



SEXUAL MISCONDUCT AND RESPONSE GUIDELINE

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Applicable Department : All VinUniversity (Students and staff members)
Access level : Public

Records of changes

Version	Published Date	Effective Date	Approved by	Description of changes
V1.0	19/6/2023	19/6/2023	<i>Developed by:</i> Governance Support Unit <i>Reviewed by:</i> Student Affairs Committee, Faculty Affairs Committee, Board of Discipline, Student Representatives, Compliance and Legal Department. <i>Approved by:</i> President and Provost	First release – as a guideline for the Student/Faculty Code of Conduct Policy

1. Purpose

The Sexual Misconduct and Response Guideline (“the Guideline”) sets up a framework to serve the following objectives:

- a) Raising awareness of sexual misconduct and the importance of consent both within VinUniversity (VinUni) and in the larger community.
- b) Providing support to students, faculty, and staff who have experienced or witnessed sexual misconduct or may wish to report incidents of sexual misconduct.
- c) Encouraging collective action and responsibility for preventing sexual misconduct at VinUni.
- d) Ensuring transparency in VinUni's processes for responding to, investigating, and documenting incidents of sexual misconduct.

2. Scope

This Guideline is applicable to the following:

- a) All individuals within the VinUni Community (“the Community”), which includes students, faculty, teaching assistants, staff, affiliates, visitors, and anyone involved in university-related activities.
- b) Campus spaces (such as facilities, student dormitory), online platforms (such as forums, online communities, learning management systems) or any other physical, digital or virtual spaces owned or used by VinUni as part of its teaching, learning, research, and related activities.
- c) Activities organized by or on behalf of VinUni, both on and off campus. These activities encompass a wide range, including but not limited to outreach initiatives, field trips, fieldwork, internships, clinical activities, exchanges, sporting events, university travel, competitions, and events organized by student clubs and societies.

3. Policy Principles

3.1 VinUni requires all members of the Community to treat all people with consideration and respect. VinUni pledges to build a safe, respectful and inclusive campus, dedicated to the flourishing of academic and personal excellence.

3.2 VinUni is committed to zero tolerance approach to sexual misconduct. Any form of alleged sexual misconduct will not be tolerated and will be investigated fully and disciplined accordingly.

3.3 VinUni will offer support and services to all members of its community, whether they are a Complainant, Witness or Respondent. Individuals who have experienced sexual misconduct will be treated with compassion, understanding, and confidentiality.

3.4 VinUni will learn through practice to continually improve prevention and response programs and activities. VinUni will build awareness of sexual misconduct through training, education, dialogue, or other means.

4. Policy Statements

4.1 Disclosure and Reporting

4.1.1 Disclosure

- i. A Disclosure can be made to designated persons within the VinUni Community, knowing that their concerns will be treated with utmost confidentiality and sensitivity:
 - a) Students can approach the Dean of Student Experience, Head of SAM, Head of Registrar Office or a trusted faculty member.
 - b) Similarly, staff and faculty members are encouraged to disclose any relevant information to the Chair of the Faculty Affairs Committee or the HR Director or the Chief of Staff Union.
 - c) These designated individuals are well-equipped to address student and staff issues and provide the necessary support and guidance.
 - d) Except in the case of an arrestable offence, Disclosure does not result in a Report being made. A Complainant is not required to make a Report about an incident of Sexual Misconduct in order to access certain support or services, such as referral for counselling and obtaining information on relevant resources.
- ii. If VinUni is made aware of an incident of Sexual Misconduct that poses an immediate risk to the physical and mental health and safety of any member of the VinUni Community, VinUni will take steps to protect their health and safety. These measures may encompass temporary suspension from campus activities or making a police report under Section 4.4 of this Policy.

4.1.2 Reporting

- i. VinUni strongly encourages all members of the VinUni community to report instances of sexual misconduct. While anonymous reports are accepted, it is preferable for individuals to identify themselves whenever possible, as it enables the university to conduct a thorough investigation. Anonymous reports may not provide sufficient evidence for the investigation to proceed.
- ii. Students can report an incident to VinUni in the following ways:
 - (a) contact the support line on 0866100018 or the security hotline at 02471089779, Ext 9901
 - (b) lodge an online report to the Office of Student Affairs Management (“SAM”) via connect-sam@vinuni.edu.vn or conduct@vinuni.edu.vn;
 - (c) phone or make an in-person report to the Dean of Student Experience, Head of SAM, and/or Head of Registrar Office.
- iii. Staff can report an incident to VinUni in the following ways:
 - (a) make a report to their immediate supervisor (where possible),
 - (b) email to Compliance Office at feedback@vinuni.edu.vn
 - (b) make an in-person report to the Human Resources (“HR”) Director, the Chair of Faculty Affairs Committee and/or the Chief of Staff Union.
- iv. For cases involving students, investigations and disciplinary proceedings will be independently carried out by SAM or assigned investigators.
- v. For cases involving academic or professional staff, investigations will be independently carried out by the Office of Compliance and disciplinary proceedings will be initiated by the Office of HR.

- vi. Once the Reporting process has been initiated, VinUni has a duty to investigate and take action in accordance with this Guideline. The intention of VinUni is to complete such steps as expeditiously as practicable.
- vii. Where the Reporting Party is a Witness, VinUni will proceed with the investigation only after: (a) speaking to the Complainant and obtaining the Complainant's agreement to proceed with the case; or (b) determining that there appears to be a risk of imminent harm to any person. When VinUni decides to proceed with the investigation in such a situation, VinUni will inform the Complainant of its decision.
- viii. The Reporting Party are strongly encouraged to provide their name, the name of the Respondent (if known) and the name of the Complainant (if the Reporting Party is not the Complainant). Where a party does not wish to provide such names, VinUni may not be able to take action based on the Report. All Reporting Parties' information will be treated with the utmost confidentiality throughout the investigation process.
- ix. Complainants and Witnesses are encouraged to make a Disclosure or Report, especially when experiencing or witnessing an incident of Sexual Misconduct that has impacted their experience at VinUni. Members of the VinUni Community are encouraged to advise and support Complainants and Witnesses to make a Disclosure or Report should they encounter an incident of Sexual Misconduct.
- x. VinUni usually requires the Complainant's consent to make a police report.

4.2 Managing and investigating reports of sexual misconduct

4.2.1 The procedures for reporting and handling an incident of Sexual Misconduct committed by a staff member, including disciplinary proceedings, follows the Code of Conduct for Staff.

4.2.2 The procedures for reporting and handling an incident of Sexual Misconduct committed by a student, including disciplinary proceedings, follows the Code of Conduct for Students.

4.2.3 VinUni will ensure that:

- i. Investigation and disciplinary proceedings are carried out by appropriately trained and qualified individuals;
- ii. Its processes are conducted so as to minimize trauma to the Complainant, while ensuring that the Respondent is given a fair hearing; and
- iii. The matter will be resolved sensitively, fairly, confidentially and expeditiously
- iv. The provision of comprehensive support measures that include emotional support, medical assistance, and counseling services to the experienced person.

4.2.4 At no time will the Complainant and Respondent be required to meet with, or to participate in any activity with one another as part of the investigation or disciplinary process, unless both parties have explicitly provided their prior informed consent.

4.2.5 VinUni will provide regular and timely updates to both the Complainant and Respondent on the progress of its proceedings.

4.2.6 Unless proven otherwise, VinUni shall assume that all Disclosures or Reports are made in good faith. However, false Disclosures and Reports will be subject to disciplinary action.

4.3 Outcomes of an investigation

4.3.1 Outcomes and results of investigations will be based on the principles of this Guideline; be based on the available evidence; be proportionate to the type and seriousness of the incident(s); reflect the university's obligations and, where possible and appropriate, provide learning and development opportunities.

4.3.2 Where it is determined that no further investigations or actions are possible, VinUni will communicate this decision to the complainant providing further support and an explicit rationale behind this decision.

4.3.3 Complainant(s) who is/are not satisfied with the outcome of an investigation will be provided with information on other available support services and the Complainant(s) may make a report to the police or other relevant external agency at any time. VinUni will provide ongoing support as deemed appropriate and reasonable.

4.4.4 Cultural Consideration in Investigation: In the event of a reported incident of sexual misconduct, it is crucial to recognize and respect cultural differences that may be relevant to the assessment and interpretation of behaviors. It is understood that actions and intentions can be influenced by cultural norms, practices, and beliefs. Therefore, investigators should approach each case with cultural sensitivity, taking into account the diverse backgrounds and perspectives of the individuals involved.

4.4 Reporting to the Police or Authorized Government Bodies

4.4.1 Complainants should be advised that: (i) They have the right to report to the police; and (ii) If they choose to report to the police, VinUni may support them to make the police report (where appropriate).

4.4.2 In the case of arrestable offenses, police reporting will be completed in a reasonable timeframe after the conclusion of deliberations by the Board of Discipline. A police report may be filed earlier if circumstances warrant. VinUni may consider a delay in making a report to the police only under any of the following exceptional circumstances: (i) A real and present risk of self-harm by the Complainant (such as suicide). (ii) A real and present risk of physical harm to the Complainant or those whom the Complainant seeks to protect (such as retaliation or threats of violence by a partner). (iii) A likely serious and detrimental effect on the mental health of the Complainant.

4.4.3 If VinUni decides that it is necessary to report the alleged Sexual Misconduct to the police, then the reasons for taking that action should be explained to the Complainant so that they understand what is happening and are prepared when contacted by the police.

4.5 Confidentiality, Privacy and Information Sharing

4.5.1 Privacy Protection:

(i) The University will handle all reports of sexual misconduct with sensitivity, respecting the privacy and confidentiality of all parties involved to the extent permitted by law.

(ii) The University encourages individuals to respect the privacy and confidentiality of parties involved in sexual misconduct cases. It is essential to protect the identities and personal information of those affected until a proper investigation has taken place.

4.5.2 Information Sharing: Limited disclosure of information may be necessary to conduct a thorough investigation, protect the safety of the community, or comply with legal obligations.

4.5.3 Presumption of Innocence: Emphasize the principle of "innocent until proven guilty." Individuals should refrain from publicly accusing or sharing unverified information about someone accused of sexual harassment until a thorough investigation has been conducted.

4.5.4 Responsible Sharing: All members of the VinUniversity Community should be responsible for social media usage. Individuals should refrain from sharing unverified or potentially damaging information about sexual misconduct cases on public platforms. Instead, they should rely on verified sources and official statements once investigations have been completed. Unverified information sharing by a member of the VinUni Community may constitute misconduct and will be dealt with in accordance with the current disciplinary policy and procedures.

4.6 Retaliation

4.6.1 VinUni prohibits Retaliation against any Reporting Party, Complainant, Witness, or VinUni staff involved in the investigation and disciplinary proceedings, or in providing support to any person involved in a case, whether or not any violation of this Policy is found to have occurred following an investigation.

4.6.2 VinUni will take reasonable steps to protect the Reporting Party and/or Complainant and others who participate in the processes under this Policy against actual or potential Retaliation, including advising individuals in writing of their duty to refrain from committing an act of Retaliation, and sanctioning individuals for a breach of that duty. Threats of or acts of Retaliation will be subject to disciplinary action.

4.6.3 Retaliation refers to any adverse actions against an individual who acts in good faith and without malice. Forms of Retaliation include, but are not limited to: (i) Intimidation; (ii) Unfavorable actions with respect to the individual's employment (i.e. reassignment of work duties, negative performance evaluation/withholding advancement; negative performance evaluation/withholding advancement, termination of employment, etc.), (iii) Unfavorable actions against someone with known family or other relationship with such individual.

4.7 Recordkeeping

4.7.1 VinUni shall keep appropriate records of all Disclosures and Reports of Sexual Misconduct in a secure location.

4.7.2 Anonymized and de-identified data relating to sexual misconduct reports, responses and user experiences will be assessed (in line with the confidentiality requirements of this policy) to inform the continued improvement of response, reporting and management processes, support services, education and prevention strategies. This information will be provided to the steering group to support continual improvement in the whole of university response.

5. Abbreviations and Definitions

5.1 Complainant: A member of the VinUni Community who has experienced an incident of Sexual Misconduct that is the subject matter of a Disclosure or Report.

5.2 Respondent: A person against whom an allegation of Sexual Misconduct has been made.

5.3 **Witness:** A member of the VinUni Community who witnesses or otherwise has information relevant to an incident of Sexual Misconduct.

5.4 **Reporting Party:** The person who makes a Report alleging an incident of Sexual Misconduct.

5.5 **Disclosure:** The sharing of information by an individual with a member of the VinUni Community regarding an incident of Sexual Misconduct experienced by that individual.

6. Roles and Responsibilities in Response of Misconduct

President of the University Council	Serves as the spokesperson of the University in representing the institution to the public, media, and other key stakeholders. If necessary, the President may delegate the job to an approved qualified spokesperson.
Provost	Legal representative. Serves as the Chair of the University-wide Board of Disciplinary Proceedings and delivers all required, duly signed supporting documentation to law enforcement officials.
Head of the Office of Student Affairs Management	Serves as the main point of contact for any student-related sexual misconduct incidents and is in charge of coordinating the subsequent follow-up actions.
Head of the Office of Human Resources	Serves as the main point of contact for any staff-related sexual misconduct incidents and is in charge of coordinating the subsequent follow-up actions.
Head of Compliance Office	Serves as investigator for staff/faculty related sexual misconduct incidents and for students (if being assigned); monitoring and reporting the implementation of resolutions issued by the Board of Disciplinary.

7. Related Documents and Forms

[Student Affairs Regulations – Code of Conduct for Students](#)

[Faculty Handbook](#)

Sexual Misconduct Process Flowchart (Appendix 1)

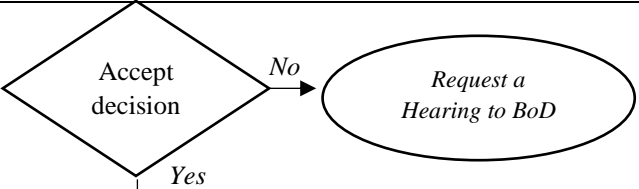
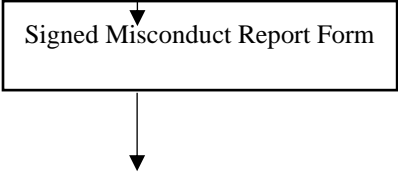
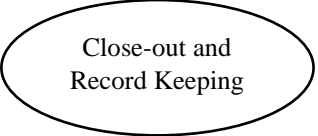
8. Appendices

8.1. Appendix 1: Sexual misconduct: Procedure for reporting and investigation

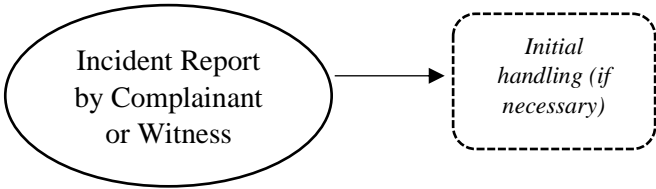
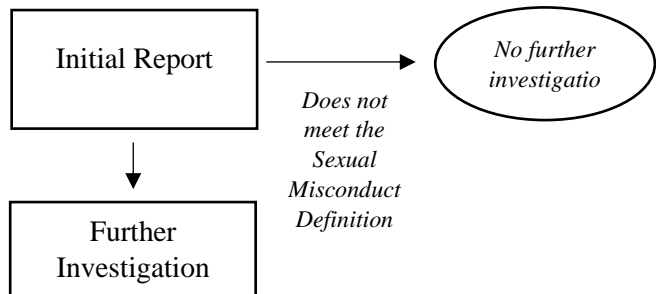
Flowchart A: Student Incident Case (if the Complainant and the Respondent are students)

Step	Responsibility	Workflow	Time	Details
1	Report receiver(s) (through formal channels)		Within 02 working hours since receiving the incident report (in an emergency case), or 01 working day (for the remaining), responses to the complainant/witness should be made.	<p>- Formal report channels:</p> <p style="text-align: center;">Tel: 0866100018 (support line); 02471089779, Ext 9901 (Security Hotline) Email: connect-sam@vinuni.edu.vn or conduct@vinuni.edu.vn In-person: Dean of Student Experience, Head of SAM, and/or Head of Registrar Office.</p> <p>- Evidence can be soft copy and/or hard copy of the violated actions (photo, video, suspended misconduct report, etc.).</p> <p>- Report receiver(s) will refer the incident to SAM for the follow-up steps.</p> <p>- In the event of an emergency, the report receiver/SAM should immediately notify the President and Provost, the Dean of Student Experience of the incident.</p>
2	SAM Assessment Committee Assembled (chaired by Dean of Student Experience)	<p>(* <i>If the Complainant chooses to file a police report, the investigation will adhere to the state's legal process and regulations.</i></p>	within 05 working days since receiving the incident report.	<p>- SAM will investigate the incident report, assess any evidence and discuss the incident with the other party and any witnesses (no evidence found, no further action by the University).</p> <p>- SAM will report to the Assessment Committee and propose the further investigation (the decision should be made by the Assessment Committee within 24 working hours since receiving the proposal).</p> <p>- The investigation will be kept confidential.</p> <p>- During the investigation, the University will continue to provide support to all those involved, and any necessary protective measures will continue.</p> <p>- ACA membership: Chair (Dean of Student Experience), Members: SAM, Compliance, and other invited ones.</p> <p>- The ACA Chair is responsible for assigning tasks and determining the incident's severity.</p>

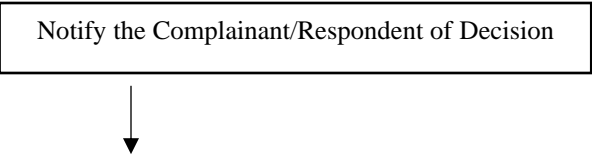
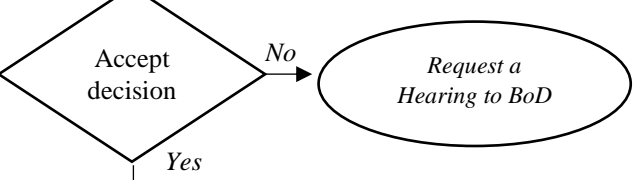
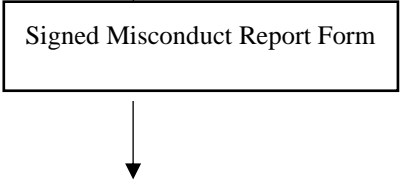
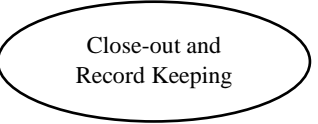
3	SAM or Assigned Investigator(s)	<p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;">Discuss suspected violation with the Respondent / Complainant</div> <p style="text-align: center;">↓</p>	within 05 working days since receiving the incident report	<ul style="list-style-type: none"> - SAM meets with Respondent and Complainant separately to allow for response to the Investigation Report (if necessary). - At no time will the Complainant and Respondent be required to meet with (as part of the investigation process), unless both parties have explicitly provided their prior informed consent.
4	SAM or Assigned Investigator(s)	<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;">Investigative Report</div>	within 07 working days since receiving the incident report	<ul style="list-style-type: none"> - SAM organizes a meeting with the Board of Discipline and comes up with the outcomes and results of investigation. - If no further investigations or actions are possible, SAM will communicate this decision to the Complainant providing further support and an explicit rationale behind the decision. - Either party can appeal decision to the BoD.
5	The Board of Discipline (established by Provost). Compliance	<p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;">Minutes of Resolution</div>	within 07 working days since receiving the incident report	<ul style="list-style-type: none"> - Depend on the Investigative Report, the BoD may decide to report the alleged sexual misconduct to the Police or Authorized Government Bodies. - Disciplinary proceedings will follow the current process and procedure. - The Resolution will include actions, a PIC assignment, and a timeline. - The Compliance Department will oversee the resolution's implementation. - If the Board of Disciplinary fails to reach a consensus, there is an option to escalate the matter to the President of the UC in order to seek a resolution. The Board should consult the current Delegation of Authorization for guidance on the appropriate procedures to follow.
6	Assigned person(s) by the BoD	<div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;">Notify the Complainant/Respondent of decision</div> <p style="text-align: center;">↓</p>	Within 2 working days after receiving the final decision of the BOD	<ul style="list-style-type: none"> - SAM will communicate in writing the decision regarding the disciplinary results to both parties - The Dean of Student Experience or assigned person(s) may meet with the Complainant and notify of the Decision.

7	The Complainant/ Respondent		Within 24 working hours	- Hearing must be held no sooner than 24 working hours after parties receive investigative report.
8	The Respondent		Within 24 hours	<ul style="list-style-type: none"> - Form 2 (FRM02): Student Misconduct Report. - In the event of dissatisfaction from the Complainant or other members of the Community, SAM should notify the University authorities and the BOD as soon as possible to minimize negative consequences (such as a sense of unsafety on campus). - SAM will coordinate the process of re-investigating if necessary, and report to the Assessment Committee.
9	SAM Compliance		Within 1 working day after receiving the signed Violation Report Form	<ul style="list-style-type: none"> - All allegations of misconduct and the outcomes must be documented and archived at SAM Office. Required documents: <ul style="list-style-type: none"> (a) Incident report and its supporting evidences (b) Initial investigation report (c) Investigative report (d) Resolution minutes (e) Signed misconduct report (f) Disciplinary proceeding decisions (d) Compliance check report - The student misconduct information will be entered into the Student Code of Conduct database. - The Compliance develops compliance case study (Lessons Learned for Communication and Training) when appropriate.

Flowchart B: Staff Incident Case (the Complainant could be staff, student or the outsider).

Step	Responsibility	Workflow	Time	Details
1	Report receiver (through formal channels)	 <pre> graph LR A([Incident Report by Complainant or Witness]) --> B[Initial handling (if necessary)] </pre>	Within 02 working hours since receiving the event report (in an emergency case), or 01 working day (for the remaining), responses to the complainant/witness should be made.	<ul style="list-style-type: none"> - Formal report channels for staff: Email to Feedback@vinuni.edu.vn or in-person meeting with immediate supervisor or HR Director, or the Chair of Faculty Affairs Committee and/or the Chief of Staff Union. (*) If the Complainant is the student, he/she can follow the formal report channels in the Flowchart A. - Evidence can be verbal, or soft copy and/or hard copy of the violated actions (photo, video, suspended misconduct report, etc.). - Report receiver(s) will refer the incident to the Compliance for the follow-up steps. - In the event of an emergency, the report receiver/compliance should immediately notify the President and Provost, HR Director, or the Dean of Student Experience (if relates to student).
2	Assessment Committee Assembled (established by the Provost)	<p>(*) <i>If the Complainant decides to make a police report, the investigation will follow the state legal process and procedures.</i></p>  <pre> graph TD A[Initial Report] --> B([No further investigation]) A --> C[Further Investigation] C --> B </pre> <p style="text-align: center;"><i>Does not meet the Sexual Misconduct Definition</i></p>	within 05 working days since receiving the incident report	<ul style="list-style-type: none"> - Compliance will assess preliminarily the incident report and report to the Assessment Committee and propose the further investigation (the decision should be made by the Assessment Committee within 24 working hours since receiving the proposal). - The investigation will be kept confidential. - During the investigation, the University will continue to provide support to all those involved, and any necessary protective measures will continue. - The ACA membership: Chair (Provost). Members: Compliance, HR, Direct Supervisor(s), and other invited ones. - The ACA Chair is responsible for assigning tasks and determining the incident's severity.

3	Compliance or Assigned Investigator(s) by ACA Chair	<p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: fit-content;">Discuss suspected violation with the Respondent / Complainant</div> <p style="text-align: center;">↓</p>	within 05 working days since receiving the incident report	<ul style="list-style-type: none"> - Compliance or Assigned Investigator(s) meets with Respondent and Complainant separately to allow for response to the Investigation Report (if necessary). - At no time will the Complainant and Respondent be required to meet with (as part of the investigation process), unless both parties have explicitly provided their prior informed consent.
4	Compliance or Assigned Investigator(s) by ACA Chair	<div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: fit-content;">Investigative Report</div>	within 07 working days since receiving the incident report	<ul style="list-style-type: none"> - Compliance organizes a meeting with the Board of Discipline and comes up with the outcomes and results of investigation. - If no further investigations or actions are possible, Compliance will communicate this decision to the Complainant providing further support and an explicit rationale behind the decision. - Either party can appeal its decision to the BoD.
5	The Board of Discipline	<p style="text-align: center;">↓</p> <div style="border: 1px solid black; padding: 5px; margin: 0 auto; width: fit-content;">Minutes of Resolution</div>	within 07 working days since receiving the incident report	<ul style="list-style-type: none"> - Depend on the Investigative Report, the BoD may decide to report the alleged sexual misconduct to the Police. - Disciplinary proceedings will follow the current process and procedure. - The Resolution will include actions, person-in-charge assignment, and a timeline. - The BOD membership: Chair (Provost), Members: HR, Compliance, Staff Union, and other invited members. - If the Board of Disciplinary fails to reach a consensus, there is an option to escalate the matter to the President of the UC in order to seek a resolution. The Board should consult the current Delegation of Authorization for guidance on the appropriate procedures to follow.

6	Assigned person(s) as per the Resolution		Within 2 working days after receiving the final decision of the BOD	<ul style="list-style-type: none"> - Compliance will communicate in writing the decision regarding the disciplinary results to both parties (if unrelated to students) - The Dean of Student Experience may meet with the Complainant and notify of the Decision (if related to students).
7	The Complainant/ Respondent		in 24 hours	<ul style="list-style-type: none"> - Hearing must be held no sooner than 03 working days after parties receive investigative report.
8	The Respondent		in 24 hours	<ul style="list-style-type: none"> - In the event of dissatisfaction from the Complainant or other members of the Community, SAM should notify the University authorities and the BOD as soon as possible to minimize negative consequences (such as a sense of unsafety on campus). - Compliance will coordinate the process of re-investigating if necessary, and report to the Assessment Committee.
9	Compliance		Within 1 working day after receiving the signed Violation Report Form	<ul style="list-style-type: none"> - All allegations of misconduct and the outcomes must be documented and archived at Compliance Office. Required documents: <ul style="list-style-type: none"> (a) Incident report and its supporting evidences (b) Initial investigation report (c) Investigative report (d) Resolution minutes (e) Signed misconduct report (f) Disciplinary proceeding decisions (d) Compliance check report - The staff misconduct information will be entered into the Staff Code of Conduct database. - The Compliance develops compliance case study (Lessons Learned for Communication and Training) when appropriate.

8.2. Appendix 2: Definition of Sexual Misconduct

Sexual Misconduct	<ol style="list-style-type: none"> 1. Sexual Misconduct is a general term used to refer to a range of acts of a sexual nature committed against a person by force, intimidation, manipulation, coercion or without that person’s Consent (defined below), or at a point when that person is incapable of giving Consent. 2. Acts of Sexual Misconduct: <ol style="list-style-type: none"> i) can be perpetrated by or against anyone, irrespective of: <ol style="list-style-type: none"> a. gender; b. gender identity; c. sexual orientation; d. relationship between Complainants and Respondents (e.g. strangers or acquaintances, or people who know each other well); ii) may differ in gravity. 3. Whether any act constitutes Sexual Misconduct is determined objectively.
Consent	<ol style="list-style-type: none"> 1. “Consent” refers to an affirmative, informed, voluntary and ongoing choice by an individual with legal capacity. 2. For there to be Consent, the following elements must be present: <ol style="list-style-type: none"> i) given by an individual with legal capacity (i.e. cannot be given by persons who are under the statutory age of consent and/or deemed minors under the Law or mentally disabled); ii) conveyed by an affirmative statement or action which clearly indicates an individual’s intentions understood by both parties (e.g. silence or the absence of resistance or protest does not necessarily represent Consent, an ongoing or past social, dating or otherwise intimate relationship between individuals does not imply Consent); iii) specific, informed and knowing (i.e. must be given specifically for the occasion of sexual activity without any mistake or deception as to the identity or the nature of the act); iv) given freely and voluntarily (i.e. cannot be obtained by improper detention, confinement or incarceration, force, threat, intimidation, duress, manipulation, bullying, coercion, an individual exerting his/her position of power, authority or control or any form of pressure etc. or given during a time when an individual’s ability to comprehend is compromised in any way); and v) ongoing (i.e. not withdrawn) throughout the entire duration of sexual activity.

8.3. Appendix 3: Examples of Sexual Misconduct

Sexual Misconduct includes, but is not limited to, the examples set out in the following sections.

Sexual Discrimination	Sexual Discrimination means unequal or unfair treatment of an individual based on sex, gender, gender identity and/or sexual orientation, in relation to various aspects of that individual’s educational and student life activities and/or employment (as the case may be).
Sexual Harassment	<ol style="list-style-type: none"> 1. Sexual Harassment refers to Harassment of a sexual nature. It means any unwelcome, non-consensual acts of a sexual nature, including but not limited to, sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature on or off the premises of VinUni when: <ol style="list-style-type: none"> a. submission to such conduct is made either explicitly or implicitly a condition of the non-consenting individual’s employment or academic standing; or b. submission to or rejection of such conduct is used as the basis for employment decisions or for academic evaluation, grades or advancement; or c. a supervisor, or other authority figure offers or intimates that some benefit (e.g. increased pay, a promotion, or a higher performance grading) can be obtained in exchange for a sexual favor; or d. such conduct has the purpose or effect of: <ol style="list-style-type: none"> i. offending, humiliating, intimidating or otherwise violating the dignity of the person harassed; ii. creating an offensive, intimidating, hostile or otherwise unfavorable academic, work or living environment; or iii. unreasonably interfering with an individual’s work or academic performance. 2. Sexual Harassment may be found in a single incident or as an element of persistent behavior.
Sexual Exploitation - Sexual Misconduct not involving physical contact	<ol style="list-style-type: none"> 1. Sexual Exploitation refers to taking advantage of another individual in a sexual, or sexually-related way for the benefit of anybody other than the individual being exploited. 2. Examples of Sexual Exploitation include, but are not limited to: <ol style="list-style-type: none"> a. voyeurism; b. disseminating sexual/intimate information about another individual c. indecent exposure; d. taking of upskirt photographs; e. being in any way involved with any form of prostitution of any persons; f. intentionally inducing incapacitation in another individual with the objective of engaging in sexual conduct with that individual (regardless of whether such sexual conduct eventually transpires).

Sexual Contact – Sexual Misconduct involving physical contact	Sexual Contact refers to any deliberate physical contact with another person in a sexual manner, however slight or brief, whether that touching is direct or indirect, without that person’s Consent, or at a point when that person is incapable of giving Consent.
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8.4 Appendix 4: Templates for descriptive summary of complaints of sexual misconduct for students

Nr.	Date of Report	On/Off campus	Type of Offence	Description of Offence	Disciplinary Actions/ Sanctions	Police Report (Yes/No)
1						
2						
...						

8.5 Appendix 5: Templates for descriptive summary of complaints of sexual misconduct for faculty /staff

Nr.	Date of Report	On/Off campus	Type of Offence	Description of Offence	Disciplinary Actions/ Sanctions	Police Report (Yes/No)
1						
2						
...						

The Office of Student Affairs Management and the Office of Legal and Compliance will distribute summary reports to the whole VinUni community on June 30th of each year (for internal communication purposes only).

Acknowledgements and references

We gratefully acknowledge the work of other academic institutions in describing their policies and procedures for sexual misconduct. We have adapted these principles and procedures as they are relevant to VinUni. Consequently, text for certain sections of this document has been taken or adapted from the following sexual misconduct policies and procedures published by:

- *National University of Singapore*
- *University of Technology Sydney*
- *Cornell University*
- *The University of Pennsylvania*