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A+ World Academy's Sexual Misconduct, Harassment, & Assault Policy

1. Purpose of Policy

A+ World Academy is committed to promoting the principles of responsible and respectful behavior to ensure all students can enjoy a productive living and learning environment, free from sexual misconduct.

A+ World Academy will not tolerate sexual misconduct and will take all reasonable steps to prevent behavior that does not conform with A+ World Academy's acceptable behavior standards. In the event that an incident occurs, A+ World Academy will provide support and protection to students that make complaints and will seek quick resolution.

This policy applies to conduct during and related to the operation of the school, while on or off ship, during school sponsored activities such as Field Experiences, as well as during Shore Leave or non-school-supervised time.

2. Policy & Scope

This policy applies to all students of A+ World Academy and consequences of such behavior may include suspension, temporary expulsion, or permanent expulsion without tuition refund. Any employee who permits or engages in such conduct is be subject to disciplinary action, up to and including termination of employment without compensation.

Specifically, this policy addresses sexual misconduct, that is behavior of a sexual nature which is unwelcome and which a reasonable person would anticipate in the circumstances that the person who was harassed would be offended, humiliated and/or intimidated.

Misconduct that is based on a person's sex may be considered a form of sexual Harassment, even if there is no sexual act. All forms of Sexual Misconduct are also considered forms of bullying. This form of bullying includes social, emotional, physical, as well as cyber (media-based).

3. Definitions

Sexual Misconduct and Harassment is unwanted and unwelcome behavior of a sexual nature which interferes with an individual's personal or academic performance or of creating an intimidating, hostile, or offensive living or educational environment or of adversely affecting a student's performance, advancement, assigned duties or any other condition of personal or educational life.



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Sexual Harassment also includes harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature.

Please refer to A+ World Academy's **Appendix of Sexual Misconduct Terms & Definitions**. Sexual Misconduct is not limited to opposite genders and can include same-gender interactions. Terms and definitions identified below are specific to these procedures and are critical to its effectiveness:

Sexual Misconduct means any unsolicited, unwelcome or unreciprocated behavior, act or conduct of a sexual nature that offends, humiliates or intimidates other persons. It can be a single incident or a persistent pattern and can range from subtle behavior to explicit demands or implications for sexual activity or objectification of the others body. Sexual Misconduct includes but is not limited to the following examples:

- Unwelcome sexual flirtations, proposals, or invitations
- Inappropriate jokes, notes, stories, drawings, pictures, gestures or comments with sexual connotations
- Unwelcomed physical contact to any degree or level such as brushing against or touching a person as well as uninvited hugging or placing arm around, etc.
- Prolonged looking (leering) at person or their body parts
- Taking or displaying of offensive material
- Offensive body gestures or indecent exposure
- Purposefully cornering or blocking normal movements
- Overly personal conversation, comments or questions about another person's sexual interests, conduct, or private relationships
- Spreading sexual rumors, teasing or sexual remarks about student
- Persistent unwelcome invitations or discussions regarding intimacy
- Requests or demands for sexual favors
- Offensive or graphic verbal, non-verbal, written, or electronic communication
- Graphic verbal or nonverbal communication about an individual's body
- Unnecessarily close physical proximity including following a person
- Denigrating comments regarding a person's gender or sexual preference, sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
- Peeping or other voyeurism; allowing others to view consensual sexual activity; the non-consensual video or audio recording of sexual activity
- Negative behaviors, e.g., gossip, saying false things, attempting to humiliate or embarrass, or telling others about intimate knowledge of another person
- May include, but is not limited to, sexual advances or request for sexual favors, inappropriate comments, jokes or gestures, or other unwanted verbal or physical conduct of a sexual nature.
- Reluctant consent, where there is a disparity in relative time, authority, or influence or when forced to give consent out of fear or coercion.



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Additionally, Sexual Misconduct may be any other unwelcome conduct of a sexual nature in relation to a person, in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct:

- May be blatant and intentional and involve an overt action, a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- Does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- May be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- May be a one-time event or part of a pattern of behavior.
- May be committed in the presence of others or when the parties are alone.
- May affect the complainant and/or third parties who witness or observe the harassment.

4. Principles

A+ World Academy will not tolerate sexual misconduct under any circumstances and will take all reasonable steps to eliminate such behaviors or actions towards students in reference to the Terms & Conditions of the School.

A+ World Academy will use educative approaches for the prevention of sexual misconduct of students, ensuring students are aware of their rights and responsibilities, and to encourage reporting of behavior that breaches this policy.

A+ World Academy recognizes that sexual misconduct can cause a range of issues including difficulty with communal living, social interactions, and academic tasks and will therefore take swift action to prevent or eliminate all misconduct.

Students who have experienced sexual misconduct may informally report the incident or may initiate a formal complaint. Both will be handled with the same level of seriousness and will remain anonymous if informal. Students are encouraged to inform the staff member they are most comfortable with including teachers, medic, mariner crew, Dean or Head of School; however, all staff members are required to inform the Dean and Head of School once a student has expressed an informal or formal complaint.

A+ World Academy also recognizes the possible effects on students who are accused of suspected sexual misconduct and will ensure that those students are afforded procedural fairness (natural justice) and provided with relevant support throughout any investigative procedures.



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5. Actions taken by the School

A+ World Academy will make its decision to suspend or expel students based on the good of the entire community and the needs of the school.

If the sexual harassment involves physical assault or the threat of physical assault, the accused student will be detained by staff and removed from the ship until all assurances are made for the safety of all.

A+ World Academy will implement reasonably available interim measures to protect the reporting student and facilitate their continued access with educational programs and activities.

When a formal complaint is made by a student, A+ World Academy will take timely and appropriate action to investigate allegations with the hope that the experience can become a learning experience and opportunity for growth.

The principles of natural justice apply to all allegations. This means that before a decision is taken, the respondent to a formal complaint (i.e. the person accused of potential misconduct) has the right to:

- a. be informed about the nature and content of the issue;
- b. be fully heard and allowed the opportunity to explain and make amends;
- c. have an unbiased decision maker or ability to appeal a decision.

Grievance resolution is carried out in good faith. A complaint found to be vexatious may be dismissed by A+ World Academy and may constitute misconduct by the accuser.

In the event in which Sexual Misconduct is confirmed, then the student is in violation of this policy and shall be subject to disciplinary action outlined in the Terms and Conditions up to and including expulsion from school without tuition refund.

6. Reporting, Confidentiality, and Recordkeeping

Verbal reports of sexual misconduct should be put in writing by the individual complaining or by the person who receives the complaints and should be signed by the person complaining; however, if a complaining person chooses not to sign a written complaint for any reason, a thorough and complete investigation of the complaint must still be made. The complaint investigator will put his/her findings in writing and will forward a copy to the principal and central office administrator within one week or a reasonable extension of time thereafter for good cause after concluding the investigation.

All information associated with investigations and outcomes associated with allegations of sexual misconduct will be treated as confidential and not released to any third party or external agency unless required by law or the student expressly consents to its release in writing. A+ World Academy will respect confidentiality by disclosing only information necessary to consider and respond to a request for resolving a formal complaint.



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7. Retaliation

A+ World Academy prohibits retaliatory behavior against any complainant or any participant in the complaint process. The good faith initiation of a complaint of sexual harassment will not reflect negatively on the person who initiates the complaint nor will it affect the person's school assignment, status, rights, privileges or benefits.

If, in the investigation to an allegation, it is revealed that the individual has falsely accused the purported harasser of sexual misconduct knowingly, and no sexual harassment actually occurred, the false-accuser shall be subject to discipline, which may include but not limited to written warning of breach to the Terms & Conditions, school suspension or whatever steps are deemed appropriate with respect to the damage done to the accused and the school community.



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Appendix of Sexual Misconduct Terms & Definitions

Sexual Assault is sexual intercourse or sexual contact with another person without consent. Sexual assault is intentional sexual contact with another person without that person's consent. Sexual assault includes:

Non-consensual sexual touching includes contact with the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts ^[L]_[SEP] may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.

Non-consensual sexual penetration includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth-to-genital contact. Non-consensual touching of another person in a sexual manner. This includes, but is not limited to, the touching either directly or through clothing of another person's genitalia, breasts, inner thigh, or buttocks with a clothed or unclothed body part or object.

Intentional is defined as knowingly and/or recklessly engaging in sexual contact without an individual's consent and does not include accidental contact. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct in any form and does not negate one's intent or diminish one's responsibility to obtain informed and freely given consent.

Sexual harassment can occur between and among supervisors or managers and subordinates, faculty and staff or students, peers, vendors/subcontractors/visitors and employees or students, or any combination thereof. Often, but not always, the harasser is in a position of authority, trust, or influence that provides the opportunity to take advantage of the unequal positions of the parties. Sexual Harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when either:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, education, on-campus living environment, or participation in a University activity or program; or
- Submission to or rejection of such conduct is used or threatened to be used as the basis for decisions affecting employment, education, on-campus living environment, or participation in a University activity or program; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive environment for employment, education, on-campus living, or participation in a University activity or program.



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Sexual Harassment includes, but is not limited to, unwelcome sexual advances, requests, or other verbal visual or physical conduct of a sexual nature made by someone from or in the educational setting under any of the following conditions:

- Submission to the conduct is explicitly or implicitly made a term or condition of an individual's academic status or progress; or
- Submission, or rejection of, the conduct by the individual is used as a basis of academic decisions affecting the individual; or
- The conduct has the purpose or effect of having a negative impact upon the individual's academic performance or of creating an intimidating, hostile or offensive educational environment; or
- Submission to, or rejection of, the conduct by the individual is used as a basis for any decision affecting the individual regarding benefits and services, honors, programs or activities available at or through the educational institution.

Dating Violence means violence, threats or intimidation committed by another person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship shall be determined based on a consideration of the following factors: a) the length of the relationship, b) the type of relationship, or c) the frequency of interaction between the persons involved in the relationship.

Stalking means purposely engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to fear for his or her safety or the safety of another person, feel seriously alarmed, disturbed or frightened, or suffer emotional distress.

Consent is informed, freely given, mutually understandable words or actions that indicate a willingness to participate in sexual activity. Effective consent may never be obtained when there is a threat of force or violence, or any other form of coercion or intimidation. A current or previous dating or sexual relationship is not sufficient to constitute consent, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. Consent can be revoked at any time. Consent cannot be obtained from someone legally prevented from giving consent by their age or from someone who is unable to understand or who cannot communicate a lack of consent. This includes someone who is incapacitated due to drugs, alcohol, or some other condition. Silence or lack of active resistance does not imply consent. Voluntary intoxication is not an excuse for failure to obtain consent.

Incapacitation means the inability, temporarily or permanently, to give consent, because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. The impact of alcohol and drugs and medications will vary from person to person. Warning signs that a person may be approaching incapacitation may include, but are not limited to, vomiting, incoherent speech, and difficulty walking or standing up. The perspective of a sober, reasonable person in the position of the respondent will be



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the basis for determining whether a respondent should have been aware that the complainant was incapacitated and therefore unable to consent.

The definitions above describe the minimum legal standards for conduct, and they set forth terms that help determine criminal liability and legal responsibility. The University and the Church have higher expectations. They affirm that sexual activity is intended by God as an expression of love and commitment between a husband and wife, and therefore belongs exclusively within marriage. Sexual activity by unmarried persons lacks that essential level of commitment and responsibility, and harms moral growth and development. It undermines the Christian view of sexual activity embraced and promoted by the Church and the University, a view which insists upon mutual respect, moral integrity, and the sacredness of human sexuality.

Unwelcome Conduct - Some examples of sexual harassment may include, but are not limited to:

- Deliberate written or oral comments, gestures, or physical contacts of a sexual nature or demeaning to one's gender, which are unwelcome or interfere with school productivity;
- Implicit or explicit sexual behavior by a fellow student, district employee, or other person within the school environment which has the effect of controlling, influencing or otherwise affecting the school environment;
- Unwelcome suggestive, vulgar, or obscene letters, notes, posters, calendars, or other visual products, or derogatory comments slurs, and/or jokes of a sexual nature.

Hostile Educational Environment - A hostile educational environment is created when sexual harassment is sufficiently severe, or objectively offensive AND persistent or pervasive.

Sufficiently Severe - Physical is more likely to be severe without need for repetition. Touching of another's genitals, buttocks, or breasts could be considered severe depending on the age of the student(s). Sexual assault, sexual battery, and sexual violence are considered severe. If an incident is severe, it does not have to be persistent or pervasive to be sexual harassment.

Objectively Offensive - The behavior is such that a reasonable person would consider the behavior offensive. The behavior sometimes may involve physical threats, humiliation, intimidation, or ridicule.



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Persistent or Pervasive - Persistent such that the behavior may be repeated, continuing beyond the usual, not stopping, or continuing even though others want the behavior to stop; OR pervasive such that the behavior is widespread, openly practiced, well-known among students or employees, occurring in public, occurring with regularity, or know but nobody talks about it.

Sexual Violence - Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties.

Responsible Reporter – All students and school employees are considered "Responsible Reporters" of sexual harassment. Any employee who witnesses, suspects, or receives notification involving a student or students, is required to report the sexual harassment to an administrator or designee.