

ALU Student Code of Conduct

1. Purpose

At the ALU, we are dedicated to personal growth and academic excellence towards our shared vision of empowering current and future African leaders.

By choosing to join the community, you are agreeing to comply with certain standards of behavior, with the values of the ALU, the Student Housing & Residence Life rules and regulations and any other institutional rules or procedures, including those policies and procedures and regulations specific to the ALU's internship programs.

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. Aims and objectives of the policy

The present policy aims 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. Prohibiting all forms of sexual misconduct, including but not limited to, sexual assault, stalking, dating or domestic violence, and sexual harassment. Such conduct violates our community values and principles and effectively disrupts the living, learning, and working environment for students, faculty, staff and other community members.

2.5. 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. Definitions

The following definitions have been put in place to ensure aid you in understanding the document in full. Please read through these carefully.

3.2. “Student” refers to: Any person matriculated into the Institution and who is either currently enrolled or enrolled in the previous term and registered for a future term. Students include persons attending classes on campus, off-campus or online.

3.3. “The Student Code” refers to: the present Student Code of Conduct. Students at ALU are also governed by other Student codes of conduct, including but not limited to the Academic Regulations and Internship Policy.

3.4. “Discrimination” refers to: any act or failure to intervene that is based upon an individual or group’s actual or perceived status (sex, gender identity/expression, race, color, age, national origin, creed, disability, religion, sexual orientation, pregnancy, or veteran status) that it limits or denies the ability to participate in or benefit from any of the Institution’s educational program or activities).

3.5. “Reporting party” refers to: Any person who submits a written complaint or report alleging that a student violated this Code. The institution reserves the right to initiate a report, to serve as the reporting party, and to initiate disciplinary proceedings without a formal complaint by the victim of misconduct.

3.6. “Responding party” refers to: Any student or student organization that is alleged to have violated this Code.

3.7. “Advisor” refers to: a person chosen by the Responding party or Reporting party to assist them with any disciplinary proceedings.

3.8. “Administrative Review Meeting” refers to: A meeting between the Responding party and the Student Life Team to discuss a Responding party’s rights and review alleged violations of the Code.

3.9. “Disciplinary Hearing” refers to: A proceeding held before the Disciplinary Committee to address alleged violations of the Code.

3.10. “Disciplinary Committee” refers to: A group of persons appointed by the Institution to formally address Student Code violations. The nature and function of the Disciplinary Committee is detailed in the Disciplinary Hearing Rules & Procedures.

4. Jurisdiction

4.1. The present Code of Conduct is applicable to the on-campus behaviour 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.

As such, ALU reserves the right to investigate and/or sanction any alleged violations of this policy that occur in any of these contexts.

4.2. 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.

4.3. 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.

4.4. 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.

4.5. 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.

4.6. We 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.

4.7. 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.

5. Student rights

At the ALU, students can expect to:

- a. to receive a Student Handbook containing information about the institution, its policies, its regulations and facilities;
- b. to receive an induction when joining the institution;
- c. that the teaching received will be evaluated. The feedback will be used to enhance the quality of teaching;
- d. that the institution will work with the students to help them develop learning skills, recognising that this is an ongoing process;
- e. that the institution will provide a quality learning environment;
- f. that the institution will provide the student access to appropriate resources to enable them to complete their studies;

- g. that the institution will reasonably support the student, both academically and personally, to help them complete their studies;
- h. that staff will be courteous, professional and efficient;
- i. that the institution will seek to create and maintain an atmosphere and environment which is conducive to learning;
- j. that the institution will monitor admissions, progression and feedback from students, with a view to continually enhancing the quality of the provision;
- k. in conjunction with the Students' Representative Council (SRC), the institution will provide extra-curricular activities for students;
- l. that the institution will respect the student's right to confidentiality;
- m. that the institution will comply with all relevant legislation.

6. Student conduct expectations

The ALU expects all its students to:

- a. comply with the requirements of their course of study;
- b. comply with the present Code of Conduct;
- c. respect other students' basic rights to work and live in a safe, secure environment, free from anxiety, fear, intimidation and harassment;
- d. respect other students' basic right to freedom of speech as per national law;
- e. maintain due confidentiality where having access to confidential information of any nature;
- f. provide accurate information to enable the maintenance of proper records and keep the Institution informed of changes;
- g. always have their ALU identification card available while on the Institution's campuses and to produce it when required;
- h. pay all tuition fees falling due by the specified dates;
- i. treat ALU property and materials with care and respect and act in a manner that does not bring the Institution into disrepute;
- j. treat all ALU staff, students and visitors with courtesy and respect;
- k. be familiar with ALU's Health and Safety Regulations and Fire Regulations, and comply immediately with prescribed procedures in case of emergency;
- l. contribute to energy saving on campus through simple acts like switching off lights and fans on leaving classroom.

7. Student misconduct

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:

- a. 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.
- b. 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.

- c. 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.
- d. Attempted or actual theft of property 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.
- e. 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.
- f. Knowingly instituting a false complaint against another person.
- g. Collusion. Action or inaction with another or others to violate this Student Code of Conduct.
- h. 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.
- i. Knowingly violating the terms and conditions of any assigned sanction/intervention, or interim action.
- j. Failure to follow established Institution or Student Housing policies, rules, and regulations.
- k. The unauthorized possession, receipt, or use of ALU services, equipment, resources, or properties for personal gain or use for an unauthorized purpose.
- l. Solicitation of and by students or student organizations for money, goods, or services without authorization.
- m. 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.
- n. 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.

- o. Health and safety. 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.
- p. 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.
- q. 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.
- r. 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.
- s. 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.
- t. Intimidation: implied threats or acts (physical or verbal) that cause a reasonable fear of harm in another
- u. Coercion: pressuring another unreasonably into an act is not truly voluntary.
- v. 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.

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

7.1. Discrimination

Within the context of the present policy, equality and diversity and inclusion policy as referring to, but not limited to the following attributes: sex, relationship status, parental status, age, race, impairment, religious belief or religious activity, political belief or activity, lawful sexual activity, gender identity, gender reconstruction, sexuality, family responsibilities, association with, or relation to, a person identified on the basis of any of the above attributes.

7.1.1. Direct Discrimination

This occurs on the basis of one (or more) of the above attributes, if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.

7.1.2. Indirect Discrimination

This occurs on the basis of one (or more) of the above attributes, if a person imposes, or proposes to impose:

1. a condition with which a person with an attribute does not or is not able to comply; and
2. a condition with which a higher proportion of people without the attribute comply or are able to comply; and;
3. a condition that is not reasonable.

7.1.3. Reasonability of a Term

This depends on all relevant circumstances of the case, including for example:

1. the consequences of failure to comply with the term; and
2. the cost of alternative terms; and the financial circumstances of the person who imposes, or proposes to impose, the term.

It is not necessary that the person imposing, or proposing to impose, the term is aware of the indirect discrimination. 'Term' includes condition, requirement to practice whether or not this is expressly written down'.

7.2. Harassment and/or bullying

ALU will consider behavior “harassment” as any unwanted conduct, verbal, non-verbal, visual, psychological or physical, based on age, disability, HIV status, domestic circumstances, sexual orientation, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, birth or other status, that a reasonable person would have foreseen that a fellow community member would be affected negatively in his/her dignity” in line with Mauritian Law (Employment Rights Act 2008). This definition is considered applicable to both students and staff at ALU in Mauritius.

Behaviour towards an individual or group of individuals, that may or may be based on the attributes referred to the (Mauritius Equality Act and the Mauritian Constitution) and could be defined as "the repeated less favourable treatment of a person by another or others in the workplace, which may be considered unreasonable and inappropriate workplace practice. It includes behaviour that intimidates, offends, degrades or humiliates "in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct."

Harassment/bullying often involves a misuse of power. Harassment/bullying may occur between people of any gender. It can also occur between supervisor and staff, co-workers, students and between students and staff. Harassment/bullying may be subtle or overt and includes, but is 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).

7.3. Hate Speech

Hate Speech is speech that attacks, threatens, or insults a person or group on the basis of attributes listed in section 6.1.

ALU recognises ‘Free Speech’ and ‘Freedom of conscience’ and ‘Freedom of Expression’ as fundamental rights, set under the Constitution of Mauritius and as such, encourages our community members to engage in conversations over issues that affect the daily lives of members and therefore, the health of the Institution.

Free speech, however, in a constitutional sense may be limited by reasonable and non-discriminatory considerations. Therefore, freedom of speech must be exercised in a manner that respects the fundamental rights of all community members and does not prejudice the rights of members to engage with daily activities without fear of physical or verbal attack, leading to humiliating or degrading atmosphere.

At ALU, we believe that a verbal or physical attack (where this may stigmatise or humiliate community members) on the basis of factors listed in section 4, is a symptom of discrimination and as such, hinders a student's ability to compete fairly in the academic arena and staff members' ability to function professionally and without fear of prejudice.

As an institution of higher education, seeking to develop future leaders of the African continent, we strongly condemn all forms of hate speech and will address any reported form of hate speech as is directed in the 'Formal Inquiry' section, as well as the 'Continuous breach of Policy or Failure to Comply with 'Orders' from Inquiry' section.

ALU will have discretion to limit the rights of speech during events where:

- It may undermine legitimate and legal business or institutional interests of ALU, especially in circumstances where this may put the institution in disrepute without reasonable grounds.
- It may prejudice or infringe on the rights of community members (staff members who have the right of occupation and students who have the right to education), particularly community members from minority groups, to work and learn in a safe space.
- It cripples or infringes on the ability of the institution to seek resolution to disputes.
- It is considered illegal.

7.4. Victimization

Victimization is considered to have occurred when a person does an act, or threatens to do an act against a person because:

- They (complainant) have made a complaint, or are associated with a person who has made a complaint, under this policy, or
- They (respondent) have had a complaint made against them, or are associated with a person who has had a complaint made against them, under this policy.

Adverse action taken against a complainant will be considered a breach of this policy and may be unlawful under Mauritian Law. ALU will not tolerate victimisation of a complainant, respondent or person legitimately associated with the resolution of a grievance.

7.5. Consent

Consent represents the cornerstone of respectful and healthy intimate relationships. 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.

7.5.1. 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:

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.

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.

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).

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.

7.5.2. Invalid Consent (Consent NOT Present)

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.

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.

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.

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

1. Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance);
2. 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);
3. Inability to effectively communicate for any reason (for example, slurred speech, difficulty finding words).

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.

When determining whether consent was present, 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.

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.

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

7.5.3. Prohibited Sexual Behavior

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.

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.

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 in Mauritius.

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):

1. Permitting others to witness or observe the sexual or intimate activity of another person without that person's consent
2. Indecent or lewd exposure or inducing others to expose themselves when consent is not present

3. Recording any person engaged in sexual or intimate activity in a private space without that person's consent
4. Distributing sexual information, images, or recordings about another person without that person's consent
5. Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation
6. Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs

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.

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.

These actions may include, but are not limited to:

1. Physical abuse: hitting, slapping, shoving, grabbing, pinching, biting, or hair pulling;
2. 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;
3. 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.

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

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

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

1. sexual favors are used or threatened to be used as a basis for academic or employment decisions
2. where the conduct creates a hostile, intimidating or offensive academic, living or working environment
3. where the conduct has the effect of unreasonably interfering with an individual's work performance
4. 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.

Some examples of sexual harassment may include:

1. Pressure for a dating, romantic, or intimate relationship;
2. Unwelcome sexual advances;
3. Unwelcome touching, kissing, hugging, or massaging;
4. Pressure for sexual activity or forced sexual activity;
5. Unnecessary references to parts of the body;

6. Remarks about a person's gender, nonconformity with gender stereotypes, or sexual orientation;
7. Sexual innuendos or sexual humor;
8. Obscene gestures;
9. Sexual graffiti, pictures, or posters;
10. Sexually explicit profanity;
11. Stalking or cyber bullying that is based on gender or sex;
12. E-mail, texting ("sexting") and Internet use that violates this policy;

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

7.6. Retaliation

Engaging in retaliatory acts and/or intimidating a person who reports an alleged violation of the Code or testifies, assists, or participates in a disciplinary proceeding or investigation is also prohibited by this Code. If you believe you have been retaliated against or are being intimidated or threatened due to participating in the disciplinary process, you should notify a trusted member of staff immediately, who will escalate your concern.

Retaliation and/or intimidation against any party participating in the student disciplinary proceeding is prohibited.

To be considered retaliation and/or intimidation, there must be a causal connection between a materially adverse action and the act of reporting a violation or participating in a disciplinary proceeding. A materially adverse action is one that would dissuade a reasonable person from reporting a violation, and includes, but is not limited to, intimidation, threats, coercion, or discrimination. This decision however, is made on a case-by-case basis.

7.7. Drugs and prescription medication

The use, possession, distribution, transporting, providing, manufacturing, selling, attempting to sell, cultivating, or being under the influence of any drugs, and/or other controlled substances and/or drug paraphernalia in violation of law or ALU policies. Drug paraphernalia includes all equipment, products, and material of any kind that are used to facilitate, or intended or designed to facilitate drug use. Use or possession of marijuana (also known as Cannabis or 'Weed', 'Ganja', 'Skunk', etc), is listed as a 'Dangerous drug and is prohibited under the Dangerous Drug Act 2000 of the Republic of Mauritius. It is therefore also prohibited under this policy.

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 if drugs as a "means to get high."

Abuse, misuse, sale, or distribution of prescription or over-the-counter medications. This includes possession, distribution, selling, sharing, or use of another's prescription medication will be a breach of this policy and of the principles set under the Honor Code.

7.8. Fire/police safety

Any action that Interferes with, obstructs, or disrupts police or fire responses. This includes, but is not limited to:

- Failing to abide by the directions of staff members.
- Tampering with, impairing, disabling, misusing, or improperly engaging ALU fire protection systems such as smoke detectors, fire extinguishers, sprinklers, or alarms.
- Failing to evacuate an ALU controlled building during a fire alarm or fire drill.
- Any action that causes or attempts to cause a fire, explosion, including bomb threats, or any intentionally false reporting of a fire.

7.9. Hazing

Any action taken or situation that either intentionally or unintentionally endangers the mental or physical health, safety, or welfare of any person within the ALU community, or that destroys or removes public or private property, for the purpose of initiation, participation, admission into, affiliation with, or as a condition of continued membership in a group or organization.

Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene to prevent and/or failing to discourage and /or failing to report those acts may also violate this policy.

Hazing includes, but is not limited to, any abuse of a mental or physical nature; forced consumption of any food, liquor, drugs, or substances; forced activity that could adversely affect the health or safety of an individual; or forced road trips.

Hazing also includes any activity that would subject the individual to embarrassment or humiliation, the willingness of the participants in such activity notwithstanding.

8. Internal Disciplinary Action

An ALU Disciplinary Committee is appointed in order to decide whether Misconduct took place on the basis of 'balance of probabilities'. The Disciplinary Committee will oversee the investigation process and deliver its response which may or may not include a penalty depending on the outcome of the investigation.

The Disciplinary Committee is composed of members of ALU staff and is responsible for addressing matters pertaining to issues of misconduct at ALU. The disciplinary action is conducted in line with the Disciplinary Process managed by the Student Life Team.

Throughout the disciplinary process, the student shall have the following rights:

- The right to receive notification of the section(s) of the Student Code allegedly violated or the charge against them and the opportunity to schedule a date and time, of any Disciplinary Hearing regarding the alleged violation(s).
- The right to know the identity of the Reporting party (unless it will cause a clear and present danger to the Reporting party).
- The right to challenge the objectivity or fairness of any of the persons serving on the Disciplinary Committee. The decision to uphold any challenge made by the Responding party rests with the Chair of the proceedings

- The right, in all disciplinary proceedings to have the presence of one (1) advisor. An advisor may consult with the Responding party, but not directly address the Conduct Officer or Disciplinary Committee.
- The right to have timely access to information that will be used during any Disciplinary Hearing upon request.
- The right to know the name of each witness (unless it will cause a clear and present danger to the witness) to appear the Disciplinary Hearing.
- The right to introduce documents, to call witnesses, and present other information. The right to call witnesses is accompanied by the obligation to provide the name of each witness, in writing, two (2) business days in advance of the Disciplinary Hearing to the Conduct Officer.
- The right to be present at their Disciplinary Hearing regarding the alleged violation(s) and to make or refrain from making statements.
- The right to ask questions of any person participating in or providing information at a conduct proceeding. All questions asked by the Responding party during a Disciplinary Hearing are to be submitted in writing to the Student Life Team. The Chair has the authority to determine relevance of questions asked by the Responding party or Reporting party. In certain circumstances, questioning may be done outside the physical presence of those participating in the Disciplinary Hearing.
- The right to receive written notification of any finding made, including written notice of sanctions or actions, if any.
- The right to be notified when results are final.
- The right to be notified of the request to appeal process and whether an appeal is available for the conduct or violation alleged.
- The right to review the record that exists of a personal conduct Disciplinary Hearing in accordance with all state laws and the Family Educational Rights and Privacy Act.
- The right to request postponement of a Disciplinary Hearing for good cause shown. In most cases, a postponement will only be granted due to an academically related commitment. The decision to postpone a Disciplinary Hearing rests with the Chair of the Disciplinary Committee.

The behavior during the conduct process/review and/or Disciplinary Hearing involving contemptuous, disrespectful, or disorderly behavior, including, but not limited to, intimidation or harassment of witnesses, attempting to improperly influence the impartiality of a representative of the Disciplinary Committee, failure to participate in a review or Disciplinary Hearing, or providing false or misleading information/evidence to the Disciplinary Committee will be considered a breach of this Policy.

Non-Academic student conduct records are personal and confidential. Students may inspect their records at reasonable times. These records may also be shared with other ALU staff who have a legitimate educational interest in the information they contain. Records will be released without prior written consent when it is required by law.

9. Sanctions/interventions

A student or group found responsible for a Code of Conduct violation will be subject to sanctions/interventions commensurate with the offense with consideration given to any aggravating and mitigating circumstances, including, but not limited to, the student's conduct record.

Whether disciplinary proceedings are necessary for off campus conduct will be based on a determination of the following:

- The seriousness of the alleged conduct;
- The direct impact of the conduct on any member of the ALU community or the educational mission and/or interests of the ALU
- Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of themselves or others;
- Whether the off-campus conduct is part of a continuing course of conduct that occurred either on-or off-campus or;
- The misconduct demonstrates a disregard for the ALU community or its pursuit of ALU objectives.

It is the student's responsibility to review their conduct record, and the student will be deemed to have knowledge of their record of previous conduct violations and sanctions, whether or not the student chooses to review the record.

ALU reserves the right to create other sanctions based on the nature of the misconduct. A Responding party's conduct record is cumulative. Therefore, increased sanctions/interventions may be assigned to take into consideration the Responding party's overall record of violations of all types. When a Responding party accepts responsibility for violating this Policy or is found responsible for violating the Code of Conduct, one or more of the following sanctions/interventions may be assigned:

9.1. Informal Warning

This is an oral or written warning that a student is violating Institutional regulations. No formal charges are required before the issuance of an informal warning. No official record of an informal warning shall be maintained.

This warning will be issued by the Head of Student Life or designated representative.

9.2. Formal Warning

This is a formal written warning that a violation of the Student Code of Conduct has occurred and that continued or repeated violations of the Student Code or other ALU Policies may be cause for further conduct action. A record of a formal warning shall be maintained. This warning shall be issued by the Disciplinary Committee.

9.3. Conduct Probation

Conduct probation lasts for a specific period of time during which the student is not in good standing with the Institution. Any violation of the Student Code or the conditions of conduct probation committed during the probationary period may result in further conduct action. Additional behavioral expectations that are consistent with the nature of the violation may also be imposed. Conditions of probation may be set forth which restrict the student's participation in certain activities. During the probationary period, a student may be requested to attend Review Meetings with a staff member.

8.4. Loss of Privileges and Exclusion from Activities

An exclusion from participating in designated privileges and activities for a specified period of time.

9.5. Restorative Actions

The student or group/organization is required to engage in actions to restore the impact of a violation and repair the harm resulting in the misconduct on other members of the community. These actions may include, but are not limited to: letters of apology, drafting and implementing a plan of resolution, attending a facilitated meeting with the harmed individual or group of students

9.6. Campus and/or Community Service

A student or group is required to perform a specific number of hours to an appropriate non-profit community agency and/or to an Institutional office/department designed to benefit the community and help the student understand why certain behavior was inappropriate.

9.7. Educational Assignment/Initiatives

A student or group is required to complete an educational assignment related to the violation committed. Such educational assignments may include attending a workshop, lecture, class, or alcohol/drug education program; complete a report, reflection paper, or project; or be involved with the community in a way that brings about a new understanding of the community and how their behavior may have impacted others, for example interviewing a campus official. This is not an exhaustive list but serves as a reference for the types of educational assignments that may be imposed.

9.8. Removal From Residences

A student can be required to transfer residence halls or is removed from the residence halls for a specified or indefinite period of time.

9.9. Restitution

Compensation for damage, loss of property, or expenses of others as a result of the misconduct. This includes compensation for misappropriation of funds as well. Compensation can be in the form of campus/community service, money, or material replacement.

9.10. Suspension

The ALU maintains the right to suspend any registered student who has been found to have breach of this Disciplinary Code or who is guilty of multiple breaches, once established by the disciplinary committee.

9.11. Expulsion

The permanent termination of student status.

9.12. Additional Sanctions

Additional sanctions may include, but are not limited to, requiring the student to attend a counseling, drug, or alcohol consultation, required to have drug/alcohol testing, or required to have a psychological or psychiatric evaluation.

If a student fails a drug test, additional sanctions may include, but are not limited to, requiring the student to complete educational assignments, requiring the student to have a drug assessment, requiring the student to seek treatment, or attend a counseling consultation. Depending on the circumstances of a failed drug test, a student may also be suspended, or expelled from the ALU.

In situations involving some of the sanctions listed above, a student may be asked to relinquish any Institutional office held. If student leaders are charged with a violation of serious non-academic misconduct, they may be removed from the leadership position until the matter is resolved. Sanctions may also result in permanent removal from leadership positions. This may also include prohibition from representing the Institution in any capacity. This could also result in the loss of certain scholarships and financial aid. In addition to the sanctions described, the Disciplinary Committee may apply or recommend additional sanctions.

Failure to complete a required sanction is a serious offense. It is considered an additional violation of the Student Code, and will usually result in more serious sanctions being imposed. Within one (1) week of a student's failure to complete a sanction, a conduct hold will be placed on the student's records, and any pre-registration that the student might have already conducted. Students refusing to complete sanctions also place themselves at risk of being suspended or expelled from the Institution.

10. Legal/Criminal Implications

In the event that the allegation goes beyond the remit of the Institution and involves the State through the Police, students are informed that they have the right to an attorney.

Also, students are informed that 'Sexual Assault', 'Rape', 'Statutory Rape' are all criminal offences by law in Mauritius as stipulated within the Criminal Code. Students have the right to initiate a police complaint, should they experience sexual violations as described in this policy.

10.1. Legal Counsel

Should a student wish to use legal representation, ALU will provide her with a list of legal counsel in Mauritius. Costs of legal counsel will be borne upon by the student. In the case where the student cannot afford legal counsel, the State of Mauritius may provide a lawyer to you.

10.2. Bail

ALU will cover the cost of bail, where it deems it reasonable to do so, and the student may be required to reimburse the amount to ALU.

10.3. Psychological Support

The student will have access to ALU's in-house psychologist should she need any emotional or psychological assistance during these proceedings.

11. Special Circumstances

Medical or Psychiatric Evaluation/Involuntary Withdrawal

In order to create a safe and healthy learning environment and to ensure the wellbeing of the ALU community, the Institution may initiate an involuntary withdrawal of a student. This process is not a routine substitute for student conduct action when there is a violation of the Student Code nor will it supplant the policy for addressing violations of substance abuse and alcohol policies.

However, if a student's behavior indicates that the behavior may be the result of a physical or psychological health-related issue, the Institution may encourage the student to seek appropriate treatment and to consider a voluntary withdrawal as needed or recommended by the health care provider, and/or the Institution may request that the student seek a medical or psychiatric evaluation. If the student declines the request or there are other indicators that support immediate action, the Institution may proceed with an involuntary withdrawal.

Involuntary withdrawals will be considered when the student's behavior poses an imminent or significant danger or threat of causing substantial physical harm to self or others; or property; or substantially impedes or disrupts the lawful activities of other members of the ALU community, or would interfere with the educational process and the orderly operation of the Institution.