise its authority of interim suspension upon notification that a student is facing criminal investigation or complaint if the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on our premises (including all/any premises leased by ALU) poses an imminent danger or substantial harm to others, or to property. Interim suspensions are imposed until a Disciplinary Hearing can be held.

3.8.

3.9.

4. Students' lack of awareness of the present Code does not qualify as a justification for lack of compliance with its contents.

4. STUDENT RIGHTS

At ALU, students can expect the institution to:

4.1. Ensure that the admissions process provides:

- a) the criteria for admission, which are fair, transparent and applied consistently;
- c) prospectus and course related information available to applicants in sufficient time to enable them to submit applications in the light of the most up to date information;
- d) information from application forms treated in confidence and in line with the Data Protection Policy;
- e) students are informed of the outcome of their applications.

4.2. Provide, before students join in, information on all relevant courses and services, entry requirements, fees and any other charges, the facilities and support available for students, including those with disabilities;

4.3. Provide a Student Handbook containing information about the institution, its policies, regulations, services and facilities;

4.4. Provide an orientation to the institution and its services and an induction to the course of study;

4.5. Provide documentation outlining the syllabus, assessment requirements and essential learning materials for the course;

4.6. Provide advice, information and tailored support for students with disabilities;

4.7. Provide an accurate calendar for the academic year and a teaching and learning timetable for the trimester;

4.8. Provide details of tutorials and other learning support arrangements, including who the course coordinators are, and how to contact them;

4.9. Provide a statement about what the student needs to do to complete the course and what happens if the student does not pass key assessments;

4.10. Provide information about: the Students' Representative Council, how the student can contribute to the decision making process of the institution, policies on health and safety, financial matters (statutory student support such as student loans, supplementary grants, the institution scholarship/bursary scheme, advice on how best the student can manage their money), including what support is available in case of difficulties, the services offered to students, the student complaints procedure;

4.11. Make available a complaints procedure that:

- a. Is included in the student handbook;
- b. Treats complaints seriously and fairly;
- c. Respects confidentiality at all times;
- d. Monitors the number of complaints received and their outcomes;
- e. Supports and encourages them to get help through the SRC.

4.12. Have suitably qualified teaching and support staff to provide courses which are well planned, student centred and supported by appropriate up to date materials;

4.13. Ensure that academic staff are punctual for all lectures, seminars, workshops, practical and tutorials;

4.14. Provide the student with an opportunity to express their views on the learning experience;

4.15. Engage them in the evaluation of the teaching quality. The feedback will be used to enhance the quality of teaching;

4.16. Provide a diverse range of assessment methods and learning activities;

4.17. Assist in the arrangements of internships;

4.18. Ensure that the students achievements are recorded in a clear and comprehensive way during and at the end of the study;

4.19. Deal with the student enquiries in a fair, courteous and effective manner;

4.20. Provide a schedule of assignments for each unit, where applicable, with published hand in dates and hand back dates;

4.21. Give regular opportunities to discuss the course and obtain study advice;

4.22. Give as much warning as possible if the teaching arrangements change. A notice will be put on the relevant classroom door and where possible a group email will be sent out notifying the changes/cancellation and the reason for the above;

4.23. Provide a learning environment that values the diverse student population that acknowledges and makes use of students' diverse experiences and perspectives;

4.24. Provide learning and teaching that complies with the institution's policy framework;

4.25. Assess work fairly and provide constructive feedback within a reasonable time;

4.26. Provide the conditions for assessment in each module, details of the marking scheme for assessments, information on what will happen upon late submission, plagiarism or cheating, publish details of results as per regulations;

4.27. Give guidelines for capstone project/dissertation write-up, the marking criteria and what form the supervision will take;

4.28. Work with the students to help them develop learning skills, recognising that this is an ongoing process;

4.29. Provide a quality learning environment;

4.30. Provide the student access to appropriate resources to enable them to complete their studies;

4.31. Reasonably support the student, both academically and personally, to help them complete their studies;

4.32. Make available a physical library that:

- a. Is an environment which is safe, comfortable and conducive to study;
- b. Provides friendly, helpful advice and support from the staff;
- c. Has networked IT facilities giving access to a range of software and online databases which support the study and assignment needs;
- d. Supplies handouts to help students study and use the resources effectively;
- e. Has a system for reserving books and other materials.

4.33. Academic and non-academic staff to be courteous, professional, and efficient and treat students with consideration, kindness, respect and dignity;

4.34. Seek to create and maintain an atmosphere and environment which is conducive to learning;

4.35. Monitor admissions, progression and feedback from students, with a view to continually enhancing the quality of the provision;

4.36. In conjunction with the Students' Representative Council (SRC), the institution will provide extra-curricular activities for students;

4.37. Respect the student's right to confidentiality, as per the ALU Data Protection Policy;

4.38. Comply with all relevant legislation and regulatory frameworks.

5. STUDENT OBLIGATIONS

5.1. Conduct expectations

The ALU expects all its students to:

5.1.1. Before they join in, to:

- a. provide full and accurate information, as requested;
- b. respond to any offer of seat that is made, within the time specified;
- c. inform the institution of any disability and special need arrangements so that reasonable adjustments can be considered;
- d. communicate to the institution for any special help required;
- e. familiarise themselves with the information the institution has published about its courses and about studying at the institution;
- f. take part in all relevant examinations, tests or interviews.

5.1.2. Participate in the induction and orientation programme provided;

5.1.3. Familiarise themselves with the present Code of Conduct and comply with it;

5.1.4. Access information about the institution's policies, regulations, services and procedures on the institution's website, familiarise themselves with them and act at all times in accordance with the institution's regulations and procedures.

5.1.5. Be an active participant in the learning process, avail themselves of the core texts for the classes/learning materials;

5.1.6. Attend all timetabled classes within the course, as per the Student Attendance Policy;

5.1.7. Properly prepare for the classes, arrive on time, and seek to make the most of the respective learning activity while respecting the rights of fellow students;

5.1.8. Take the opportunities provided to learn how to use the resources made available by the institution online or in the Library;

5.1.9. Complete learning tasks and activities outside of class attendance as specified in their unit study guides or set out by the facilitators;

5.1.10. Complete/submit all assignments on time, and hand in the coursework on the given dates;

5.1.11. Participate in course evaluations and other mechanisms collecting student feedback;

5.1.12. Inform the facilitators as soon as possible of any difficulty or illness which might affect their studies, as per Assessment Regulations;

5.1.13. Inform the the institution of any change in circumstances as soon as they occur;

5.1.14. Know the dates and times of the exams and attend them without disturbing other students;

5.1.15. Use institutional equipment for study/learning purposes only and report any equipment damage or faults and any damage to learning materials;

5.1.16. Take good care of books taken on loan and to return them on due date, as per the Library Policy;

5.1.17. Comply with the requirements of their course of study;

5.1.18. Respect other students' basic rights to work and live in a safe, secure environment, free from anxiety, fear, intimidation and harassment;

5.1.19. Respect other students' basic right to freedom of speech;

5.1.20. Maintain due confidentiality where having access to confidential information of any nature;

5.1.21. Provide accurate information to enable the maintenance of proper records and keep the Institution informed of changes;

5.1.22. Pay all tuition fees due by the specified dates, as per ALU Student Finance Policy;

5.1.23. Treat ALU property and materials with care and respect and act in a manner that does not bring the institution into disrepute;

5.1.24. Treat all ALU staff, students and visitors with courtesy and respect;

5.1.25. Become familiar with ALU's Health and Safety Policy, and comply immediately with prescribed procedures in case of emergency;

5.1.26. Contribute to energy saving on campus through simple acts like switching off lights and fans on leaving the classroom.

5.1.27. During a disciplinary proceeding:

- a. sort out problems informally if possible;
- b. seek help from either students, the SRC, student support staff, academic staff;
- c. follow the Student Disciplinary Policy and Procedures;
- d. deal with all correspondence from the institution;
- e. inform the institution immediately of any change in address.

5.1.28. Treat all community members equitably, regardless of their age, race, colour, nationality, ethnic origin, creed, disability, sexual orientation, sex, gender identity, marital or civil partnership status, parental status, religion, belief or nonbelief, social or economic class, employment status, or any other discriminatory criteria.

5.1.29. Refrain from smoking on any premises owned or leased by ALU.

5.1.30. Refrain from the use, possession, service, sale, or consumption of illegal alcoholic beverages, drugs, unprescribed medicine, etc. on all premises owned or leased by ALU, as well as during projects, site visits and internships and any other activity supporting the pursuit of a degree, certificate or fulfillment of academic course requirements sponsored, organized and authorized by ALU. ALU will not accept accountability for any damages, loss or injury to any member of the ALU community or any other person, regardless of their status, that have been caused directly or indirectly by the effects of alcohol consumption at an ALU-sponsored event. This prohibition includes students who knew, or reasonably should have known, they were in the presence of illegal drugs and/or drug paraphernalia whether they used the substance or not. This includes misuse of legal substances, inhaling a substance (other than in connection with its intended purpose) and/or other recreational substances used as drugs as a "means to get high." Abuse, misuse, sale, or distribution of prescription or over-the-counter medications, including possession, distribution, selling, sharing, or use of another's prescription medication is in breach of the present Code.

5.1.31. Refrain from all forms of sexual misconduct, including but not limited to, sexual assault, stalking, dating or domestic violence, and sexual harassment;

5.1.32. Avoid all aggressive or abusive behaviour, including inflammatory statements and unsubstantiated allegations against staff members or against the reputation of ALU.

5.1.33. Abstain from any form of bullying including but not limited to, the following forms of behaviour if it is repeated behavior or otherwise aggressive and makes the person perceive a threat to their existence or is otherwise degrading:

- Abusive and offensive language or shouting,
- Constant unreasonable criticism about work or academic performance, often about petty or insignificant matters,
- Deliberate exclusion, isolation or alienation of a staff member or student,
- Allocation of humiliating or degrading tasks, or sabotaging a person's work,
- Spreading gossip or false and malicious rumours with an intent to cause harm to a person,
- Sarcasm or ridicule,
- Threatening gestures or actual violence,
- Inappropriate comments about personal appearance,
- Electronic harassment such as through email, SMS,
- Hazing or bastardisation (such as harmful or humiliating initiation rituals).

5.1.34. Not to institute any gangs or fraternities with negative impact on the wellbeing of students or driven to incite violence with the use of weaponry or physical assaults.

5.2. ALU values

5.2.1. The ALU community - students, academic and non-academic staff alike - must promote the values on a day-to-day basis, in and out of the classroom:

5.2.1.1. Continuous Learning – We embrace challenges with curiosity and a beginner's mindset. We take risks, knowing we can learn from failure as well as success.

5.2.1.2. Diversity – We respect and celebrate beliefs as well as cultures of others, creating an environment for people to feel welcome.

5.2.1.3. Integrity – We have the courage to do what is right even when it is difficult or unpopular.

5.2.1.4. Ownership – We have amazing people who use their own initiative to contribute to ALU's mission.

5.2.1.5. Restless Excellence – We uphold the highest standards in all that we do and are never satisfied with status quo.

5.2.1.6. Humility - We are grateful for our opportunities. We are aware of our limitations and ask for help, even if we feel vulnerable. We serve others and our bigger purpose. We celebrate each other's successes.

5.2.2. Consequently, ALU students exemplify honesty, honor, and respect for the truth in all their dealings. Behavior that violates these values includes, but is not limited to:

5.2.2.1. Providing false information to the Institution, withholding material information from the Institution, making false oral or written statements to any ALU member of staff, Student Life Team, or disciplinary body in the performance of their duties or knowingly using/possessing false, falsified, fabricated, altered, duplicated or forged materials, timesheets, documents, accounts, identification, financial instruments, records, keys, vehicle or other resource.

5.2.2.2. The submission of false information at the time of admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal, or other appropriate non-academic conduct action.

5.2.2.3. Unauthorized entry to any ALU building, facility, room, vehicle, including campus/residence construction sites and roofs, or unauthorized possession, duplication, or use of means of access to any ALU building, facility, room, vehicle or failing to report a lost identification card or key.

5.2.2.4. Attempted or actual theft of property of another, including goods, services, and other valuables. This includes knowingly taking or maintaining possession of stolen property and/or property obtained without the owner's permission whether on or off campus, and/or electronic identity. This also includes unauthorized use of ATM, phone, or credit cards; checks; ID cards; keys, or computer systems.

5.2.2.5. Permitting another to use their ALU identification card, impersonating another, misrepresenting authorization to act on behalf of another, or communicating under the rubric of an organization, entity, or unit that you do not have authority to represent.

5.2.2.6. Knowingly instituting a false complaint against another person.

5.2.2.7. Collusion. Action or inaction with another or others to violate this Student Code of Conduct.

5.2.2.8. Invasion of Privacy. The recording, filming, photographing, viewing, transmitting, or producing the image or voice of another person without their knowledge and expressed consent when such a recording, film, and/or photograph is likely to cause injury or distress to the individual being recorded, filmed, and/or photographed is prohibited. In addition, looking through a hole opening, into, or otherwise viewing, by means of any

instrumentality, the interior of a private location without the subject's knowledge and expressed consent is also prohibited.

5.2.2.9. Knowingly violating the terms and conditions of any assigned sanction/intervention, or interim action.

5.2.2.10. Failure to follow established Institution or Student Housing policies, rules, and regulations.

5.2.2.11. The unauthorized possession, receipt, or use of ALU services, equipment, resources, or properties for personal gain or use for an unauthorized purpose.

5.2.2.12. Solicitation of and by students or student organizations for money, goods, or services without authorization.

5.2.2.13. Acts of dishonesty. To defraud, lie, tamper with, or scam to receive something of value or to mischaracterize so as to give a false belief or conclusion about something in a way that is harmful to another.

5.2.2.14. Conduct That Is Disorderly, Lewd, Indecent, Or A Breach Of Peace - any unreasonable or reckless conduct by an individual or group that is inherently or potentially unsafe to other persons or their real or personal property and/or or any behavior by an individual or group that disrupts the peace or interferes with the normal operation of ALU or ALU-sponsored activities.

5.2.2.15. Creation of health and/or safety hazards (dangerous pranks, hanging out of or climbing from/on/in windows, balconies, roofs, etc.) is prohibited under this policy.

5.2.2.16. Disruptive Behavior: substantial disruption of, or interference with, any ALU activity, including, but not limited to, teaching, research, administration, conduct proceeding, recreation, meeting, police or fire responses, or other ALU activities, on or off campus, and/or other authorized non-ALU activities, when the act occurs on the Institution's premises. Classroom disruption may include, but is not limited to: non-approved use of electronic devices; cursing or shouting at others in such a way as to be disruptive; or, other violations of an instructor's expectations for classroom conduct.

5.2.2.17. Damage, Defacement, Destruction: engaging or participating in acts or attempted acts of vandalism, damaging, misuse, removal, or malicious destruction of Institutional property or property belonging to another, either on or off campus. This includes, but is not limited to: littering or unauthorized chalking of Institutional property.

5.2.2.18. Weapons: possessing, using, displaying, carrying, or storing firearms including, but not limited to, air rifles, air pistols, BB guns, stun guns, Tasers, air/gas/spring-operated paintball or pellet guns, potato guns, imitation weapons/realistic-looking toy guns,

ammunition, explosives, incendiary devices, fireworks, dangerous chemicals, or other dangerous objects/projectiles such as slingshots, arrows, axes, machetes, daggers, nunchucks, swords, or throwing stars on the Institution's premises or at any ALU sponsored or supervised activity. The term weapon may also be defined as any object or substance designed to inflict a wound, cause injury or pain, or to incapacitate. This definition also includes any harmless instrument that could reasonably appear to a reasonable person as being a weapon.

5.2.2.19. Physical Abuse: any physical abuse, restraint, or harm of any person is a breach of this policy and of the Honor Code. Being involved in fighting, including the use of physical force, violence, intoxicants, or other substances to restrict the freedom of action or movement of another person or to physically endanger the health and/or safety of another person(s) or group.

5.2.2.20. Intimidation: implied threats or acts (physical or verbal) that cause a reasonable fear of harm in another

5.2.2.21. Coercion: pressuring another unreasonably into an act is not truly voluntary.

5.2.2.22. Bullying and Cyberbullying: intentional repeated and/or severe aggressive behaviors that a reasonable person should know will intimidate them, cause them fear, or cause physical and/or emotional harm and/or control to one or more individuals and are not protected by freedom of expression.

5.2.2.23. Public Exposure: deliberately and publicly exposing one's intimate body parts, public urination, defecation, and public sex acts.

5.2.2.24. Failure to comply with the instructions, directions, requests, or orders of ALU officials who are acting in the performance of their duties. Including, but not limited to, an instruction to present identification, not leaving areas when requested to do so, engaging in verbal and/or physical abuse directed toward ALU staff, emergency personnel, or law enforcement officials, an instruction to appear at conduct proceedings or other mandatory meetings, appear as a witness when reasonably notified to do so, or failing to cooperate with an investigation. This includes failure to fulfill any sanction(s) assigned as a result of a Disciplinary Hearing.

5.3. Student/staff relations

5.3.1. Intimate and/or exclusive relationships between staff and students raises questions of conflict of interest, trust, and confidence; such elements are essential for working relationships and for equal treatment in teaching, learning, selection, assessment and research. There is a danger that amorous relationships exploit the relationship of authority and trust that is inherent in the relationship between members of staff and students.

Amorous relationships refers to any dating, romantic, or sexual liaison, including dates, kissing, sexual advances, or touching.

5.3.2. For the protection of staff and students, the boundaries and moral obligations of the professional role of staff must be fully recognized and respected. Staff should recognise their professional and ethical responsibilities to protect the interest of students, to respect the trust involved in the staff/student relationship and to accept the obligations inherent in that responsibility.

5.3.3. Therefore, in order to maintain a healthy relationship between staff and students, no form of intimate personal relationship, under any condition, including consensual conduct of sexual nature, between an employee and a student is permitted.

5.3.4. Staff and students are jointly responsible for their conduct whilst registered - or employed - with ALU and as such are expected to comply with this rule and maintain a professional standard of behavior at all times.

5.3.5. Furthermore, the following lists violations of the professional standard of behavior expected from both staff and students at ALU:

- Loss of personal civility towards one another, including shouting, personal attacks or insults, fighting, displays of violent temper (such as throwing objects, hitting furniture or walls, etc.)
- Any use of physical force on another individual, including but not limited to pushing, grabbing, hitting or poking; etc. Participating in or deliberately abetting disruption, interference, or intimidation will also be considered as a breach of this policy and will be treated as such.

5.3.6. Exceptionally from the jurisdiction determined in Section 3, the section on Staff/students relations refers to any alleged violation that occur in the context of any ALU programme or activity or that otherwise affects ALU's working or learning environments, regardless of whether that conduct occurred on or off any property owned/leased by ALU.

5.4. Consent

We expect community members to communicate openly, honestly, and clearly about their actions, wishes, and intentions when it comes to sexual behavior, and to communicate the same before engaging in intimate conduct. It is always the requirement of the individual initiating sexual contact (or undertaking a new type of sexual activity) to ensure that consent is present before acting and is present during and throughout sexual activity. When determining whether consent was present and remained so, ALU will consider whether a sober, reasonable person in the same position should have known whether the other party could or could not consent to the sexual activity. It is therefore in your best interest and in the interest of your partner to ensure that there is consent amongst yourselves.

5.4.1. Sexual Conduct

For purposes of this policy, consent is present when clearly understandable words or actions demonstrate knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate contact. Consent must be ALL of the following:

5.4.1.1. Knowing: Consent must demonstrate that all individuals understand, are aware of, and agree to the “who” (agree partners), “what” (agreed acts), “where” (agreed location), “when” (agreed time), and “how” (agreed same way and under the same conditions) of the sexual activity.

5.4.1.2. Active: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.

5.4.1.3. Voluntary: Consent must be freely given and cannot be the result of respondent’s force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (severe or persistent pressure causing fear of significant consequences from respondent if one does not engage in sexual activity) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).

5.4.1.4. Present and ongoing: Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent may also be withdrawn at any time – provided the person withdrawing consent makes that known in clearly understandable words or actions.

5.4.2. Invalid Consent (Consent NOT Present)

5.4.2.1. Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age, physical condition, or disability that impairs the individual’s ability to give consent.

5.4.2.2. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring.

5.4.2.3. Signs of incapacitation (inability to provide consent) include when an individual demonstrates that they are unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction.

5.4.2.4. Some indicators of a lack of capacity to give consent due to consumption of drugs or alcohol may include, but are not limited to:

- a. Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance);
- b. Lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, whom one is with, or how or why one became engaged in sexual interaction);
- c. Inability to effectively communicate for any reason (for example, slurred speech, difficulty finding words).

5.4.2.5. A person may appear to be giving consent but may not have the capacity to do so, in which case the apparent consent is not effective. Capacity to give consent carries greater weight than apparent consent.

5.4.2.6. If there is any doubt as to another person's capacity to give consent, community members should always assume that the other person does not have the capacity to give consent. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent. Being intoxicated or impaired by drugs or alcohol is never an excuse to commit sexual misconduct.

5.4.2.7. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.

5.4.3. Prohibited Sexual Behavior

5.4.3.1. Sexual Penetration without Consent: Any penetration of the sex organs or anus of another person when consent is not present; any penetration of the mouth of another person with a sex organ or a foreign object when consent is not present; or performing oral sex on another person when consent is not present. This includes penetration or intrusion, however slight, of the sex organs or anus of another person by an object or any part of the body.

5.4.3.1. Sexual Contact without Consent: Knowingly touching or fondling a person's genitals, breasts, thighs, groin, or buttocks, or knowingly touching a person with one's own genitals, breasts, or buttocks, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing (drugging) a person, when consent is not present, to similarly touch or fondle oneself or someone else.

5.4.3.2. Statutory Rape: Sexual intercourse with a person who is under the age of 16 years is considered as 'statutory rape' and is a breach of the law.

5.4.3.3. Sexual Exploitation: Taking sexual advantage of another person for the benefit of oneself or a third party when consent is not present. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):

- a. Permitting others to witness or observe the sexual or intimate activity of another person without that person's consent
- b. Indecent or lewd exposure or inducing others to expose themselves when consent is not present
- c. Recording any person engaged in sexual or intimate activity in a private space without that person's consent
- d. Distributing sexual information, images, or recordings about another person without that person's consent
- e. Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation
- f. Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs

5.4.3.4. Stalking: Stalking is when attention is directed or repeatedly directed at a specific person that is unwelcome and that would cause a reasonable person to fear for their safety (or the safety of a third party) or suffer substantial emotional distress.

5.4.3.5. Dating Violence: Violence whilst dating is prohibited under this policy and is a violation of the ALU Honor Code.

Intimidation, harassment, physical abuse, sexual abuse, or interference with personal freedom of any person by someone in an intimate relationship, as described below.

5.4.3.6. These actions may include, but are not limited to:

- a. Physical abuse: hitting, slapping, shoving, grabbing, pinching, biting, or hair pulling;
- b. Psychological or emotional abuse: a pattern of behavior undermining an individual's sense of self-worth or self-esteem, constant criticism, diminishing one's abilities or name-calling;
- c. Sexual abuse: attacks on sexual parts of the body, forcing sex after physical violence, treating one in a sexually demeaning manner, coercing or attempting to coerce any sexual contact or behavior without consent.

5.4.3.7. Persons who are included in the 'Dating Violence' Categories include:

- a. Persons who can reasonably be assumed to have or have had a 'relationship'.
- b. Persons who have or have had a social relationship of a romantic or intimate nature

5.4.3.8. Sexual Misconduct and or/Harassment: Sexual harassment is any unwelcome conduct of a sexual nature where:

- a. sexual favors are used or threatened to be used as a basis for academic or employment decisions
- b. where the conduct creates a hostile, intimidating or offensive academic, living or working environment
- c. where the conduct has the effect of unreasonably interfering with an individual's work performance
- d. where other verbal, nonverbal, or physical conduct of a sexual nature is sufficiently severe, persistent, or pervasive to limit a person's ability to participate in or benefit from an educational program or activity.

5.4.3.9. Some examples of sexual harassment may include:

- a. Pressure for a dating, romantic, or intimate relationship;
- b. Unwelcome sexual advances;
- c. Unwelcome touching, kissing, hugging, or massaging;
- d. Pressure for sexual activity or forced sexual activity;
- e. Unnecessary references to parts of the body;
- f. Remarks about a person's gender, nonconformity with gender stereotypes, or sexual orientation;
- g. Sexual innuendos or sexual humor;
- h. Obscene gestures;
- i. Sexual graffiti, pictures, or posters;
- j. Sexually explicit profanity;
- k. Stalking or cyber bullying that is based on gender or sex;
- l. E-mail, texting ("sexting") and Internet use that violates this policy;

5.4.3.10. Sexual harassment is a serious issue and will not be tolerated by ALU.