

AJC Ruling on Allegation of Sexual Assault

On Thursday, April 25, 2024, the Ashesi Judicial Committee (AJC) heard and deliberated on an allegation of sexual assault against a student in the Class of 2024. The incident occurred in an off-campus dorm room during the Summer Semester of the 2022/2023 Academic Year.

Background to the case:

During a party on the night in question, the accuser – who was drunk and impaired - had been escorted into a room by the accused. The accuser later woke up to find what she believed was evidence that she had been sexually assaulted by the accused. Having made a report to the University's Counselling Office in Semester 1 of the 2023/2024 academic year, the accuser subsequently filed a formal sexual assault complaint this past semester, April 2024. The matter was submitted to the AJC.

At the hearing:

During the hearing, the Committee heard from witnesses that the accuser had indeed been drunk and impaired while being escorted out of the party. The committee also deliberated on evidence that showed that the accused had indeed engaged in sexual activity with the accuser while she was drunk and unable to provide consent or otherwise.

The AJC deliberated on the following infractions of policies in the Student Handbook:

- *“Sexual assault is defined as any sexual contact that occurs without the consent of the other person. Specifically, it is intentional physical contact with an intimate part of the body or with clothes covering intimate body parts without the consent of the person touched.” (Section 10.15)*
- *“Consent is not present when an individual cannot give consent, voluntarily or involuntarily, due to age [...], physical condition, or disability that impairs the individual's ability to give consent.” (Section 10.13)*

Verdict & Recommendations

The AJC determined that the accused was **guilty of sexual assault**, and was to be **expelled** from the university with immediate effect, and cannot apply to Ashesi University in the future. This new verdict replaces a four-semester suspension of the accused currently in place from a previous AJC hearing.

The Committee would like to advise that:

- The AJC notes with concern that there may be cases of alleged sexual misconduct going unreported within the student community. This is the case even in situations where a large section of the student community is aware of the said misconduct. Even though victims of sexual misconduct may sometimes be too traumatised to come forward, bystanders and witnesses should still bring forward such reports. It enables appropriate action to be taken for the well-being of all students and allows the University to close gaps in appropriate sexual behaviour awareness. This is in keeping with Ashesi's Honour Code.
- Students who believe they may have experienced sexual misconduct may come forward at any time to report such incidents; however, reports made sooner enable more effective intervention and support.
- Victims of sexual misconduct who may be unwilling to formally file a complaint can still seek guidance from the Natenbea Health Centre, Counselling Office, or Office of

Diversity and International Programmes on proper professional and medical advice. *Self-medication may have harmful long-term effects.*

- Students must always seek appropriate and clear consent from other students before engaging in any sexual activity. The student handbook provides further guidance on this.
- The University's posture on alcohol consumption on campus was established to protect the well-being of all members of our community. Yet, the AJC also notes with concern that victims in recent cases of sexual misconduct had all been impaired by excessive alcohol consumption. We must increase conversations on campus to reinforce the University's alcohol consumption policies and teach responsible alcohol consumption when away from campus.
- ***Students must learn from past infractions adjudicated by the AJC to better understand the expectations of all members of our community.***

This case provides a lot of learning for the entire community, and the hope is that, it is reflected on as such. Our code of ethics is central to our mission: to train a new generation of ethical and entrepreneurial leaders in Africa and to cultivate within our students the critical thinking skills, **concern for others**, and the courage it will take to transform a continent. This code applies to all, no matter the circumstance.