

BROWN UNIVERSITY DEPARTMENT OF PUBLIC SAFETY

# 2022 Annual Security Report



BROWN

The Department of Public Safety provides the community with the resources and the education necessary to make informed choices about their safety. Department personnel participate in a wide range of campus events to include University orientations, resource fairs, and other special campus events in an effort to provide all members of the community with valuable and practical safety information. Please visit Public Safety’s website for further information pertaining to our programs and services.

### Public Safety website

For more information about sexual, relationship, and gender-based harm, including time-sensitive medical information and confidential support services, please visit BWell Health Promotion at [brown.edu/bwell](http://brown.edu/bwell)

### 24 HOUR EMERGENCY NUMBERS

Brown Public Safety/EMS

On campus: x4111—Off Campus: 401-863-4111

24/7 Sexual Assault Response Line:

401-863-6000

Providence Police: 911 or 401-272-3121

Day One Sexual Assault and Trauma Center:

800-494-8100

Administrator on Call: x4111 (24 hours a day)

Student Support Services: 401-863-3800

Department of Public Safety: x4111 or x3-3322

Investigations Bureau: 401-863-1663

### TITLE IX RESOURCES

#### FOR STUDENTS, FACULTY AND STAFF

Title IX Office:

Ebony Manning

Title IX Coordinator

Horace Mann 305

47 George Street

401-863-2026

[ebony\\_manning@brown.edu](mailto:ebony_manning@brown.edu)

[titleixoffice@brown.edu](mailto:titleixoffice@brown.edu)

Title IX and Gender Equity Office

Horace Mann, 47 George Street

401-863-5140

Office of Institutional Equity and Diversity

Title IX Coordinator/Staff

401-863-2216

[institutional\\_diversity@brown.edu](mailto:institutional_diversity@brown.edu)

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The Department of Public Safety (DPS) is committed to the safety and security of Brown University, its campus, our students, alumni, faculty, staff, and visitors. Our approach to this work is influenced by our commitment to transparency, accountability, and working in partnership with our community. It is a responsibility we hold in the highest regard and it is our pleasure to serve.

## A MESSAGE FROM THE VICE PRESIDENT FOR CAMPUS SAFETY

The Annual Security Report from the Department of Public Safety is available to all members of the Brown Community. This report contains information on campus security, policies and procedures at Brown University, as well as certain crime statistics reported to DPS and Providence Police.

DPS is committed to providing the highest level of professional police and public safety services and works in partnership with several departments and agencies to ensure and maintain a safe learning and working environment.

The information provided in this report is designed to be a resource and to alert the campus community of the current programs, policies and procedures related to crime awareness and reporting at Brown University. This report also includes statistics for the previous three years concerning reported crimes that occurred: on campus, property owned or controlled by Brown University, and on public property within or immediately adjacent to and accessible from the campus.

This information is being provided in accordance with the Jeanne Clery Disclosure of Campus Security Policy

and Campus Crime Statistics Act.

The Jeanne Clery Act is a federal law that requires colleges and universities across the United States to disclose timely and annual information about campus crime and security policies. Safety is a shared responsibility and we encourage all members of the Brown University Community to use this report as a guide and to take an active role in maximizing your personal safety, both on and off campus.

This publication is made available on October 1 each year and can be accessed online at the below website. To obtain a copy of this report, please email [Clery@brown.edu](mailto:Clery@brown.edu) or call DPS at 401-863-3103.

<http://brown.edu/go/ASR2022>

For fire safety procedures, statistics, reports and documentation, refer to the Annual Fire Safety Report at: <http://brown.edu/go/annual-fire-safety-report>

*Rodney Chatman*  
Vice President for Campus Safety



## DEPARTMENT OF PUBLIC SAFETY STAFFING, AUTHORITY AND JURISDICTION

The Brown University Department of Public Safety (DPS) is a fully functioning police department and serves the Brown Community 24 hours a day, seven days a week, patrolling the campus to deter crime, develop community relations, and respond to calls for service and assistance. The department's mission emphasizes crime prevention, problem solving and joint officer-community responsibility.

The Department of Public Safety consists of over 95 highly trained members who are here to serve you. Our Police and Public Safety Officers are charged with protecting the university community and enforcing university rules and regulations. The Department's Police Officers are required to attend a state-certified police academy, are licensed as RI Special Police Officers, and have the authority to make arrests. DPS Police Officers also enforce the laws of the State of Rhode Island and the Ordinances of the City of Providence and have police jurisdiction on campus and upon the streets and highways adjacent to the campus.

The Department is comprised of two major divisions — The Police and Patrol Services Division, which is our largest division, is primarily responsible for crime deterrence, crime investigation, dignitary protection, emergency response and handling routine calls for service. The Police and Patrol Services Division also staffs and operates a 24-hour state-of-the-art Dispatch Communication Center. The Center handles all emergency and non-emergency calls for service and dispatches officers via a statewide 800 MHz Radio System. This division also includes a Community Engagement Team that coordinates safety and educational programs for members of the community, as well as providing crime victim support and advocacy.

Our Administrative Services Division is responsible for strategic and fiscal planning; recruiting and hiring; human resources administration; professional standards; training, and building security technology.

The Department of Public Safety is also a nationally accredited police department through the Commission on the Accreditation of Law Enforcement Agencies ([CALEA](#)), which administers a rigorous accreditation process whereby law enforcement agencies must adhere to over 480 standards, codes and policing state-of-the-art best practices.



## LOCAL AND OTHER LAW ENFORCEMENT AGENCIES

The Brown University Department of Public Safety maintains a cooperative relationship with the Rhode Island State Police (RISP) and our local law enforcement agency, Providence Police Department (PPD) with whom DPS shares a memorandum of understanding. This cooperation includes participation in a police radio and computer network, training programs, special events coordination, assistance with imminent or active threats to the community, investigation of serious crimes, and patrolling areas and responding to incidents involving criminal activity at the off campus locations of student organizations or housing that are officially recognized by Brown University. We meet with Providence Police weekly to discuss campus crimes and other police intelligence matters. Lastly the RISP, PPD, United States Secret Service, and the Federal Bureau of Investigation work with University police whenever a domestic, national or international dignitary visits the Brown University campus.

## THE CLERY ACT

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires institutions to:

1. Collect, classify, and count crime reports and crime statistics;
2. Issue timely warnings for any Clery Act crime that represent an ongoing threat to the safety of students or employees and emergency notifications upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus;
3. Provide educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking;
4. Have procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault, and stalking;
5. Publish an Annual Security Report (ASR);
6. Submit crime statistics to the Department of Education;
7. Keep a daily crime log of alleged criminal incidents that is open to public inspection;
8. Disclose missing student notification procedures that pertain to students residing in on-campus student housing facilities; and
9. Disclose fire safety information related to on-campus student housing facilities, including keeping a fire log that is open to public inspection, publishing an Annual Fire Safety Report containing policy statements and fire statistics associated with each on-campus student housing facility, and submitting fire statistics to the Department of Education.

## PREPARING THE ANNUAL SECURITY REPORT

In preparing our annual disclosure of crime statistics, it is Brown University's Department of Public Safety's policy to collect information reported directly to us and also to formally request information about crimes and disciplinary referrals from Campus Security Authorities (campus officials with significant responsibility for student and campus activities). In addition, we collect statistics from local law enforcement with jurisdiction for areas within Brown's Clery geography.

*Note that police departments are not required to provide statistics, however documentation is required to show a good faith effort was made.*

All statistics are reviewed by Public Safety staff members for accuracy and then forwarded to the Vice President for Campus Safety for final review and approval. Once approved, statistics are submitted electronically to the Department of Education.

By October 1st of each year, the Department of Public Safety sends an email notification to the entire Brown University community of the report's availability. This email contains a brief description of the information contained in the report as well as a direct web link to the report.

Brown University's Annual Fire Safety Report is published in a separate document that is available on the Fire Safety Office website. A link to this report is included in the Department of Public Safety's email notification as well.

## DAILY CRIME LOG

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990 (Clery Act) requires colleges and universities to have a daily crime log. The purpose of this log is to provide criminal or alleged criminal activity which is reported to the University and surrounding areas. This log includes incident classification, report number, reported date and time, occurrence date and time, location of incident and disposition, and does not include any identifying information about persons involved in an incident. Beyond the Daily Crime Log itself, it is a practice of the University to complete publicly available recordkeeping throughout the entire university without inclusion of personally identifying information about victims of crimes, especially dating violence, domestic violence, sexual assault, and/or stalking.

The Department of Public Safety is responsible for maintaining this log for the university and for ensuring that it is updated within two business days of being notified of an incident. The Fire Safety Office maintains a separate log.

To view the log for the most recent 60-day period, please visit the Department of Public Safety, 75 Charlesfield Street, Providence RI during normal business hours, (Monday through Friday 8:30 a.m. to 4:30 p.m.). The fire log is available at Environmental Health and Safety, 118 Brook Street, Providence, RI.

Public Safety retains Daily Crime Logs for seven years. Requests for logs that are more than 60 days old will be fulfilled within two business days.

## CAMPUS SECURITY AUTHORITIES

A Campus Security Authority (CSA) is a term used in the Clery Act to describe someone who has significant responsibility for student and campus activities. The regulations that govern the Clery Act define a CSA as:

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police or security department, such as an individual who is responsible for monitoring entrance into institutional property.
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial proceedings (official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution).

**Pastoral and Professional Counselors** on campus are **not** considered to be CSAs when they are acting in the role of pastoral or professional counselors and are not required to report Clery reportable offenses. Clinical staff in Health Services are likewise not CSAs, unless specifically designated. Pastoral and professional counselors and clinical staff in Health Services are encouraged to inform persons being counseled/treated of procedures to report crimes on a voluntary, confidential basis to a CSA or the Department of Public Safety.

**Pastoral Counselor:** An employee that is recognized by that religious order or denomination as someone who provides confidential counseling and who functions within the scope of that recognition as a pastoral counselor.

**Professional Counselor:** An employee whose official responsibilities include providing psychological counseling to members of the institution's community and who also functions within the scope of their license or certification.

## REPORTING CRIMINAL OFFENSES

The following offices are designated by the University to receive complaints of criminal offenses. Complaints of criminal activity on campus should be filed with Brown's Department of Public Safety as it is the University's law enforcement unit. Students and employees of Brown should report crimes to Public Safety by calling 401-863-3322. Prompt and accurate reporting to Public Safety is important for it facilitates improved investigation and the preservation of evidence. If you prefer not to report alone, you can bring a friend or go through several support offices on campus. Those who prefer to speak with a non-uniformed advocate of DPS or a member of the Investigations Bureau can call 401-863-1663. Reports to Public Safety may form the basis of criminal charges (violations of state or federal law) and/or University discipline cases. The victim's wishes are always taken into consideration.

Criminal reports may also be filed by complainants directly with the [Providence Police Department](#) 401-272-3121. Complainants wishing to file a criminal report with the PPD may request assistance with these procedures from Brown Public Safety or the DPS Law Enforcement advocate or a member of the Investigations Bureau at 401-863-1663. To reach Public Safety's on duty sergeant call 401-863-1663. Once a criminal report is filed with the Providence Police Department, the decision to prosecute felony crimes is made at the discretion of the Attorney General and for misdemeanor cases the decision to prosecute is made by the Providence Police. Each agency is also responsible for providing the necessary and appropriate follow-up and communication with the complainant.

The Department of Public Safety provides support services for the victims of sensitive crimes to include hate crimes, sexual assault, assaults, robberies, relationship violence, and stalking. The department has a law enforcement advocate who works cooperatively with the Investigations Bureau, Campus Life, Counseling Services, BWell Sexual Harm Acute Response & Empowerment (Share) Advocates, and Human Resources to ensure individuals are knowledgeable about their options for personal and workplace safety planning. The department also provides support for survivors in effort to facilitate reporting and any necessary communications with other municipal agencies to include the Providence Police Department involving sensitive crimes and case follow-up.

The department coordinates events and programming that serves to raise awareness about such sensitive crimes. DPS also offers self-defense and various safety programs for all students and staff. We can also direct you to the many victim service providers that are available in the State of Rhode Island.

A trained law enforcement advocate (non-police position) is available to provide post-crisis support to persons who report they have been a victim of a crime. Services available include:

- Victim advocacy and support
- Individual and workplace safety-planning
- Review of RI victim's rights, related law, legal definitions of crimes, and related legislation
- Provide transportation and accompaniment to local courts for pretrial and restraining order hearings
- Provide resource information, as well as referrals to external agencies servicing victims of crime, and their families in Rhode Island, Connecticut, and Massachusetts
- Explain options and procedures for reporting
- Explain protective orders and related court procedures
- Intimate partner & stalking awareness sessions

These services are available to students, faculty, and staff. For undergraduate, graduate, and medical students who would like to receive confidential advocacy services, they can also make an appointment with BWell SHARE Advocates at 401-863-8794, emailing [bwell@health.brown.edu](mailto:bwell@health.brown.edu), or online at [www.brown.edu/bwell](http://www.brown.edu/bwell). Students can also call the Sexual Assault Response Line at 401-863-6000 for 24/7 urgent help from a confidential crisis counselor after an experience of sexual, relationship or gender-based harm. Individuals who wish to become more informed about any of the aforementioned areas, or would like develop an individualized plan for safety, are welcome to also make an appointment.

*Please note: Those who seek our services are NOT required to file a police report. However, Title IX reporting may apply. For more information about these services, please call DPS at 401-863-2026.*

The Investigations Bureau plays an integral role in providing support and case follow-up for crime victims at Brown. Members of this bureau are available to assist a community member with filing a criminal complaint and will provide a full overview of the option prior to moving forward. Please call the Investigations Bureau at 401-863-1663 for assistance.



## SILENT WITNESS REPORTING

Anonymous reporting is available on-line at Public Safety's website. Click on the [Silent Witness form](#) to file an anonymous report of non-violent incidents. This is not an approved method to report crime in progress as the message is received via email and may not be read immediately. **Violent crimes should be reported immediately at 401-863-4111 or x4111 from a campus phone.** If the incident can be verified, it will be included in the statistics that appear in this document. Reports made anonymously do not allow contact with the reporting witness and therefore, the extent to which the incident can be documented is limited.

## MISSING STUDENT NOTIFICATION RULE

In accordance with the Higher Education Opportunity Act of 2008 (20 U.S.C. § 1092(j)), Brown University has adopted a Missing Student Notification Rule for students who reside in on-campus housing.

### Registering a Confidential Contact Person

In addition to registering an emergency contact, students residing in on-campus housing have the option to register, confidentially, an individual to be contacted by Brown University in the event the student is determined to be missing by the Department of Public Safety or local law enforcement. Any student who wishes to register a confidential contact through the missing student notification protocol may do so by completing a form provided by the Student Support Services. The [form](#) can be found on the Student Support Services website at [brown.edu/student-support](https://brown.edu/student-support). This contact information will be maintained confidentially by Student Support Services, will only be accessible to authorized Brown officials, and may not be disclosed outside the University except to law enforcement personnel in furtherance of a missing person investigation or as otherwise provided by law.

### Missing Student Notification

Anyone who believes that a student might be missing should immediately report the matter to the Department of Public Safety (401-863-3322). If it is believed to be an emergency situation, call 401-863-4111 (or x4111 from a campus phone). The Department of Public Safety, in collaboration with other institutional officials and external law enforcement authorities, as appropriate under the circumstances, shall promptly conduct an investigation to determine whether the student is missing. A student shall be deemed missing when the student is absent from the University for more than 24 hours without any known reason. As a part of this process, a student's [designated confidential contact](#) may be contacted in furtherance of the investigation of a missing person report. If the Department of Public Safety's or local law enforcement's investigation determines that the student is missing, the University will notify the student's confidential contact not later than 24 hours after the student is determined to be missing. If the missing student is under 18 years of age, and not emancipated, the University will notify the custodial parent or guardian, in addition to the confidential contact within 24 hours of the determination that the student is missing. The University will also notify the appropriate local law enforcement agency within 24 hours of the determination that the student is missing.

### Students Living in Off-Campus Housing

While this rule only applies to students residing in on-campus housing facilities, anyone who believes that a student who resides in off-campus housing might be missing should immediately report their concern to the Department of Public Safety and/or local law enforcement. Students living off-campus should maintain current emergency contact information on file with the University to assist in such an event.

## EMERGENCY PREPAREDNESS & EVACUATION

Brown University has recognized the need to prepare for and to respond to emergency incidents that pose a threat to the health and safety of the Brown community. Upon confirmation that a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees is occurring on campus, Brown University will provide immediate notification of the emergency or dangerous situation to the campus community.

Brown University has implemented an emergency campus alert system (BrownAlert) that can contact thousands of individuals within minutes if there is an urgent situation or crisis. During critical events, Brown University will use the BrownAlert System to deliver advisories and instructions to students, faculty, staff and others via cell phones, land lines, email and other communication devices. The primary method of communicating these alerts is through email messages and text messages. Message templates have been developed for various emergencies which includes initial messaging and predetermined distribution lists to ensure prompt and effective communication.

We have also installed an Emergency Siren Warning System (BrownSiren) on our main campus. The system consists of three strategically placed sirens that will be used to warn the University community in the event of a life threatening emergency. If a life threatening emergency is identified where a campus wide BrownSiren activation is necessary, the Department of Public Safety will activate the system. The activation will consist of an alert tone and a voice message regarding the nature of the emergency. Additionally the University will utilize **BrownAlert** and the emergency web site to provide further information. Once an emergency has been resolved the BrownSiren and other communication methods will be utilized to inform people that the emergency is over. System tests will be announced in advance. When the system is activated for a test, no action is necessary and there is no need to seek shelter. Brown will publicize its emergency response and evacuation procedures in conjunction with at least one test per calendar year.

In 2021, Brown University performed a test of the BrownAlert and BrownSiren systems on March 30, 2021 and on October 5, 2021. The Brown community, neighbor groups, city emergency responders as well as city and state emergency management agencies were notified in advance of the tests.

Any such notification will be provided by the following methods:

**BrownAlert System.** Brown University has implemented an emergency campus alert system that can contact thousands of individuals within minutes if there is an urgent situation or crisis.

During critical events, Brown University will use the BrownAlert System to deliver advisories and instructions to students, faculty, staff and others via email and text messaging primarily.

Brown students, faculty and staff can use their personal cell phone number to enable Brown to reach them in the event of an emergency. Personal cell phone numbers will only be used by authorized personnel for emergencies or official business.

Please visit the University's Emergency Communications [website](#) and follow the link under BrownAlert for students, faculty, and staff.

1. **Brown Siren** is designed to alert the Brown community of a life threatening emergency on campus such as a hostile intruder, a large chemical release near campus, or a natural disaster where there is no advance warning. The siren is intended to be heard while outdoors. If you are indoors when the system is activated, it is not expected that you will hear the siren or the voice message that follows. If the siren system is used in an actual emergency, members of the community would be directed to seek shelter indoors and additional information would be sent through the BrownAlert emergency notification system via email, text messages, and updates on the Brown homepage. The Brown Alert and BrownSiren systems are tested periodically. During the test, no action is necessary and there will be no need to seek shelter. Testing for the Brown Siren test is done at a minimum, bi-annually. Testing may be announced or unannounced. A description of the test, date, time and if the Brown community was notified is documented.
2. **University Webpage.** In the event of a significant emergency, the University will utilize the website to inform and update the community members about an emergency occurring on campus. If there is a significant emergency on campus the webpage will contain information about the nature of the emergency, steps taken to address the situation, the emergency's current status and a cumulative chronology of BrownAlert information, any necessary instructions for the University community, and resources for further information.

Upon confirmation that a significant emergency, or dangerous situation is occurring on campus, the University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate its notification systems, unless issuing the notification will, in the professional judgment of the Department of Public Safety, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In general, the process the University will follow to confirm that a significant emergency or dangerous situation exists is the following:

1. Brown University police officers will be dispatched to confirm that an emergency situation exists (depending on the nature of the situation, the Department of Public Safety may be aided by other University offices to confirm the nature and severity of the emergency, e.g., Department of Environmental Health and Safety, Department of Facilities Management.
2. Assessment of the situation by the Department of Public Safety (in collaboration with other University departments as may be beneficial), appropriate actions to be taken, and activating the alert systems and the content of the messages to be conveyed.

Due to the size of the University and the paramount importance of the safety of the members of the University community, notifications are given to the entire community. The Vice President for Campus Safety or their designee has the responsibility to determine the content of this notification and to active the University's notification systems.

In the event of a significant emergency or threat to the health and safety of area residents the University, through its Department of Public Safety will communicate with the City of Providence and its appropriate offices for the purpose of providing notifications to area residents.

To ensure the effectiveness of its emergency preparedness, the University regularly engages the University community about its emergency and evacuation plans. The activities take the form of classroom and online training, no less than annual tabletop or disaster exercises, and no less than annual testing of its emergency notification systems. In addition, emergency evacuation procedures (fire drills) are tested at least four times per year in all student residence halls. Tests of the emergency response and evacuation procedures may be announced or unannounced. The University will document for each test, a description of the exercise, the date and time, and if it was announced or unannounced. Further, through its Emergency Action Plan, each University department has an Emergency Action Plan (EAP) coordinator who is to review the EAP with departmental employees and promote training as indicated in the EAP.

## TIMELY WARNING POLICY

The Department of Public Safety will issue a timely warning for Clery Act crimes that occur on Brown University's Clery Act geography that (a) are reported to a campus security authority and (b) considered by Vice President for Campus Safety or their designee to represent a serious or continuing threat to students and employees. The timely warning, which is called a Crime Alert, will not disclose the name(s) of the victim(s).

## CORPORATION POLICY STATEMENT ON EQUAL OPPORTUNITY, NONDISCRIMINATION AND AFFIRMATIVE ACTION

Brown University provides equal opportunity and prohibits discrimination, harassment and retaliation based upon a person's race, color, religion, sex, age, national or ethnic origin, disability, veteran status, sexual orientation, gender identity, gender expression, or any other characteristic protected under applicable law, in the administration of its policies, programs, and activities. The University recognizes and rewards individuals on the basis of qualifications and performance.

The University maintains an affirmative action program in employment for minorities, women, persons with disabilities and veterans, and requires its employees to take good faith efforts to comply with the program. The University encourages those with whom it conducts business to meet the commitments of this important program.

The President delegates the authority to implement this Policy Statement to the Office of Institutional Equity and Diversity.

Office of Institutional Equity  
and Diversity contact information:  
401-863-2216  
[institutional\\_diversity@brown.edu](mailto:institutional_diversity@brown.edu)

## CAMPUS SEX CRIMES PREVENTION ACT

The Federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The act also requires registered sex offenders to provide to appropriate state official notice of each institution of higher education in the state at which the offender is employed, carries on a vocation, or is a student.



In complying with the Federal Campus Sex Crimes Prevention Act, the Brown University Department of Public Safety has established a procedure to advise local communities where current sex offender registration information, at which the person is employed or is a student at Brown University, may be obtained. The Brown University Department of Public Safety informs the campus community each academic year where they can find information on registered sex offenders. For more information, please visit the [Rhode Island Sex Offender Registry](#).

Other resources for Sex Offender Registry information are, [Providence Police Department](#) at 401-272-3121, [Rhode Island Parole Board](#) at 401-462-0900, [Rhode Island Sex Offender Communication Notification Unit](#) at 401-462-0905.

## SEXUAL AND GENDER-BASED MISCONDUCT POLICY

This policy prohibits Sexual Harassment, Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, in addition to Sexual Exploitation and Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct. This policy also prohibits Retaliation against an individual for making a report of conduct prohibited under this policy or for participating in an investigation of an alleged violation of this policy.

This policy is in accordance with relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; their implementing regulations; and other applicable federal and Rhode Island state laws and regulations.

The Sexual and Gender-based Misconduct Complaint Procedure provides a prompt, fair, and impartial process from the initial investigation to the final result.

Please refer to APPENDIX A to review the Sexual and Gender - Based Misconduct Policy.

Please refer to APPENDIX B to review the Sexual and Gender - Based Misconduct Complaint Procedures.

## SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, AND STALKING POLICY

This policy prohibits Sexual Harassment, Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, in addition to Retaliation against an individual for making a report of conduct prohibited under this policy or for participating in an investigation of an alleged violation of this policy. It also defines Prohibited Intimate Relationships between individuals where one individual has power or authority over another which could create a hostile environment.

This policy is in accordance with Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; their implementing regulations; and other applicable federal and Rhode Island state laws and regulations.

The Title IX Grievance Procedure provides a prompt, fair, and impartial process from the initial investigation to the final result.

Please refer to APPENDIX C to review this policy.

Please refer to APPENDIX D to review this grievance procedure.

In addition to the definitions provided in Appendix A and Appendix C, the Rhode Island General Laws provide that Domestic Violence (RIGL § 12-29-2) includes, but is not limited to, any of the following crimes when committed by one family or household member against another: (1) Simple assault (§ 11-5-3); (2) Felony assaults (chapter 5 of title 11); (3) Vandalism (§ 11-44-1); (4) Disorderly conduct (§ 11-45-1); (5) Trespass (§ 11-44-26); (6) Kidnapping (§ 11-26-1); (7) Child-snatching (§ 11-26-1.1); (8) Sexual assault (§§ 11-37-2, 11-37-4); (9) Homicide (§§ 11-23-1 and 11-23-3); (10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order and the penalty for its violation, or a violation of a no contact order issued pursuant to § 12-29-4; (11) Stalking (chapter 59 of title 11); (12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14); (13) Burglary and Unlawful Entry (chapter 8 of title 11); (14) Arson (chapter 4 of title 11); (15) Cyberstalking and cyberharassment (§ 11-52-4.2); (16) Domestic assault by strangulation § 11-5-2.3; and (17) Electronic tracking of motor vehicles (§ 11-69-1). The Rhode Island General laws do not define Dating Violence or Consent.



## UNDERSTANDING PUBLIC SAFETY'S RESPONSE TO SEXUAL ASSAULT

Filing a report of sexual assault with the Brown Department of Public Safety (DPS) *does not require you to pursue criminal charges against your offender*. We believe in empowering a victim of a crime to make their own decisions, considering ALL of their options. Your safety is paramount to us. DPS can advise you of your options and can also preserve evidence while you consider your options. DPS staff can also advise you on safety planning techniques. Meeting with clinical staff in Counseling and Psychological Services (CAPS), clinical staff in Health Services, Sexual Harm Acute Response & Empowerment (SHARE) in BWell Health Promotion or pastoral counselors in the Office of the Chaplains and Religious Life does not constitute a subsequent notification to the Department of Public Safety in most cases.

### Steps Involved with Reporting to DPS

- As a response to your report, a Campus Police Officer will be dispatched to your location to gather preliminary information and to render assistance. The Administrator on-call will be notified. Students will be offered the option to speak with a confidential on-call counselor to provide support, inform you of time-sensitive medical options, and make arrangements to help you get medical care, if you choose, or access other safety measures, such as emergency housing. For students who would not like to connect to an on-call crisis counselor in the moment, follow-up contact from a confidential BWell SHARE Advocate will be offered.
- DPS will offer a transport to Health Services or the local hospital in an unmarked vehicle.
- DPS places much emphasis on minimizing the number of officers present during this preliminary interview process. The officer will ask you to provide details about what occurred, as well as information about your offender to the best of your ability, at a pace that you are comfortable with. An advocate can be available to accompany you during this process.
- A DPS Detective will be available to assist you with any follow-up conducted by the Providence Police Department to interview you to obtain the details of the incident. You may decline to notify such authorities.
- Your identity will be kept as private as possible. Although a timely warning (refer to page nine) about the incident may be circulated, every effort will be made to maintain privacy and to respect the legitimate privacy concerns of all involved individuals.
- The DPS Detectives Bureau, which includes detectives, will be assigned to the case. All members of this Bureau have been trained extensively in the investigation of sexual offenses and the impact of the crime on the victim. They will approach each case in a sensitive manner and will be responsible for conducting any in depth interviews with you. DPS Detectives will also notify the Providence Police Department Special Victims Unit as PPD is the prosecuting agency and facilitate communication with the victim.
- All reports of Sexual Assault are handled with a great level of sensitivity and you may opt out of the process at any point. DPS response will vary on a case by case basis depending on the nature of the report (i.e. if the individual is reporting an assault that occurred several days or weeks prior and they are not in crisis or in need of immediate medical intervention).

Additional reporting resources can be found in Appendix A. 3.1.

## Evidence Gathering

When reporting to DPS, you are not expected to make any critical decisions on the spot. However, the gathering and preserving of any available evidence is critical should you ever decide to pursue your case criminally. In the state of RI, there is no statute of limitations for filing criminal charges in 1st degree Sexual Assault cases. As a process of our response protocol, potential evidence available at the scene of the crime would be protected and preserved, if applicable. You have the option to have critical evidence gathered and preserved by undergoing a medical examination kit at most local hospitals up to 96 hours after an assault. You are advised not to change clothes, shower, bathe, eat, or drink before this examination. Evidence collection at a local hospital DOES NOT require or obligate you to pursue any course of action. A SHARE Advocate can guide you through options about your medical care, and well as help you understand which hospital may best suit your needs.

## Your Safety

As a result of your experience, you may be feeling anxious and/or fearful. We realize it may be difficult to move forward when you are feeling unsafe. You may have concerns about stalking or intimidation. If you have personal safety concerns, a DPS Law Enforcement Advocate is available to create a personal safety plan with you. This plan, created with your input, will outline options available to you that specifically address your residential and personal safety concerns, list all applicable support offices available to you at Brown and across RI, and all of your reporting options moving forward. Please call 401-863-2542 for assistance. Students who need urgent help can call the 24 hour Sexual Assault Response Line at 401-863-6000 to speak with a confidential crisis counselor for students. BWell SHARE Advocates can also provide follow-up care. As confidential campus advocates, SHARE Advocates can support undergraduate, graduate, and medical students, impacted by sexual harm, (including gender-based or relationship violence) that has occurred at any time and can assist with safety-planning help as well as navigating medical, reporting, and campus-based accountability options. To make an appointment with a BWell SHARE Advocate, call 401-863-2794, email [bwell@health.brown.edu](mailto:bwell@health.brown.edu), or visit [brown.edu/bwell](https://brown.edu/bwell).

## Public Safety Resources

### DPS Investigations Bureau

401-863-1663

DPS Detectives are on-call and are responsible for meeting with and interviewing victim/witnesses. Detectives also offer case follow-up and assistance with pursuing criminal charges. If a case requires communication with another police agency, Brown Detectives will coordinate with external police departments to assist a victim. Our detectives receive specialized training in the areas of sexual assault and trauma and domestic violence.

### DPS Law Enforcement Advocate

401-863-1663

A law enforcement advocate is available to provide victim advocacy and support to persons who report they have been a victim of a crime. Services available include individual and workplace safety planning, review of victim rights, assistance with obtaining restraining orders, and referrals to external victim service providers as warranted.

## About Protective Orders

There are two types of court-ordered protective orders.

**No Contact Order** is related to a criminal charge and is issued at the time of an offender's arraignment. A No Contact Order is in effect for the entire length of the criminal case, including through the length of the sentence. It can be dropped only at the request of the victim with the approval of a judge.



**Restraining orders (civil)** can be sought whether or not there is a criminal case. Restraining orders can be issued when there has been physical or sexual abuse, threats of violence, harassment or stalking that leads someone to fear for their physical safety.

For students at Brown, No Communication/Contact Orders are initiated through the Office of Student Conduct and Community Services and Title IX and Gender Equity office (Title IX Office). These orders are not to be confused with state issued protective orders. NCO's are temporary directives issued by the Student Conduct & Community Standards and Title IX Office prohibiting communication between or among designated students. No Contact Orders (NCOs) are issued when, in the judgment of a Student Conduct dean, or Title IX Program Officer, there is reason to believe that an order would be in the best interest of all parties and the community for promoting peace and civility. NCO's do not become part of a student's conduct record unless they violate the order as determined by the student conduct procedures. NCO's prohibit all forms of communication between designated students, direct or indirect, written, electronic or through a third party. The duration of a NCO is determined by the Student Conduct & Community Standards, or Title IX Office and students may request to have a NCO lifted after an appropriate sustained period of compliance.

The University maintains as confidential any accommodations or protective measures provided, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or protective measures.

For more information about protective orders, please contact the DPS Law Enforcement Advocate at 401-863-2542 or the RI Restraining Order Office at 401-458-3372.

### **Day One, Sexual Assault Response Team (SART)**

401-421-4100

<https://dayoneri.org>

[info@dayoneri.org](mailto:info@dayoneri.org)

SART is a legal advocacy program intended to offer victims of sexual assault, age 14 years and older, with information and emotional support through their experience with the criminal justice system if they choose to file criminal complaint. All SART services are provided free of charge. If you would like to access these services, please contact the SART Case Manager.

### **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who look like they could be in trouble or need help, ask if they are ok.
- Intervene with people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage or another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- **Be aware of your surroundings.** Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- **Try to avoid isolated areas.** It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don't know where you are going, act like you do
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately, Brown University Department of Public Safety 401-863-4111, (local authorities can be reached by calling 911).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with a person to the bar to order it, watch it being poured and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately** Brown University Department of Public Safety 401-863-4111, (local authorities can be reached by calling 911).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.).

- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## STUDENT VIOLATIONS OF THE CODE OF STUDENT CONDUCT

Student violations of University non-academic rules and regulations should be reported by filing an online Campus Incident Complaint Form (CICF) with the Office of Student Conduct & Community Standards, 42 Charlesfield Street, 4th floor. Once an incident is reported through a CICF, the matter will proceed in accordance with student conduct procedures as appropriate. Both the respondent and the complainant are given the opportunity to have an advisor during a formal Investigative Review, a hearing before the Student Conduct Board, an Administrative Hearing, or a Restorative Board. Outcomes that may result from a Student Conduct Board Hearing or an Administrative Hearing include reprimand, probation, probation with restrictions, suspension or expulsion. Outcomes that may result from an Administrative Review Meeting include reprimand, probation and probation with restrictions. Outcomes that result from a Letter Adjudication include reprimand.

Violations of Brown's Code of Student Conduct may or may not constitute a violation of criminal laws, thus the filing of a CICF is not synonymous with the filing of a criminal report with DPS. If you believe a criminal act has occurred and you wish to proceed through the Rhode Island criminal courts, you must file a criminal report with DPS or the Providence Police Department.

The University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

## ALCOHOL AND DRUG POLICIES AND DISCLOSURES

In accordance with the "Drug-Free Schools and Communities Act of 1989", this Annual Security Report includes the following statements regarding Brown University programs to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities.

### Alcohol Use and Underage Drinking

In accordance with the federal Drug-Free Schools and Communities Act of 1989, the University's policies prohibit the unlawful possession, use or distribution of alcohol by Brown University students, faculty and staff on its property or as part of any of its activities. Students, faculty and staff are expected to fulfill their obligations and responsibilities pursuant to institutional policy and federal, state and local laws and regulations.

**It is unlawful for individuals who have not attained the age of 21 to purchase, possess, or consume alcoholic beverages. It is also unlawful to deliver alcoholic beverages to a person under the age of 21, or misrepresent oneself as having attained the age of 21 to procure alcoholic beverages. There are no exceptions to these laws that are applicable to members of the Brown University community.**

### **For Students:**

Brown University students are expected to comply with all federal, state and local laws pertaining to alcohol. The illegal possession, use, manufacture, distribution, provision, sale or possession with the intent to sell alcohol is prohibited by University policies. Students seeking to sponsor activities where alcohol beverages are to be served must have all required University approvals and abide by established University procedures.

Students violating University policies with respect to alcohol will be disciplined in accordance with Brown University's Code of Student Conduct.

A student who is in violation of Brown University's policies on alcohol, shall be subject to sanctions in accordance with Brown University policies and procedures. Disciplinary action involving alcohol violations by students may result in the imposition of a range of terms as specified in Brown University's Code of Student Conduct. Any disciplinary action imposed by the University may be in addition to any penalty imposed by an off-campus authority. Students are subject to prosecution under applicable local, state or federal laws.

### **For Faculty, Staff and Student Employees:**

Brown University employees (faculty, staff and student employees) are expected to comply with all federal, state and local laws pertaining to alcohol. All Brown employees are prohibited from unlawful manufacture, distribution, possession or use of alcohol (except as is lawful, and permissible under Rhode Island Law and University policies), on the property of Brown University, or as part of any of its activities.

Employees violating University policies with respect to alcohol will be disciplined in accordance with procedures outlined in Brown University's policies and/or the faculty rules and regulations.

An employee, who is in violation of Brown University's policies on alcohol, shall be subject to disciplinary actions in accordance with Brown University policies and procedures. Disciplinary action involving alcohol violations by employees will result in disciplinary actions up to and including termination of employment. Any disciplinary action imposed by the University may be in addition to any penalty imposed by an off-campus authority. Employees are subject to prosecution under applicable local, state or federal laws.

With respect to students employed by the University, nothing in Brown policy shall be construed as precluding the University from disciplining students pursuant to the University's Code of Student Conduct/policies, or from taking appropriate action against students pursuant to the University's emergency powers.

### **Prohibition of Illegal Drugs**

In accordance with the federal Drug-Free Schools and Communities Act of 1989, Brown University policies prohibit the unlawful possession, use or distribution of controlled substances/illicit drugs by Brown University students, faculty and staff on its property or as part of any of its activities. Students, faculty and staff are expected to fulfill their obligations and responsibilities pursuant to institutional policy, and federal, state and local laws and regulations. Under state and federal law, it is unlawful, except as expressly authorized by law, to manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense a controlled substance/illicit drug. More severe criminal sanctions are assessed in instances where a person 18 years of age or older unlawfully distributes a controlled substance/illicit drug to a person under 21 years of age (federal law) or under 18 years of age (state law).



### **For Students:**

Brown University students are expected to comply with all federal, state and local laws pertaining to drugs. The illegal possession, use, distribution, provision, sale, or possession with the intent to sell, of drugs and/or drug paraphernalia, is prohibited by University regulations on Brown property or as part of any of its activities. Students violating University policies with respect to drugs will be disciplined in accordance with Brown University's Code of Student Conduct. A student who is in violation of Brown University's policies on drugs shall be subject to sanctions in accordance with Brown University policies and procedures. Any disciplinary action imposed by the University may be in addition to any penalty imposed by an off-campus authority. Students are subject to prosecution under applicable local, state or federal laws.

### **For Faculty, Staff and Student Employees:**

As a term and condition of employment with Brown University, all employees (faculty, staff and student employees) are prohibited from the unlawful manufacture, dispensing, possession or use of a controlled substance upon the property of Brown University or as part of any of its activities. All employees of the University must abide by the terms of Brown's policy and notify their immediate supervisor and University Human Resources of their conviction for a criminal drug statute violation occurring in the workplace no later than five days after such conviction.

Any violations of Brown's policy by an employee will result in the University taking appropriate personnel action against such an employee, up to and including termination of employment, and/or requiring the employee to participate satisfactorily in an approved drug assistance or rehabilitation program. Any disciplinary action imposed by the University may be in addition to any penalty imposed by an off-campus authority. Employees are subject to prosecution under applicable local, state or federal laws.

With respect to students employed by the University, nothing in Brown's policy shall be construed as precluding the University from disciplining students pursuant to the University's Code of Student Conduct/policies, or from taking appropriate action against students pursuant to the University's emergency powers.

## **Federal, State and Local Laws and Sanctions**

### **Controlled Substances**

Any person who manufactures, delivers, or possesses with the intent to manufacture or deliver a Schedule I or II controlled substance may be imprisoned to a term up to life, and/or fined \$10,000 to \$500,000. For Schedule III or IV controlled substances, such person may be imprisoned for up to twenty (20) years and/or fined up to \$40,000. For Schedule V controlled substances, such person may be imprisoned up to one (1) year and/or fined up to \$10,000. Any person who knowingly or intentionally possesses a Schedule I, II, III, IV, or V controlled substance in the absence of a valid prescription may be imprisoned for up to three (3) years, and/or fined \$500 to \$5,000. R.I.G.L. § 21-28-4.01.

### **Alcoholic Beverages**

Sanctions for misrepresentation of age include (i) a mandatory fine of \$100 to \$500, thirty (30) hours of community service, and suspension of driving privileges for thirty (30) days for the first offense; (ii) a mandatory fine of \$500 to \$750, forty (40) hours of community service, and suspension of driving privileges for three (3) months for the second offense; and (iii) a mandatory fine of \$750 to \$1,000, fifty (50) hours of community service, and suspension of driving privileges for one (1) year for the third and subsequent offenses. R.I.G.L. § 3-8-6.

Sanctions for possession of alcoholic beverages by underage persons include thirty (30) hours of community service, minimum sixty (60) day suspension of driving privileges, and (i) fines of \$150 to \$750 for the first offense, (ii) fines of \$300 to \$750 for the second offense, and (iii) fines of \$450 to \$950 for the third and subsequent offenses. R.I.G.L. § 3-8-10.

Sanctions for furnishing or procuring alcoholic beverages for underage persons include (i) fines of \$350 to \$1,000 and/or imprisonment up to six (6) months for the first offense, (ii) fines of \$750 to \$1,000 and/or imprisonment up to one (1) year for the second offense, and (iii) fines of \$1,000 to \$2,500 and/or imprisonment up to three (3) years for the third or subsequent offenses. R.I.G.L. §§ 3-8-11.1 – 3-8-11.2.

In addition to the examples above, additional criminal penalties for violations of federal, state, and local drug and alcohol laws may be found on websites below. There may be other provisions of federal, state, and local laws related to drugs and alcohol that are not included in this list.

#### Federal Drug Trafficking Penalties

[https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf)

#### Penalties for Violations of Rhode Island's Drug and Alcohol Laws

<http://www.rilin.state.ri.us/Statutes/TITLE3/INDEX.HTM> (alcoholic beverages);

<http://www.rilin.state.ri.us/Statutes/TITLE11/INDEX.HTM> (criminal offenses);

<http://www.rilin.state.ri.us/Statutes/TITLE21/INDEX.HTM> (food and drugs);

and <http://www.rilin.state.ri.us/Statutes/TITLE31/INDEX.HTM> (motor and other vehicles).

#### Penalties for Violations of the City of Providence's Drug and Alcohol Ordinances

<http://www.municode.com/resources/gateway.asp?pid=11458&sid=39>

#### Health Risks Associated with Alcohol and Drug Use

*From the National Institute on Alcohol Abuse and Alcoholism:*

<https://www.niaaa.nih.gov/alcohols-effects-health/alcohols-effects-body>

Drinking too much — on a single occasion or over time — can take a serious toll on your health. Here's how alcohol can affect your body:

**Brain:** Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.

**Heart:** Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including:

- Cardiomyopathy – Stretching and drooping of heart muscle
- Arrhythmias – Irregular heart beat
- Stroke
- High blood pressure

**Liver:** Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including:

- Steatosis, or fatty liver
- Alcoholic hepatitis
- Fibrosis
- Cirrhosis

**Pancreas:** Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.

**Cancer:** According to the National Cancer Institute: “There is a strong scientific consensus that alcohol drinking can cause several types of cancer. In its Report on Carcinogens, the National Toxicology Program of the US Department of Health and Human Services lists consumption of alcoholic beverages as a known human carcinogen.

The evidence indicates that the more alcohol a person drinks—particularly the more alcohol a person drinks regularly over time—the higher their risk of developing an alcohol-associated cancer. Even those who have no more than one drink per day and binge drinkers (those who consume 4 or more drinks for women and 5 or more drinks for men in one sitting) have a modestly increased risk of some cancers. Based on data from 2009, an estimated 3.5% of cancer deaths in the United States (about 19,500 deaths) were alcohol related.”

For more information regarding specific types of cancer, please visit the National Cancer Institute page “Alcohol and Cancer” at <https://www.cancer.gov/about-cancer/causes-prevention/risk/alcohol/alcohol-fact-sheet> (last accessed August 20, 2021).

**Immune System:** Drinking too much can weaken your immune system, making your body a much easier target for disease. People who drink chronically are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body’s ability to ward off infections – even up to 24 hours after getting drunk.

*From the National Institute on Drug Abuse:*

Many drugs can alter a person’s thinking and judgment, and can lead to health risks, including addiction, drugged driving, infectious disease, and adverse effects on pregnancy. Information on commonly used drugs with the potential for misuse or addiction can be found here: <https://www.drugabuse.gov/drug-topics/commonly-used-drugs-charts>

## Resources for Students, Faculty and Staff

### *On Campus Resources for Alcohol and Other Drugs*

#### **For Students:**

The following services are available to all Brown students for individual care related to substance use or abuse:

##### **BWell Health Promotion 401-863-2794**

Meet with a Health Educator to collaborate on developing a schema about the effects of substance use. These conversations can be a powerful tool in helping to make informed decisions, reduce harm, prevent relapse or connect with additional resources. Call 401-863-2794 or request an appointment online at [brown.edu/bwell](https://brown.edu/bwell).

##### **Brown Emergency Medical Services (EMS) 401-863-4111**

##### **Counseling and Psychological Services (CAPS) 401-863-3476**

Provides treatment for a range of psychological concerns, including drug and alcohol use issues, in a confidential setting, and a goal-focused, collaborative framework.

##### **The Dean for Recovery and Substance Free Students 401-863-2536**

Brown University is committed to the maintenance of a campus environment that supports all students in achieving their academic goals. To that end, the University dedicates resources to support students in recovery from addiction

##### **Health Services 401-863-3953**

Confidential health care for Brown students. 13 Brown Street, across from Keeney Quad.

##### **Nursing Services 401-863-1330**

Nurses are available for phone consultation during business hours

##### **Student Support Deans, Dean of the Day available at 401-863-3145**

Seeks to support students who encounter a wide range of issues, connects them to resources that fit their situation, and serves as a sounding board to explore options and develop plans to help them manage the issue and its impact on their time at Brown and substance use disorders. The Dean for Recovery hosts the Early Sobriety at Brown group for students who are committed to abstinence.

*The following proactive education and prevention programs are available for all students for alcohol and other drugs:*

The Campus Life Advisory Board for Alcohol and Other Drugs collaborates to oversee best practices within a comprehensive ecological framework to address alcohol and other drug use at Brown. Below is an overview of the programming offered, which is in addition to the individual appointments available to all students.



## Pre-arrival

All incoming undergraduate students complete the online Everfi course Alcohol EDU. This course addresses alcohol use with a diverse and comprehensive opportunity for health and wellness educational empowerment. This course was reviewed and selected for implementation by a team of faculty, staff and students.

## Orientation

The Culture of Consent and Community Care class meeting, required for all incoming undergraduate students, includes video content and several student testimonials addressing alcohol use and highlighting positive actions students can take to care for themselves and each other, as well as speaking to the experiences of students who are substance free and/or in recovery. This class meeting lays a foundation of what Brown students expect from one another in a caring community. The BWell Orientation Committee comprised of student and staff reviews this programming and makes suggestions for improvements each year.

## Ongoing

- BWell Health Promotion uses population-based health behavior interventions that empower students with information and access to pro-health skills through in person and social media outreach as well as curriculum-based workshops.
- Public health messaging via print and social media with alcohol education and information on campus resources are distributed regularly throughout campus with a focus on residence halls and program houses.
- Educational, evidence-based workshops covering alcohol physiology led by a BWell facilitator are conducted throughout the year within community settings on campus.
- Campus Life Advisory Board on Alcohol and Other Drugs is comprised of staff, faculty and students who come together to compile and analyze relevant data and emerging research to ensure Brown is using evidence informed practices and aligning policy and educational interventions with outcomes that can be measured through a variety of data inputs.

## For Faculty and Staff:

*The following services are available to Brown Faculty and Staff related to substance use or abuse:*

### **Brown University Faculty/Staff Assistance Plan**

Sometimes personal problems arise and you need to seek outside professional advice, but you are not sure where to turn. The Faculty and Staff Assistance Program (FSAP) is a benefit that is designed to help employees and their families handle personal problems. Often referred to as an Employee Assistance Program, or EAP, this program provides confidential problem assessment and, in many cases, referral for a specific course of treatment. To access the program directly, employees or their immediate family members may call the FSAP, e4health 1-800-828-6025 and indicate that they are covered by the Brown contract.

## Local and National Resources for Alcohol and Other Drugs

### For Students, Faculty and Staff:

The following local and national resources are available to everyone including students, faculty and staff:

#### **Alcoholics Anonymous 401-438-8860**

Anonymous twelve-step recovery program.

#### **Butler Hospital 1-800-433-6888 (inside RI) or 1-800-272-9699 (outside RI)**

When you or someone you know is ready to commit or re-commit to recovery the patient assessment team at Butler can assist in finding the right program.

#### **Narcotics Anonymous 866-624-3578**

12 step recovery program that focuses on the disease of addiction rather than any particular drug.

#### **The Rhode Island Department of Behavioral Health Care, Developmental Disabilities and Hospitals (BHDDH)**

This site offers a listing of licensed substance use treatment agencies throughout Rhode Island. List includes agencies licensed to provide detox, residential, outpatient, and medication-assisted treatment services.

#### **Rhode Island's Hope & Recovery Support Line, 401-942-STOP (7867)**

This support line connects people to treatment and recovery services 24 hours/day, 7 days/week, 365 days/year.

#### **SAMHSA's National Helpline 1-800-662-HELP (4357) TTY: 1-800-487-4889**

This Helpline provides 24-hour, free and confidential treatment referral and information about mental and/or substance use disorders, prevention, and recovery in English and Spanish.

#### **ZenCare**

Allows you to review local (Providence and Boston area) therapists. You can filter options by selecting alcohol, substance use or recovery focuses. You can also filter by insurance accepted and schedule a phone consultation to see if it is a right fit.

## CAMPUS SAFETY

The Brown DPS Crime Prevention Unit and Community Engagement Team is responsible for coordinating programming, communications, outreach events, and other informational sessions as it relates to the safety and security of the Brown Community. The bureau also monitors crime trends nationwide and locally and will gear programming accordingly. For example, members of the department participate in University orientation programs, residential unit presentations, distribute a monthly newsletter, provide personal safety sessions, workplace safety and keep the community informed about recent crime trends through social media, morning mail, campus postings and tailored safety sessions. DPS representatives also participate as requested by University students, staff and faculty in numerous events throughout the academic year. Other programming offered by the department includes Community Policing Initiatives that facilitate interaction between DPS officers and various members of the community and is geared toward safety and problem solving. For information regarding the department's community policing initiatives, please go to our website or contact our Community Policing Sergeant at 401-863-9637.

**Personal Safety and Crime Prevention Programs Information and Education:** Full-time crime prevention and community policing staff is available to present crime prevention presentations and discussions to groups of any size. The bureau also hosts several crime prevention programs such as Operation I.D. which can be found across campus on a weekly basis. Brown DPS also offers programs to inform as well as encourage students and employees to be knowledgeable and proactive about safety procedures and practices, risk reduction strategies, crime awareness, and the security of the Brown Campus. A comprehensive list of programs is provided on our website and listed below. The Brown DPS website also contains our Calendar of Events, and Weekly Incident Summary and Interactive Crime Map. Our website has safety tips, videos, support phone numbers and up to date crime map.

Information on the Crime Map is compiled from the Department of Public Safety's Campus Police Incident Reports. These summary reports do not include general service, medical assist, or alarm calls. The previous months' maps are also listed. Please note, a Daily Crime Log can be reviewed during normal business hours at the Department of Public Safety Headquarters, 75 Charlesfield Street.

### Personal Safety and Crime Prevention Programs

**Operation ID:** Operation Identification is a nationally recognized property identification program open to all members of the Brown University community. As a Crime Prevention Program, its goal is to deter the thefts and aid in the recovery of stolen property. This is accomplished by applying decals to mark valuable property and tracking important identifying information about such property. Marked items are difficult for a thief to resell, and these items can be traced to the rightful owner. Laptops, tablets, cell phones, bikes and other items of value may be registered with DPS. A numbered decal will be applied to each item for easy identification. To make an appointment to have your items registered, please contact our Crime Prevention Offices at 401-863-1379 during normal business hours. A list of events can be found on our website calendar.

**Safewalk:** Safewalk was formed at DPS in 1988 in response to women's safety concerns on campus. Over time, we have come to realize that safety is an important issue for all members of the community. Safewalk is a DPS program staffed by student employees who provide point-to-point walking escorts for their fellow community members.

Each two-person team patrols the campus, along the Brown OnCall Shuttle route, acting as additional "eyes and ears" for community safety. SW stations a team at the Rockefeller Library and the CIT, to accommodate those who study late. The teams can be identified by their distinctive Safewalk vests with reflective strips, and photo IDs. Each SW team is equipped with a two-way portable radio to communicate to DPS dispatch at any time. If you see a Safewalk team on campus, feel free to ask them to walk with you if you are feeling unsafe. Safewalk phone number (401) 863-1079. Service Hours: Academic year, Weekdays 9 p.m. to 2:15 a.m. and Weekends 10:15 p.m. to 2:15 a.m.

**RAD Self-Dense Programs:** The Department of Public Safety offers free self-defense classes to all students, staff, and faculty. R.A.D. Systems of Self-Defense programs are offered throughout the year and upon request. DPS also offers safety sessions for student groups, staff, and faculty throughout the year and upon request. For more information, please email DPS at [Campus\\_safety@brown.edu](mailto:Campus_safety@brown.edu). DPS posts all upcoming classes on its website, social media sites, newsletter, and Today@Brown.

**Be the Help Until Help Arrives:** You Are the Help Until Help Arrives is a program designed to educate and empower the public to take action in emergency situations and provide lifesaving care before professional help arrives.

Life-threatening emergencies can happen fast and emergency responders aren't always nearby. You may be able to save a life by taking simple actions immediately. At the end of this course, participants will be able to:

- Use simple and effective skills to save lives.
- Communicate with 9-1-1 operators effectively.
- Act to protect the injured from further harm.
- Position the injured.
- Stop life-threatening bleeding.
- Provide emotional support.





## Stop the Bleed

Stop the Bleed is a federal initiative to prepare the public to save lives during life-threatening bleeding emergencies. A life-threatening bleed will take someone's life within minutes unless there is someone to stop it.

Training in this course is meant to assist you to minimize injury or death in emergency situations. This training fulfills no medical certification requirements associated with formal medical courses. You will learn:

- Ensure your own safety
- The ABC's of Bleeding
  - A- Alert – Call 9-1-1
  - B - Bleeding – find the bleeding injury
  - C – Compress – apply pressure to stop the bleeding by
- Practical Application

The course is 60 minutes with 90 minutes allotted for practice applications and is offered twice per semester and twice in the summer.

Both Be the Help and Stop the Bleed is offered throughout the year and upon request. You can call 401-863-9637 or email [campus\\_safety@brown.edu](mailto:campus_safety@brown.edu) for more information.

The Brown Building Security Initiative (BBSI): BBSI is a campus security program that seeks to promote voluntary efforts to enhance workplace security by developing and maintaining collaborative partnerships with various academic and non-academic department chairs. It is our hope that through these partnerships we can enhance our ability to assess the security of university buildings, and address possible factors that may compromise the safety of the Brown community and our facilities.

The objectives we have identified for this initiative include:

- Promote the assessment of the security of academic departments and physical spaces.
- Offer a mechanism to efficiently address issues that may potentially compromise the security of university facilities.
- Develop and enhance partnerships within the community and further advance the department's community policing and crime prevention efforts into various academic and non-academic spaces across campus.
- Streamline communications with staff and faculty about safety awareness and security issues.

DPS firmly believes that success in achieving greater safety and security on campus is dependent upon the involvement and active participation of many individuals and departments.

We also offer general BBSI Information Sessions for staff and faculty, as well as for academic and administrative departments. General information sessions provide an overview of the program's objectives, introduce participants to the general concepts of hostile intruder awareness, and provide guidelines for how individuals can play an active role in enhancing building security at Brown. Department sessions are typically offered following the completion of a security assessment.

*If you would like to discuss a security assessment for your department/building, please call 401-863-1379 for additional information.*



**U-Lock or U-Lose Bike Registration and U-Lock Upgrade:** This campaign was developed in response to a bicycle theft crime trend on campus. There was a substantial increase in bike thefts in 2016 from previous years. Crime data and analysis showed that the contributing factor to these thefts was that bikes stolen were locked with a cable lock or not locked at all. The U-Lock or U-Lose program was designed to inform the community members about the crime trend, get members to register their bikes to show ownership and by registering their bikes they could upgrade their cable lock to a new U-Lock. The department purchases a number of U-Locks and are available on a first come first serve basis to all Brown students. If you have questions regarding the crime trend or would like to participate in the program check our website calendar or call 401-863-9593.

**Residential Vulnerability and Security Assessments (RSVA):** The Department of Public Safety, Crime Prevention Unit provides free RSVAs for all Brown students that live within the On-Call shuttle service area. The program proposes to reduce off-campus risks and hazards by providing students and home-owners with information and strategies that enhance personal safety and home security. Recommendations are not full proof but will certainly maximize residential safety.

- Improve the quality of life for students and neighboring communities by applying CPTED (Crime Prevention Through Design) principles during an assessment.
- Develop residential environments where crime cannot flourish.
- Upon receiving a written request by e-mail or letter and upon completion of Pre-Assessment Questionnaire, the Brown Crime Prevention Unit will schedule a vulnerability assessment with any Brown student or staff member living within the jurisdiction of Brown DPS and the On-Call shuttle service.

*For more information, check our website or call 401-863-9637*



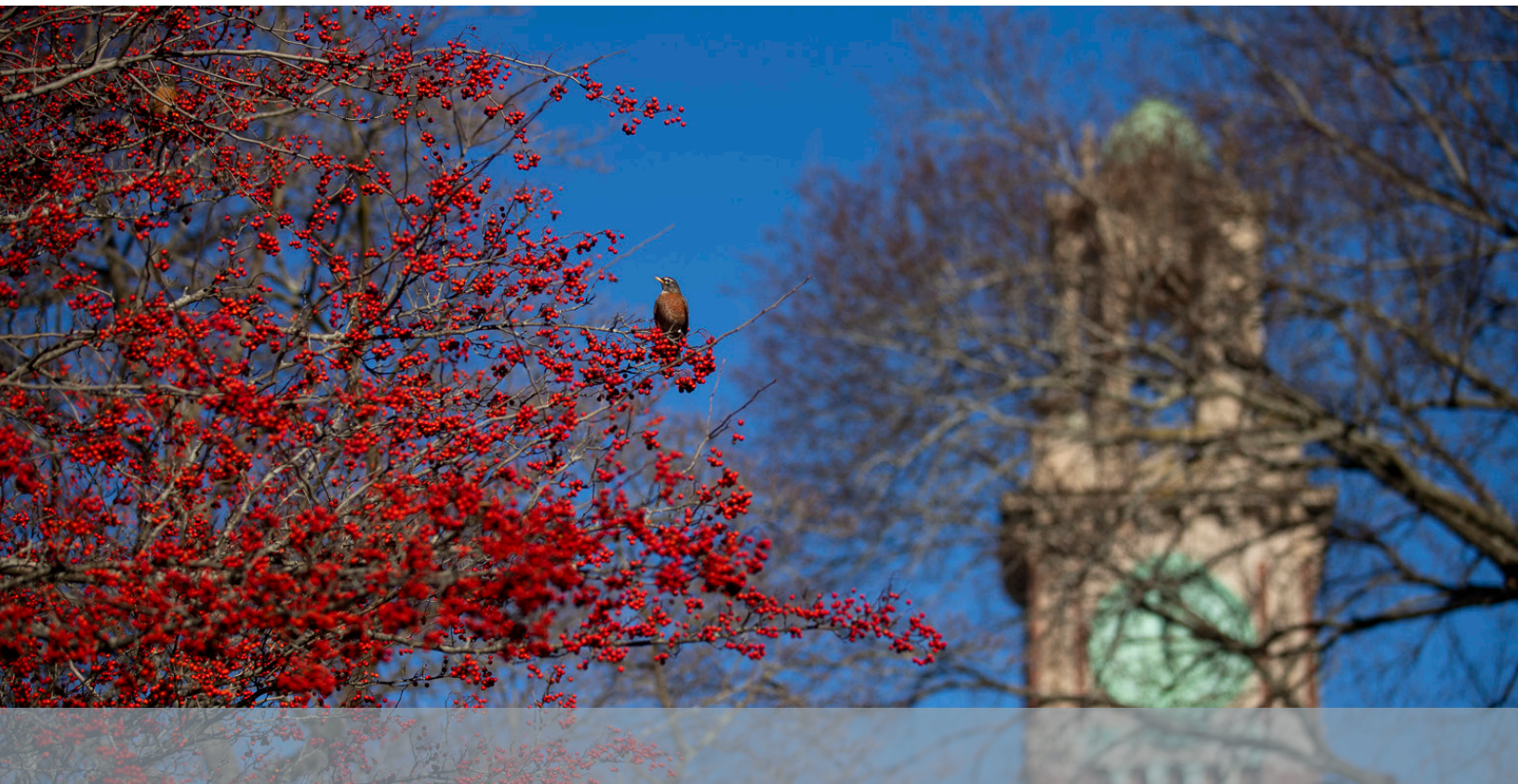
**Listening Session Initiative for Students:** The Department of Public Safety (DPS) offers informal opportunities for an intimate conversation with department leadership through our new Listening Session Initiative. Our intent is to be fully present and to listen; no cameras, no media, no agenda.

Within the listening session format, students are encouraged to attend to share thoughts and recommendations into matters that have the potential to impact police-community relations and campus safety programming on Brown's campus. Nationally, we are faced with many issues that are deeply concerning to us all and we are striving to be a department that takes an active role in discussions and programming that promotes partnerships, understanding, and trust with the community we serve at Brown. We know the work will be challenging, but we understand it is vital to building community relationships. Students will also have the opportunity to learn about the department's Diversity and Inclusion Action Plan and to provide feedback. We encourage student organizations and groups to take full advantage of this unique opportunity. Small group discussions are preferred.

*For more information and/or to schedule a session for your student constituency, please call, 401-863-2542*

**Transaction Safe Space:** Brown DPS welcomes Brown students and staff to utilize the front lobby for processing exchanges from online transactions. There is a phone in the lobby that auto-dials to the DPS Communications Center in case of an emergency.

"If the sale is legitimate, why would anyone not agree to meet at a police station lobby to complete the sale? Consider our location as a safe alternative. It is there if you need it." Sergeant Kelly Mitchell.





**Personal Safety Alarms (PAL):** Any student, faculty or staff member may obtain a Personal Safety Alarm (PAL) device to carry and use for alerting individuals nearby that they are in danger. The personal alarm can be carried in a purse, pocket, or attached to a keychain. It can be used in an emergency situation to call for help, draw attention to an unsafe situation, or to scare off an attacker.

*For your free alarm, please email: [campus\\_safety@brown.edu](mailto:campus_safety@brown.edu) or call 401-863-9593.*

**Brown Guardian:** Rave Mobile Safety, contracted by the university, offers a new and improved version of the mobile Guardian application. The Brown Guardian Mobile Safety App is available to all University students, staff, and faculty for free. All existing Rave Alert Users have access to Rave Guardian — all you need to do is provide either your phone number or brown email address to register. It can be downloaded as Rave Guardian by Rave Mobile Safety from Google Play or iTunes or by navigating to <http://getrave.com/forwardToGuardianAppStore.do> from your phone's browser.

New Features Effective June 27, 2018:

- A new Call Directory which now includes the 24-hour Sexual Assault Response Line and Counseling and Psychological Services (CAPS) quick call options
- A new University Resource button featuring direct links to important campus resources
- Instant location sharing and streaming option even while in anonymous mode
- An enhanced two-way text option allowing users to send anonymous tips to Public Safety
- A content portal that may be populated with University Campus Safety Information

*Important Note: This service does not replace the standard practice of dialing 401-863-4111 or 3-4111 from any campus phone to report campus-based police, fire, or medical emergencies to the Brown Department of Public Safety.*

**Safety-Related Workshops:** The Department of Public Safety provides the community with the resources and education necessary to make informed choices about their safety. Department personnel participate in a wide range of campus events to include University orientations, resource fairs, Residential Peer Leader trainings and other special campus events in an effort to provide all members of the community with valuable and practical safety information. This information is also imparted through workshops geared towards relevant national awareness and emergency campaigns. Some of the programs offered:

- Cyber Stalking
- Stalking Awareness
- Identity Fraud
- Stop the Bleed, Save a Life
- Emergency Preparedness Training table-top exercises
- Run, Hide, Fight

“Be Safe Brown!” and “National Night Out” are two annual campus and community safety resource campaigns featuring a wide range of offices and resources that promote campus, personal, environmental and public safety. “Be Safe Brown!” is offered annually in October to kick off Crime Prevention Month activities. “National Night Out” is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make neighborhoods safer, more caring places to live. This family-friendly night of entertainment is held in August and is free and open to the public.

## PRIMARY PREVENTION AND AWARENESS PROGRAMS FOR ALL INCOMING STUDENTS

### Overview

According to the American College Health Association, prevention of sexual violence on college campuses should take a holistic approach incorporating all levels of the socioecological system. BWell uses a public health framework to provide orientation programming on both the individual and community levels.

BWell's Orientation programs, Culture of Consent and Community Care, takes a holistic approach with multiple opportunities for students to engage in content, with each component building upon the previous interventions and interactions. This scaffolding approach allows students to interact with the material as they are ready and develop knowledge and skills over time. All three layers of the scaffolded program is required for all incoming students.

All BWell Orientation components are designed with the following core principles:

1. Research based and evidence informed with utilization of best practices in the field of Health Promotion that maximize the potential for knowledge gain, attitude shift and behavior change.
2. Recognizes social justice and the social determinants of health as foundational to individual and community wellbeing.
3. Honor students' lived experiences, making space for incorporating these into Orientation programming and empowering them to change Brown for the better.

### Online Courses

Students complete two online courses before they arrive at Brown. The courses introduce students to the global concepts of consent, sexual violence prevention, and health and safety and substance use.

### Alcohol Edu Course Objectives:

1. Understand what to expect and how the course works
2. Define standard drink measurements for beer, wine, and liquor
3. Describe the negative physical, mental, and social consequences associated with high-risk drinking
4. List the negative effects that drinking can have on a college community
5. Agree: Most college students abstain or avoid drinking heavily
6. Demonstrate non-confrontational responses to turn down a drink or invitation to attend an alcohol-focused event
7. Understand how AOD use can affect relationships and impact other students' college experience
8. Respect and support non-drinkers
9. List strategies for managing stress
10. Explain the factors that affect BAC
11. Explain the implications of alcohol's biphasic properties
12. List the strategies that drinkers can use to keep BAC in a safer range
13. Understand the risks posed by polysubstance use
14. Explain how heavy drinking impacts information processing and memory
15. Understand the risks of vaping
16. Understand incapacitation, impairment, and consent

17. Cite the laws and campus policies relevant to underage AOD use
18. Understand that almost all institutions of higher education must follow federal law regarding cannabis use, regardless of state legalization status
19. Itemize the legal, financial, academic, and social consequences that can result from a DUI
20. Describe a range of active bystander strategies to prevent incapacitation, impaired driving, and overdose
21. Describe the symptoms and health and safety risks of AOD overdose
22. Demonstrate how to reach out to a friend who may have a problem with alcohol or other drugs
23. Agree: My decision not to drink heavily will help me accomplish my personal goals and be more successful
24. Describe a system for setting personal goals, monitoring progress, and tracking their completion
25. Outline a personal plan for keeping BAC at a safer level (drinkers)
26. Outline a personal plan for continuing to not drink (abstainers)
27. Demonstrate mastery of course topics
28. Reflect on custom messaging
29. Explore additional material available online

**Sexual Assault Prevention Course Objectives:**

1. Understand that sexual violence/assault is everyone's responsibility; everyone on campus can do something to intervene and stop it
2. Understand how learning about sexual assault, healthy relationships, and consent contributes to a safe/supportive campus community
3. Identify key elements of their personal identities, including their core values
4. Describe how their identities and values influence how they view relationships and sexual violence
5. Recognize that crimes related to sexual violence (sexual assault, sexual harassment, intimate partner violence, stalking) all point to abuse of power and control
6. Describe the key elements of healthy and unhealthy relationships
7. Explain ways to be supportive to someone who is in an abusive relationship
8. How to seek assistance if you are questioning if your relationship is abusive
9. Explain the concept of gender stereotyping and how it relates to the issue of sexual violence
10. Describe the impact of gender stereotypes on both male victims and non-binary individuals
11. Illustrate the impact of sexist language
12. Describe ways to intervene to stop others from using sexist language; awareness of the negative impacts of this kind of language
13. Describe how laws, such as Title IX are meant to protect individuals from sex- or gender-based harassment
14. Recognize different forms of sexual harassment in campus environment
15. Understand the emotional impacts of these kinds of behaviors
16. Recognize examples of stalking behavior common in a campus environment
17. Know how to intervene in a situation where someone may be engaging in sexual harassment/stalking-types of behaviors
18. Define consent and its importance in relationships
19. Indicate when an individual is incapable of giving consent
20. Describe ways to ask for consent and to get clarification if the presence of consent is unclear



21. Define and give examples of coercion
22. Describe the role than alcohol plays in consent and coercion
23. Evaluate different ways to intervene and/or get help if you witness a situation where consent is not present
24. Describe when to call on others, including emergency professionals to a situation
25. Identify ways to respond when a friend discloses a sexual assault
26. Help a survivor identify counseling and reporting services, if he or she chooses to use them
27. Describe the options for reporting a sexual assault to campus or police officials
28. Describe what typically happens during the reporting process

### **Class Meeting**

The Culture of Consent and Community Care Class Meetings are held during Orientation. Through personal narratives and a series of videos, returning students orient the incoming class to Brown's commitments and values and the expectations of them as the newest members of Brown's community.

#### **Objectives:**

First year students will be able to:

1. Describe 2 ways that consent and bodily autonomy are cultural norms for the Brown community in everyday interactions.
1. Describe 2 ways to articulate, recognize, and respect boundaries within sexual interactions.
2. Identify 2 resources for interpersonal violence response on campus.
3. Describe 2 ways that help-seeking behaviors are valued within the Brown community.
4. Identify 2 resources for seeking help with substance abuse.
5. Articulate 2 ways to make informed decisions around Alcohol and Other Drug use.
6. Describe 2 ways that alcohol and other drug use may positively and/or negatively contribute to social wellbeing (sense of belonging and making connections).
7. Identify 2 ways to support and demonstrate respect for students who choose to be substance free.

#### **Structure + Methodology:**

The class meeting includes content delivered through live student testimonials, videos of consent scenarios and campus resources. A cast of 5-7 returning students write and deliver testimonials about personal experiences that illustrate the class meeting's objectives, discuss and frame the videos, and welcome the new class.

It is structured as follows:

- Opening
- Sophomore — Importance of Meeting Testimonial (Objectives 1, 4)
- Consent Videos and Debrief (Objectives 1, 2)
- Culture of Consent Testimonial (Objectives 1, 2, 4)
- Resources Video (Objectives 3 + 5)
- Alcohol and Being True to Self Testimonial (Objectives 6, 7)
- Sub Free at Brown Testimonial (Objectives 4, 5, 6, 7, 8)
- Alcohol and Community Care Testimonial (Objectives 6, 7)
- Closing

## Neighborhood Meetings

Unit meetings are held the day after the Class Meeting in smaller groups within students' residential communities. The unit meetings build students' skills — around consent, bystander intervention and support for survivors — for application in their residential communities, friend groups, and in their intimate relationships.

### Objectives:

First year students will be able to:

1. Identify the following five elements of consent: that consent is: 1) freely given, 2) reversible, 3) informed, 4) engaged, and 5) specific.
2. Identify language for clear communication about consent during a sexual interaction.
3. Discuss indicators of harmful situations that require intervention and brainstorm safe and effective methods to intervene.
4. Name four best practices for supporting a survivor of sexual violence.

### Structure + Methodology:

The neighborhood meetings are held a day after the class meeting. Residential communities gather and are led in activities and discussion by a facilitation team of one Bruno Leader and one BWell student leader. The facilitation teams are trained by BWell professional staff to deliver the 1 hour curriculum.

The neighborhood meetings are structured as follows, with interactive learning activities and guided discussion for each section:

- Communication and Consent (Objectives 1, 2)
- Bystander Intervention (Objective 3)
- Supporting Survivors (Objective 4)

BWell Health Promotion supports the development of skills for lifelong, holistic health and wellbeing for all Brown students by offering interventions that are both community- and evidence-informed, and rooted in social justice to empower growth and the ability to thrive, prevent health disparities, and respond to emergent needs. BWell actively contributes to creating a University that fosters a safe, supportive and inclusive learning and living environment, empowering students' growth and ability to thrive. This is achieved through theory-driven and evidence-informed educational interventions which identify the interplay of power, privilege and oppression and seek to address the roots of interpersonal violence and increase positive relationships for students.

A central focus of the work of the Department is to design, implement and evaluate empowerment and prevention education through programming and awareness campaigns for Brown students as well through our peer education programs; Sexual Assault Peer Education (SAPE), Sexual Health Awareness Group (SHAG), and the Masculinity Peer Educators (MPE).

### **Type of Intervention:**

- Support Groups: weekly harm and healing group for survivors
- Trainings: Trainings for student leaders and para-professionals at Brown (Community Counselors, EMTs, Peer Advisors and Educators) addressing consent, sexual violence prevention and/or response, bystander intervention, trauma-informed practices, fulfilling relationships, masculinity and gender roles.
- Workshops: BWell staff and peer-led workshops and Culture of Consent Orientation program addressing consent, sexual violence prevention and/or response, fulfilling relationships, masculinity and gender
- Peer Education Advising and Development: professional development, supervision and mentorship of peer educators providing primary and secondary prevention roles.
- Awareness Passive Outreach Campaigns: include print and digital social marketing campaigns on the elements of consent, where to get support and to report, bystander intervention skills, and dynamics of coercive and healthy relationships

In 2021, Brown joined NASPA's (National Association of Student Personnel Administrators) Culture of Respect's Collective, a two-year program that brings together institutions of higher education that are dedicated to addressing sexual and gender based violence, guiding them through rigorous self-assessment, collaborative strategic planning, and targeted organizational change. The self-assessment is organized around six key pillars (Survivor Support, Clear Policies, Multitiered Education for the entire campus, Public Disclosures of Statistics, Schoolwide Mobilization with students, groups and leaders and Ongoing Self-Assessment). These pillars outline a holistic framework to building infrastructure around interpersonal violence prevention and response. In alignment with the tradition of grassroots engagement at Brown, this initiative brings together campus organizers and practitioners who are engaged in advocacy, scholarship and support services university-wide. Leading Brown's participation in the Culture of Respect Collective is Tanya Purdy, Director BWell Health Promotion, Jeana Horton, Institutional Equity Investigator, and Ebony Manning, Title IX Coordinator. Together, they engage a Campus Leadership Team composed of stakeholders, practitioners and scholars from across the university, along with staff and students currently engaged in existing prevention and intervention efforts. Information about Brown's Culture of Respect efforts can be found at [here](#).

### **Emergency Blue Light Phones**

There are approximately 150 outdoor emergency phones located on or near the exterior of all residence halls and most university buildings. They are also located on the campus walkways, at the parking garage, and additionally, there are 45 elevator phones in various campus buildings.

Outdoor emergency phones are housed in gray or yellow Lexan cases, are mounted directly to buildings or stanchions, and have a blue light above them. These phones can be used for calling within the university phone system and have a direct speed calling button (marked in red) with an automatic identifier so that the Communications Officer will know your locations when the call is answered. When getting acquainted with the campus, try to note the locations of these phones.

### **How to Use the Blue Light Emergency Phone:**

1. To activate Emergency Blue Light Phone: Press the RED emergency button and phone will automatically dial Public Safety. Wait for the dispatcher to answer and explain the problem. A blue light will flash above the phone so that responding personnel can more easily locate you.
2. To activate keypad: Press the black button and wait for a dial tone, dial extension number, press the black button when completed.

To view a campus map with the locations of our emergency <https://www.brown.edu/facilities/campus-maps>.

## Public Safety Technology

Public Safety Technology within Computing and Information Services provides strategic planning, system development, and support for the Public Safety Systems and the Department of Public Safety at Brown University. CIS Public Safety Technology provides oversight and coordination for Public Safety Systems and Projects including major Public Safety initiatives as it relates to Public Safety Technology. The team plays a critical role in administering and physically supporting all Public Safety Technology. The functional areas of this team include but are not limited to:

- Oversight of University Access Control System, CCTV Video Security System, and other Building Security Systems
- Strategic planning and establishing roadmaps for Public Safety Technology
- Administration of Public Safety Applications
- Physical Support & Maintenance of Access Control and CCTV Video Security System
- Strategic partnership with Public Safety Management on enhancements of Public Safety systems, computing, and networking.

Access to most University facilities is intended to be restricted to students, staff, and faculty of Brown or those with legitimate business with the University. Any person on University property must be able to show proper identification upon request. During evening and weekend hours, most University facilities are kept locked, and both key and card access are restricted to individuals who obtain authorization through proper administrative channels.

Security of both personal and property in residence halls relies greatly on the precautions taken by student residents. Room doors, exterior doors, basement, adjacent fire escapes and fire doors on every floor should be kept locked at all times. Fire doors should be closed. Alarms will be generated within the security systems for any exterior doors propped open where the door is controlled by card access. Do not prop doors open. Close any doors you find propped open. Report immediately to DPS any thefts, or attempted thefts, as well as suspicious activity, so that officers may be dispatched to investigate.

A campus-wide access control system has been installed in all residential dorms and in administrative buildings on campus. There is twenty-four-hour monitoring of the system and an officer is dispatched if a door is propped, or held open too long, or forced open. As with all technology, the system is not infallible and all students are advised to remain vigilant with regard to security matters.



## CAMPUS CRIME REPORT

### Definition of Categories

**Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Burglary** is the unlawful entry of a structure to commit a felony or a theft.

**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of abuse. Dating Violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** is defined as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.

**Murder and Non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence** is defined as the killing of another person through gross negligence.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

**Sexual Assault (Sex Offenses)** is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

**Rape** is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.



**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

**Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

**Hate Crime** is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Under the Clery Act, the following categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin and disability. Hate crimes include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.

**Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

**Larceny-Theft** is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Arrest** is defined as persons processed by arrest, citation or summons.

**Referred for disciplinary action** is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

**Weapons** carrying, Possessing, Etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations** are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

## Clery Geographic Definitions

**On-campus** includes the following: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

**On-Campus Student Housing facilities** is any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

**Public Property** encompasses the following: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

**Non-campus** are any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

## Brown's Approach to Reporting Sexual and Gender-Based Violence Statistics

Brown University takes a proactive approach to addressing the serious national issue of sexual- and gender-based harassment and violence on college campuses.

In October 2019 — four years after playing a key role in the nation's first comprehensive climate survey of college students on sexual assault and misconduct — the University released the results of a follow-up study in which Brown students reported increased trust in the University and knowledge of resources related to sexual- and gender-based misconduct. In the years prior to the study, Brown transformed its approach to prevention; adopted a unified policy that applies to the entire campus community; implemented a new approach to investigating and resolving complaints in a prompt, fair and impartial manner; and created a Title IX and Gender Equity Office to oversee efforts.

As part of this work, Brown has proactively encouraged a culture in which students report incidents of sexual assault and misconduct and seek support and assistance from the University. In addition, while some confidential resources are not required by the Clery Act to report Clery crimes, at Brown they are encouraged to inform persons being counseled/treated of procedures to report crimes on a voluntary, confidential basis to a Campus Security Authority. The University provides statistics on reported incidents through both an annual Title IX and Gender Equity Office report and through this Annual Security Report. Brown expects that in some years, its number of reports of sex offenses may exceed those of other institutions, given encouragement of reporting of these types of incidents.

# STATISTICS

## BROWN UNIVERSITY CRIMINAL OFFENSE STATISTICS

January 1, 2019 to December 31, 2021

Criminal Offenses	2021				2020				2019				Student Housing Facility Included with On Campus		
	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	2021	2020	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	11	0	1	12	6	0	0	6	23	0	0	23	9	5	19
Fondling	6	0	0	6	2	0	1	3	14	0	0	14	4	1	10
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	1	0	0	0	0	2	0	0	2	0	0	2
Burglary	6	0	0	6	9	0	0	9	24	0	0	24	2	3	16
Motor Vehicle Theft	10	0	6	16	0	0	1	1	2	0	0	2	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	1	0	0	1	2	0	0	2	0	1	2
Dating Violence	3	0	0	3	4	0	0	4	3	0	0	3	2	4	3
Stalking	2	0	0	2	2	0	0	2	3	0	1	4	0	2	2

### UNFOUNDED REPORTS

2021 - zero    2020 - zero    2019 - zero

## BROWN UNIVERSITY HATE CRIME STATISTICS

2021	1-student housing/Vandalism/Religion	2020	2-student housing facility/Vandalism/Sexual Orientation
	1-public property/Intimidation/Race		1-student housing facility/Vandalism/Religion
	1-public property/Intimidation/Sexual Orientation		1-on campus/Vandalism/Religion
	1-on campus/intimidation/Religion		1-on campus/Simple Assault/Gender Identity
	1-student housing/Larceny/Religion	2019	1 – residence/Simple Assault/Sexual Orientation
	1-student housing/Intimidation/Race		3 – residence/Vandalism/Sexual Orientation

**Reportable hate crimes are:** murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property

**The categories are:** race, religion, sexual orientation, gender, gender identity, ethnicity

## ARRESTS FOR WEAPONS, DRUG ABUSE, AND LIQUOR LAW VIOLATIONS January 1, 2019 to December 31, 2021

	2021				2020				2019				Student Housing Facility Included with On Campus		
	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	2021	2020	2019
Weapons	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

## DISCIPLINARY REFERRALS FOR WEAPONS, DRUG ABUSE, AND LIQUOR LAW VIOLATIONS January 1, 2019 to December 31, 2021

	2021				2020				2019				Student Housing Facility Included with On Campus		
	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	2021	2020	2019
Weapons	0	0	0	0	0	0	0	0	1	0	0	1	0	0	1
Drug Abuse	27	0	0	27	5	0	1	6	23	0	0	23	25	4	22
Liquor Law	118	0	1	119	84	0	3	87	84	0	5	89	111	82	72

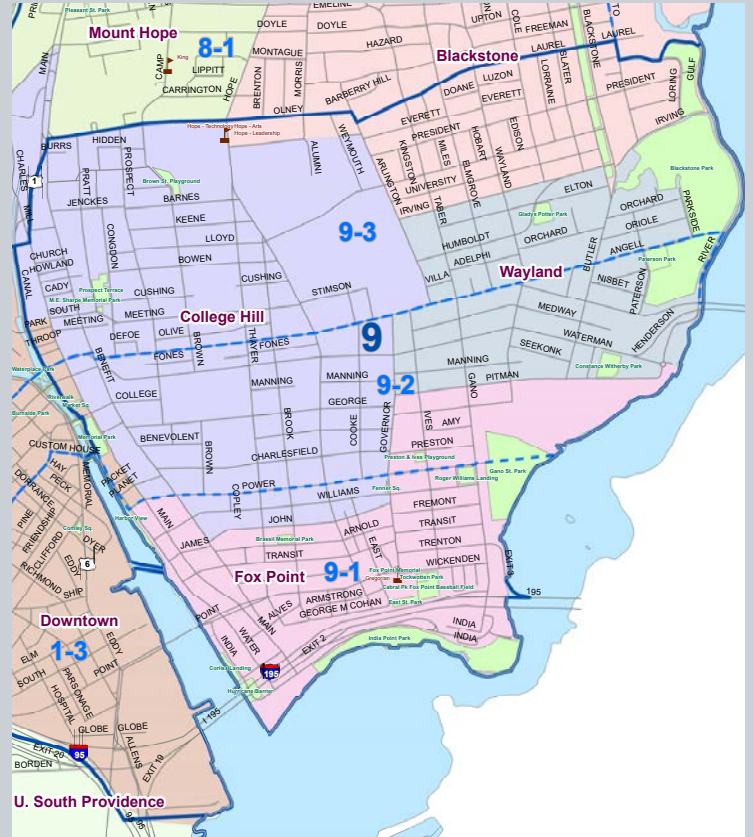
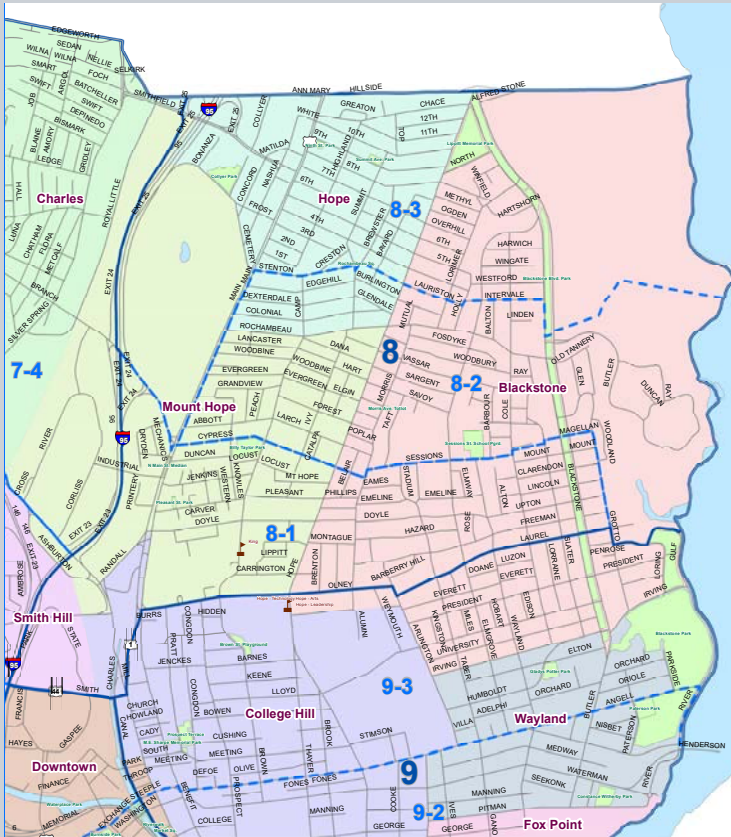
PROVIDENCE POLICE DEPARTMENT – CRIMINAL OFFENSE STATISTICS  
East Side of Providence

	District 8-1			District 8-2			District 8-3			District 9-1			District 9-2			District 9-3		
	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019
Homicide	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	1	0	0	1	0	2	1	0	2	1	1	1	0	1	2	0	0
Fondling	2	0	5	2	1	1	0	1	2	0	0	0	1	0	1	2	0	1
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	4	3	2	1	2	1	0	2	5	2	4	0	0	3	3	0	4	3
Aggravated Assault	9	10	9	3	4	3	10	13	8	7	4	0	2	1	3	1	4	1
Burglary	9	11	11	10	11	16	1	10	9	42	38	45	69	32	43	43	26	36
Motor Vehicle Theft	16	14	12	16	3	7	8	5	7	9	5	10	9	6	4	17	12	10
Arson	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Weapons Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	4	0	0	1	0	0	2	0	0	1	0	0	1	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

see map on page 38 for district areas



## PROVIDENCE POLICE DEPARTMENT CRIMINAL OFFENSE STATISTICS EAST SIDE OF PROVIDENCE - DISTRICT MAP



1. Providence statistics are referenced by the specific district servicing the indicated area.
2. Providence Police Department statistics may include reports also counted by the Brown University Department of Public Safety.

Visit Providence Police Department's website for further information.

## LOCAL POLICE CRIMINAL STATISTICS FOR OFF CAMPUS HOSPITAL RESEARCH AND TRAINING SITES

	RI Hospital/Woman & Infants (Providence)			Roger Williams Hospital (Providence)			Bradley Hospital (East Providence)			Miriam Hospital (Providence)			Butler Hospital (Providence)		
	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019	2021	2020	2019
Homicide	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	*5	*2	*1	0	0	0	0	0	0	**1	0	2	***2	0	0
Robbery	3	0	0	0	0	1	0	0	0	0	0	1	0	0	0
Aggravated Assault	11	0	14	14	0	4	0	0	0	7	0	3	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	5	1	4	0	0	2	0	0	0	0	0	0	0	0	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

2021 \*includes 4 rape and 1 fondling offenses \*\*includes 1 rape offense \*\*\*2 fondling offenses

2020 \*includes 1 rape and 1 fondling offenses \*includes 1 rape and 2 fondling offenses

2019 \*rape offense

## APPENDIX A

### Sexual and Gender-based Misconduct Policy

#### 1.0 Policy Purpose

This policy prohibits Sexual Harassment, Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, in addition to Sexual Exploitation and Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct. This policy also prohibits Retaliation against an individual for making a report of conduct prohibited under this policy or for participating in an investigation of an alleged violation of this policy.

This policy is in accordance with relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; their implementing regulations; and other applicable federal and Rhode Island state laws and regulations.

#### 2.0 To Whom the Policy Applies

This policy applies broadly to employees and students collectively known as “Covered Persons.” This policy pertains to acts of Prohibited Conduct committed by or against Covered Persons when:

- (i.) **the conduct occurs on property owned, leased, used or controlled by Brown University,**
- (ii.) **the conduct that occurs in University programs or activities abroad; and/or**
- (iii.) **the conduct occurs off-campus, in the United States, outside of the context of a program, activity, or location of Brown when Brown exercises substantial control over both Complainant and the Respondent, and the effects of the Prohibited Conduct have a continuing discriminatory effect at Brown.**

*Note: Complaints involving student Respondents who are participants in Summer@Brown or Pre-College Programs should refer to the policies and procedures governing students enrolled in those programs.*

#### 3.0 Policy Statement

The purpose of this policy is to establish and maintain an inclusive learning, living, and working environment where healthy, respectful, and consensual conduct represents a campus cultural norm that is free from discrimination and harassment. To that end, this policy requires Covered Persons to act in a manner that does not intentionally or unintentionally discriminate against or create a hostile environment for another on the basis of their actual or perceived gender, gender-identity and gender-expression, and sexual orientation (Sexual and Gender-Based Harassment). Sexual Assault, Dating Violence, Domestic Violence, and Stalking as defined in the Violence Against Women’s Act (VAWA) is prohibited by this policy. This policy also addresses actions that purposefully takes sexual advantage of another person (Sexual Exploitation) and instances in which someone purposefully uses alcohol or other drugs to engage in sexual activity with other person (Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct). Finally, this policy prohibits adverse actions taken against an individual for making a report of conduct prohibited under this policy or for participating in an investigation of an alleged violation of this policy (Retaliation). These behaviors will be collectively known as Prohibited Conduct and are actions that undermine the character and purpose of Brown University, and will not be tolerated.

It is the responsibility of every member of the Brown University community to foster an environment free from discrimination and harassment. Covered Persons must be respectful of power-dynamics and privilege associated with their role, position, rank, or identity and avoid actions that would leverage that power to compel others to consent to unwanted behavior or deny others equal access to the programs and activities of Brown. Abusing or taking advantage of one's power, supervision, or authority over another is unacceptable and may create a hostile environment for the individuals involved and the community at large that seriously undermines the atmosphere of trust essential to the academic enterprise.

All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop the conduct prohibited by this policy. This may include direct intervention when safe to do so, enlisting the assistance of others, contacting law enforcement, or seeking assistance from a person in authority. University community members who choose to exercise this positive responsibility will be protected from retaliation.

### 3.1 Reporting

#### 3.1.1 Designated Reporting Locations

The University encourages individuals who are harmed or targeted by or witnesses of Prohibited Conduct to report incidents to Ebony Manning, Title IX Coordinator. The Title IX Coordinator oversees the University's response to these reports. Individuals can report incidents directly to the:

**Title IX and Gender Equity Office**

Horace Mann House  
47 George Street  
[titleixoffice@brown.edu](mailto:titleixoffice@brown.edu)  
(401) 863-2026  
(401) 863-5140

**Online reporting form:** <http://brown.edu/go/online-reporting>

Reports that involve an imminent safety risk should go to the:

**Department of Public Safety**

75 Charlesfield Street  
Emergency Line (401) 863-4111  
Non-emergency Line (401) 863-3322

*Note: In all cases in this process, when the term "Title IX Program Officer" or other University official is referenced, the term shall also mean a designee.*

#### 3.1.2 Confidential Support Services

Individuals may also speak with a confidential resource to learn of the support measures and complaint options available. The following offices are confidential resources and are under no obligation to disclose the content of conversations with the Title IX and Gender Equity Office. A disclosure to a confidential resource does not constitute a report or actual knowledge to the University. Confidential resources are:

**Counseling and Psychological Services (CAPS)**

(401) 863-3476

Page-Robinson Hall 512

<https://brown.edu/go/counseling-and-psychological-services>

**Brown Emergency Medical Services (EMS)**

401-863-4111

<https://www.brown.edu/campus-life/health/ems>

**Faculty and Staff Assistance Program**

(800) 624-5544

<https://brown.edu/go/facultystaff-assistance-program>

**The Chaplains**

Office of the Chaplains and Religious Life

(401) 863-2344

Page-Robinson Hall 410

<https://brown.edu/go/chaplains>

**Sexual Assault Response Line**

(401) 863-6000

<https://brown.edu/go/sexual-assault-response-line>

**Sexual Harassment & Assault Resources & Education (SHARE) Advocates**

(401) 863-2794

Andrews House

13 Brown Street

<https://brown.edu/go/share-advocates>

**University Health Services**

(401) 863-3953

13 Brown Street

<https://www.brown.edu/campus-life/health/services>

**3.1.3 Community Resources**

Brown University also strongly encourages anyone who becomes aware of an alleged incident of Prohibited Conduct which may constitute a violation of Rhode Island State Law to report the incident to local law enforcement, and will provide support, resources, and assistance to those who do so.

**Providence Police Department**

Emergency: 911

Non-Emergency: (401) 272-3121

**Day One (The Sexual Assault & Trauma Center)**

Helpline: 1-800-494-8100

<https://www.dayoneri.org/>



### 3.1.4 **Mandatory Reporters**

Taking meaningful action when conduct prohibited by this policy occurs is a critical component to Brown's commitment to a campus that is free from discrimination and harassment. Brown asks faculty and staff in varying leadership roles who oversee the welfare of faculty, staff, students, and University programs to assist us in these efforts by reporting all disclosures or knowledge of Prohibited Conduct to the Title IX Program Officer. Such reports amplify the University's ability to know what is occurring within its programs and activities and to respond accordingly. The Title IX Program Officer will conduct an initial assessment of these reports and will do so in a manner consistent with the privacy choices of the Complainant or reporting party.

Community members who are mandated to report allegations of Prohibited Conduct to the Title IX Program Officer are:

- Academic department chairs and directors of University institutes (i.e. Watson, ICERM, etc.)
- Athletic Team Head Coaches and Assistant Coaches including Strength and Conditioning Coaches
- Deans and Directors in Campus Life
- Deans and Directors in The College
- Deans and Directors in the Graduate School
- Deans and Directors in the Office of the Dean of the Faculty, Schools of Engineering, Public Health, and Professional Studies
- Deans and Directors in the Warren Alpert Medical School
- Deputy Title IX Coordinators
- Director of Athletics and Assistant and Associate Directors of Athletics
- Directors, Assistant Directors, and Area Coordinators in University Residential Life and Housing Programs
- Directors of Undergraduate Studies
- Directors of Graduate Studies

Any questions about the status of an employee as a 'Mandatory Reporter' should be addressed to the Title IX Program Officer.

All other faculty, staff, and students not designated as a Mandatory Reporter are strongly encouraged to report allegations of Prohibited Conduct to the Title IX Program Officer or a Deputy Title IX Coordinator. Before making this disclosure, employees should confer with the individual harmed or targeted by the Prohibited Conduct to make sure they are aware of the requirement to make this referral.

Upon receipt of a report or other knowledge of alleged Prohibited Conduct, the Title IX Program Officer will contact the individual(s) alleged to be harmed by or subjected to the Prohibited Conduct to inform them of the (i.) available support measures (ii.) confidential resources and support services on-campus, (iii.) the importance of preserving evidence related to the Prohibited Conduct alleged, (iv.) the process of filing a formal complaint, (v.) the option to file a civil or criminal complaint, and (vi) a written explanation of their rights.

### **3.1.5 Time Frame for Reporting**

The University will accept a report of Prohibited Conduct at any time, although the University's ability to investigate may be limited with the passage of time. There is no time limit on submitting a Formal Complaint; however, a Complainant pursuing a complaint resolution process associated with this policy must have been participating in or attempting to participate in an educational program, employment, or other activity of Brown at the time in which the alleged Prohibited Conduct occurred.

If the Complainant and/or Respondent is no longer affiliated with Brown (e.g., a report is made after a student is no longer enrolled or has graduated, or an employee is no longer employed by Brown), the University will provide reasonably available and appropriate support measures, assist the Complainant in identifying external reporting options, and may take appropriate action to address the Prohibited Conduct.

### **3.1.6 Amnesty**

#### **3.1.6.1 Personal Ingestion of Alcohol and Other Drugs**

Brown University generally will offer amnesty to Complainants, Respondents, reporting parties, and witnesses who disclose the personal ingestion of alcohol or other drugs, in violation of Brown University Code of Student Conduct, when making a report of Prohibited Conduct and/or participating in a complaint procedure associated with this policy. Although amnesty safeguards the individual from a disciplinary notation or finding of responsible for a policy violation for drugs or alcohol, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

#### **3.1.6.2 Violation of Healthy Brown Public Health Protocols**

Brown University generally will offer amnesty to Complainants, Respondents, reporting parties, and witnesses who disclose participating in activities that do not adhere to required COVID-19 requirements such as social distancing, use of face coverings, and other practices to reduce the spread of infectious disease when making a report of Prohibited Conduct or participating in a complaint procedure associated with this policy unless the University determines that there was malicious intent. Although amnesty safeguards the individual from a disciplinary notation or finding of responsible for a policy violation, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

### 3.2 Academic Freedom

Brown University is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this policy is not intended to restrict teaching methods. Offensiveness of inquiry or expression, standing alone, is not sufficient to constitute Prohibited Conduct. The action must be sufficiently severe, pervasive, and objectively offensive to unreasonably interfere with an individual's ability to participate in employment or educational programs and activities. Such behavior that violates this policy compromises Brown University's integrity and tradition of intellectual freedom and will not be tolerated.

### 3.3 Confidentiality and Privacy

#### 3.3.1 Confidentiality

Confidentiality is a legal concept prohibiting designated campus or community professionals from revealing identifiable information shared by an individual to any other person without express permission of the individual, or as otherwise permitted or required by law. Those campus and community professionals who maintain information confidentially are:

- Health care providers in Brown University Health Services including EMTs,
- Clinicians in Counseling and Psychological Services (CAPS),
- the Sexual Harassment and Assault Resources and Education (SHARE) Advocate(s),
- Ordained clergy who have privileged confidentiality that is recognized by Rhode Island state law.

These individuals are prohibited from breaking confidentiality unless (i.) given permission to do so by the person who disclosed the information; (ii.) there is an imminent threat of harm to self or others; (iii.) the conduct involves suspected abuse of a minor under the age of 18; or (iv.) as otherwise required or permitted by law or court order.

#### 3.3.2 Privacy

Privacy means that information related to a report of Prohibited Conduct will be treated with the utmost discretion and will be shared only with a limited circle of individuals who "need to know" in order to assist in the review, investigation, and resolution of the report, and/or other disclosures necessary to fulfill University operations.

### 3.4 Conflict of Interest

The [Brown University Conflict of Interest and Commitment Policy](#) and its related guidelines apply to all members of the Brown community and to all processes and procedures, including all investigative and disciplinary procedures in place to support and implement this policy. A conflict of interest may

arise when a member of the Brown community may be able to use the authority of their position to influence a University decision, action, or outcome with regard to the implementation and enforcement of this policy, including associated investigative and disciplinary procedures. It is the responsibility of all members of the Brown community involved in any aspect of a report of Prohibited Conduct to read the University's Conflict of Interest and Commitment Policy and to disclose potential or actual conflicts as they arise to Title IX Program Officer or University Human Resources for employees.

### 3.5 Training and Education

As part of its commitment to the prevention of Prohibited Conduct, Brown University offers education and awareness programs to bring awareness to and reduce the occurrence of Prohibited Conduct. Incoming Students and new Faculty and Staff receive prevention and awareness programming as a requirement of their orientation.

The Title IX Program Officer and investigators receive annual training on identifying and mitigating implicit and explicit bias, the definitions of Prohibited Conduct, the scope of a recipient's education program and activities, how to conduct investigations, and managing a complaint resolution process including hearings, appeals, and informal resolution processes.

The Title IX Council, Hearing Panelist, and Hearing Officers receive annual training from the Title IX and Gender Equity Office to hear cases on conduct prohibited by this policy. The training provides an overview of identifying and mitigating implicit and explicit bias, applying the preponderance of evidence standard, the definition of Prohibited Conduct and understanding key concepts such as consent, incapacitation, and hostile environment. The training also strengthens panelist skills in asking questions, reviewing the investigation report, and determining discipline.

## 4.0 Definitions

For the purpose of this policy, the terms below have the following definitions:

**Advisor:** An adviser is an individual of the Complainant's or Respondent's choosing, including an attorney, to provide support during the complaint process. More on the role and responsibility of an adviser can be found in the Sexual and Gender-based Misconduct Complaint Procedure.

**Administrative Leave:** Administrative leave is the process where the institution places an Employee on an interim work, supervision, leadership, or teaching suspension after the filing of a Formal Complaint against the Employee.

**Coercion:** Coercion is verbal and/or physical conduct, including intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate harm and that is employed to compel someone to engage in sexual contact.

**Complainant:** A Complainant is the individual(s) who is alleged to be the victim of behavior that could constitute Prohibited Conduct. A Complainant seeking to use the Sexual and Gender-based Misconduct Complaint Procedure associated with this policy must have been participating in or attempting to participate in an educational program, employment, or activity of Brown at the time in which the alleged prohibited conduct occurred.

**Consent:** Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely and affirmatively chosen to engage in sexual contact. Consent cannot be obtained through: (1) the use of coercion or force or (2) by taking advantage of the incapacitation of another individual.

Silence, passivity, incapacitation from alcohol or drugs, or the absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact. An essential element of consent is that it be freely given. Freely given consent might not be present, or may not even be possible, in relationships of a sexual or intimate nature between individuals where one individual has power, supervision, or authority over another.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant or reporting party affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from coercion; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating incapacitation.

**Covered Persons:**

- **Employees:** Individuals employed by Brown University, including faculty, affiliates, visiting faculty, postdoctoral fellows, and all staff (including all exempt and non-exempt, bargaining unit, and senior administrative positions), as well as those physicians and health scientists who are not employed by Brown University but have Brown University faculty, affiliate, postdoctoral, or house staff appointments for the purpose of teaching and/or research in the Division of Biology and Medicine.
- **Students:** Individuals enrolled in the College, the Graduate School, the Warren Alpert Medical School, the School of Public Health, the School of Engineering, and/or the School of Professional Studies.

**Discipline:** Discipline is a consequence, punishment, or penalty rendered as a result of a finding of responsibility for a policy violation.

**Emergency Removal:** Emergency removal is the process where the institution places a Respondent on an interim suspension, interim leave of absence, and/or interim removal from campus. The Title IX Program Officer will bring reports that may necessitate an emergency removal to the Threat Assessment Team in the case involving Student Respondents, or convene a risk assessment group for cases involving Employee Respondents to determine whether there is reasonable cause to believe that the Prohibited Conduct is likely to continue and/or the Respondent poses a significant threat of harm to the health, safety, and welfare of others or the University community.



If the Threat Assessment Team determines that an emergency removal of a student is warranted, it will recommend that action to the Associate Vice President for Campus Life and Dean of Students who will decide whether to implement the emergency removal. Emergency removals of a student can be appealed to the Vice President of Campus Life. Brown may remove a student on an emergency basis with or without the completion of a complaint resolution process.

**Force:** Force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.

**Formal Complaint:** A written and signed document submitted by a Complainant (or the Title IX Program Officer in lieu of a Complainant) alleging that a Covered Person has engaged in conduct prohibited by this policy. A Formal Complaint should include identities of the parties involved (if known), the Prohibited Conduct alleged, the date and location of the alleged incident (if known), and the details of the incident. The Formal Complaint will be shared the Respondent and the investigator upon the initiation of an investigation.

**Incapacitation:** An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is 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. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

**Interim Action:** A course of action taken by the University in response to a report of Prohibited Conduct. These measures may be both restorative (designed to address a Complainant's safety and well-being and continued access to educational opportunities) and remedial (involving action against a Respondent without unreasonably burdening a Respondent.) Interim actions may include housing relocation, on-campus housing restriction, change in work location or modification of work hours, restricted access to certain buildings or locations of campus, course reassignment or shift to remote course access, interim suspension and/or interim removal from campus, or interim administrative leave of absence. Interim action may be taken with or without a formal complaint or the implementation of a complaint resolution process and are individualized to protect the safety of all parties, the broader campus community, and/or prevent future Prohibited Conduct.

**Prohibited Conduct:** Includes Dating Violence, Domestic Violence, Gender-Based Harassment, Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct, Retaliation, Sexual Assault (Rape, Fondling, Incest, Statutory Rape), Sexual Exploitation, Sexual Harassment, and Stalking.

- **Dating Violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).
- **Domestic Violence:** Domestic violence is violence committed (i.) by a current or former spouse or intimate partner of the victim; (ii.) by a person with whom the victim shares a child in common; (iii.) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv.) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v.) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Domestic violence includes, but is not limited to, physical, sexual, emotional, economic, and/or psychological actions or threats of action, including threatening to reveal personal or confidential information (including, but not limited, to information regarding one's gender identity and/or sexual orientation), that are intimidating, frightening, terrorizing, or threatening. Prohibited Conduct under this definition includes threats of violence or harm to one's self, one's family member(s) or friends, and/or one's pet. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).

- **Gender-Based Harassment:** Unwelcome action based on actual or perceived sex or gender, gender identity, gender expression, or sexual orientation, whether verbal or non-verbal, graphic, physical, or otherwise that has the purpose of unreasonably interfering with the learning, working, or living environment; in other words, the behavior is sufficiently severe or pervasive and objectively offensive that it denies the target(s) equal access to the programs and activities of Brown (Hostile Environment).
- **Hostile Environment:** A hostile environment is one that denies or interferes with an individual or group's access to the programs and activities of Brown. A hostile environment is created when (i.) enduring the hostile conduct based on gender, gender identity, or sexual orientation that becomes a condition of the continued living, working, or social environment, or (ii.) the conduct is sufficiently severe or pervasive, and objectively offensive to create an environment that a reasonable person would consider intimidating, hostile, or abusive.

Slight, offensive comments, and isolated incidents (unless extremely serious) typically do not rise to the level of a policy violation unless the effects associated with the offensive comment go beyond being uncomfortable, embarrassed, or offended.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including but not limited to:

- The frequency, nature, and severity of the conduct;
- Public nature of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental and emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other unlawful discriminatory conduct; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

- **Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct:** The provision of alcohol and/or other drugs to an individual for the purpose of committing or facilitating Prohibited Conduct under this policy is also Prohibited Conduct. Such behavior may include provision of a drink or food which contains alcohol and/or other drugs without the knowledge of the individual to whom it is being provided or other actions taken with the intention of impairing the senses, judgment, and/or physical and mental ability of another person in order to engage in other forms of Prohibited Conduct. An individual does not have to engage in sexual activity with another person to be found responsible for the prohibited provision of alcohol and/or other drugs.
- **Retaliation:** Retaliation is any action, statement, or behavior meant as reprisal or retribution against an individual in response to the individual's good-faith report or participation in a proceeding related to this policy. Any retaliatory action taken directly or indirectly against a person who has made a report, filed a complaint, or participated in an investigation is prohibited.

Retaliation includes, but is not limited to, intimidation, threats, harassment, and other conduct that would discourage a reasonable person from engaging in activity protected under this policy, such as seeking services, receiving protective measures and accommodations, and/or reporting Prohibited Conduct. This prohibition against retaliation protects Complainants, Respondents, reporting parties, witnesses, hearing panelists, decision-makers, advisors, investigators, and other individuals who provide information relating to a Title IX investigation or participate in a complaint process associated with this policy.

- **Sexual Assault:** Sexual assault is defined as a sexual act directed against another person, without the consent of the other person, including instances where the target is incapable of giving consent due to age or temporary or permanent mental or physical incapacity. Sexual Assault is the umbrella term for actions that constitute rape, fondling, incest, and statutory rape. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).
  - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Fondling:** Forcible or non-forcible touching of the private body part (breast, buttocks, groin, genital, or other intimate part) of another person for the purpose of sexual gratification without consent.
  - **Rape:** Attempted or completed anal or vaginal penetration of another person, no matter how slight, by a body part or object without consent and/or completed or attempted oral penetration by a sex organ of another person.
  - **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Exploitation:** Sexual Exploitation is purposefully taking sexual advantage of another person without consent. It may involve use of one's own or another individual's nudity or sexuality.

Examples of Sexual Exploitation include, but are not limited to:

- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person in a state of undress or of another person engaging in a sexual act without the consent of all parties);
- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's consent;

- Exposing one's genitals to another person without consent;
  - Prostituting another individual; or
  - Knowingly exposing another individual to a sexually transmitted infection without the other individual's knowledge and consent.
- **Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:
    - (i.) An employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or
    - (ii.) Unwelcome conduct determined by a reasonable person to be so severe or pervasive and objectively offensive that it effectively denies a person equal access to the programs and activities of Brown (Hostile Environment).
  - **Stalking:** Stalking is a course of conduct on the basis of sex or gender directed at a specific person that would cause a reasonable person to (i.) fear for the person's safety or the safety of others; or (ii.) suffer substantial emotional distress.

For the purposes of this policy, Stalking refers to actions "on the basis of sex or gender" that would constitute Sexual or Gender-Based Harassment such as surveillance of a former intimate partner.

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Stalking includes the concepts of cyber-stalking, a form of stalking through electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).

**Respondent:** An individual(s) who has been reported to be the perpetrator of behavior that could constitute Prohibited Conduct.

**Report:** Information shared with the Title IX Office that includes details of alleged Prohibited Conduct. A report is made when a Complainant, reporting party, or third party seeks information, support measures, or informs the University of Prohibited Conduct, but such party is not making a Formal Complaint or pursuing a complaint resolution process to address the alleged Prohibited Conduct.

**Support Measures:** Non-disciplinary, non-punitive measures provided to a Complainant or Respondent designed to restore or preserve equal access to Brown's programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and deter future prohibited conduct. The Title IX Program Officer will oversee the implementation of support measures that are individualized to respond to the effects of the Prohibited Conduct, and that are appropriate, reasonably available, and free of charge. Support measures may include a no-contact order, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, changes in work or housing locations, leave of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Use of support measures is private and is available with or without a Formal Complaint.

Brown will also provide reasonably available support measures for third-party reporters, provided that the accommodations are within the scope of that individual's relationship to Brown University.

## 5.0 Responsibilities

All individuals to whom this policy applies are responsible for becoming familiar with and following this policy. University supervisors are responsible for promoting the understanding of this policy and for taking appropriate steps to help ensure compliance with it.

**Title IX Program Officer:** The Title IX Program Officer is the Title IX Coordinator for the University and oversees the review of reports and Formal Complaints associated with this policy. The Title IX Program Officer oversees the implementation of interim actions, support measures, the investigation process, and administration of the hearings associated with alleged violations of this policy. The Title IX Program Officer is also charged with providing education and training as well as tracking and reporting annually on all incidents in violation of this policy. More on the Title IX Program Officer can be found [here](#).

## 6.0 Consequences for Violating this Policy

Failure to comply with this and related policies is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with applicable (e.g., staff, faculty, student) disciplinary procedures.

The University has developed the Sexual and Gender-based Misconduct Complaint Procedure to investigate an allegation that a Covered Person has committed an act of Prohibited Conduct in this policy.

A Student or Employee determined to be responsible for an act of Prohibited Conduct in violation of this policy is subject to disciplinary action. Disciplinary action may include, but not be limited to, one or more of the following:

- reprimand (written or verbal)
- mandated training
- restitution
- permanent or temporary academic or work related reassignments
- change in academic or social status or standing, limiting ability to serve in leadership roles, access funding, or serve as a representative for the University on or off-campus
- probation with or without restrictions
- administrative leave without pay
- temporary (suspension or administrative leave) or permanent (expulsion or termination) separation from Brown University.



Applicants, Affiliates, Contractors, or Invitees who violate this policy may have their relationship with Brown University terminated and/or their privilege of being on Brown University premises withdrawn.

**Academic Transcripts:** Discipline of suspension and expulsion include a permanent notation on the student's official academic transcript that is maintained by the Office of the Registrar. A Respondent's access to a copy of their academic transcript will be suspended and the University will not release a copy of the Respondent's academic transcript to any other institution or third party during an investigation and adjudication of a Formal Complaint. Requests to release an academic transcript must be submitted to the Title IX Program Officer, who will determine (i.) whether to release the academic transcript; and (ii.) whether a notation indicating that serious disciplinary investigation and/or charges are pending should be included on the academic transcript.

**Leave of absence with a formal complaint pending:** If a Complainant or Respondent takes a leave of absence from Brown after the University has given notice to the Respondent but prior to a finding or final resolution, the complaint resolution process may be put on hold or continue as appropriate. The Title IX Program Officer will make an individualized assessment to determine whether to hold or continue with the complaint resolution process.

If the process is held due to the leave of absence of a Student Respondent, their transcript will be held in accordance with the process provided for in Section 6.1 above and a temporary entry may be made on their academic transcript indicating that the Student has taken a leave of absence with serious disciplinary investigation or charges pending.

If the process is held due to the leave of absence of an Employee Respondent, a temporary entry will be made in their personnel file that indicates that the employee has taken a leave of absence with disciplinary charges pending.

**Withdrawal/Permanent separation with a formal complaint pending:** The University will assess the allegations and make an individualized assessment to determine whether to continue or end the complaint resolution process upon the separation from the University of the Complainant and/or Respondent. A Complainant or Respondent may appeal a decision to dismiss (close) a Formal Complaint. The Director of Equal Opportunity and Diversity will hear appeals of dismissal decisions.

- If a Complainant withdraws or separates from Brown after the University has given notice to the Respondent but prior to a finding, the University may dismiss the Formal Complaint or continue on as the Complainant.
- If a Student Respondent withdraws from Brown after the University has given notice to the Respondent but prior to a finding or final resolution, the Formal Complaint may be dismissed and an entry will be made on their academic transcript maintained by the Office of the Registrar that indicates the Student has withdrawn with a disciplinary investigation and/or charges pending.
- If an Employee Respondent separates or is terminated from Brown after the University has given notice to the Respondent but prior to disciplinary a finding or final resolution, the Formal Complaint may be dismissed and an entry will be made in their personnel file that indicates that the employee separated with disciplinary investigation and/or charges pending or employment terminated with a disciplinary investigation and/or charges pending.
- If a Complainant or Respondent withdraws or permanently separates from the University after submitting an appeal on the finding and/or sanction of a hearing panel but before the appeal is decided, the University will dismiss the appeal and uphold the finding of the hearing panel as the final resolution to the complaint. The University may make a retroactive entry on the Respondent's academic transcript or the employee's personnel file indicating the original sanction issued by the hearing panel (if applicable).

## 7.0 Related Information

Brown University is a community in which employees are encouraged to share workplace concerns with University leadership. Additionally, [Brown's Anonymous Reporting Hotline](#) allows anonymous and confidential reporting on matters of concern [online](#) or by phone (877-318-9184).

The following information complements and supplements this document. The information is intended to help explain this policy and is not an all-inclusive list of policies, procedures, laws and requirements.

### 7.1 Related Policies:

- [Corporation Policy Statement on Equal Opportunity, Non-Discrimination and Affirmative Action](#)
- [Nondiscrimination and Anti-Harassment Policy](#)

### 7.2 Related Procedures:

- [Title IX Grievance Procedure](#)
- Sexual and Gender-Based Misconduct Complaint Procedure
- Discrimination and Harassment Complaint Resolution SOP

### 7.3 Related Forms: N/A

### 7.4 Frequently Asked Questions (FAQs): N/A

### 7.5 Other Related Information: Rhode Island State Law

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a Respondent to criminal prosecution by the applicable jurisdiction. An individual can choose to make a report to external law enforcement at any time, and doing so does not preclude the individual from making a report to the University. Both processes can be pursued if an individual chooses to do so. Brown University encourages individuals to report an incident which may be a violation of Rhode Island State Law to external law enforcement. Prompt reporting to external law enforcement is important in a criminal prosecution.

- First degree Sexual Assault ([RIGL § 11-37-2](#))
- Second degree Sexual Assault ([RIGL § 11-37-4](#))
- Third Degree Sexual Assault ([RIGL § 11-37-6](#))
- Stalking ([RIGL § 11-59-2](#))
- Cyberstalking and Cyberharassment ([RIGL § 11-52-4.2](#))

## APPENDIX B

### Sexual and Gender-Based Misconduct Complaint Procedure

#### 1.0 Standard Operating Procedure (SOP) Purpose

The purpose of the Sexual and Gender-based Misconduct Complaint Procedure is to provide a prompt, impartial, and unbiased response to Formal Complaints made pursuant to the Sexual and Gender-Based Misconduct Policy (Policy). Specifically, this process will address Formal Complaints of Sexual Harassment, Gender-based Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Sexual Exploitation, Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct and Retaliation (together Prohibited Conduct).

This procedure is grounded in fairness and support for all parties, and includes procedural protections that ensure nondiscrimination, adequate notice, and meaningful opportunities to participate. The University makes the presumption that reports and formal complaints are made in good faith and presumes that the Respondent is not responsible for the alleged Prohibited conduct until a determination is made at the conclusion of this procedure. This procedure is also in compliance with relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and other applicable federal and Rhode Island state laws.

#### 2.0 SOP

This procedure applies to Students and Employees as defined in the Policy when:

- the conduct occurs on property owned, leased, used, or controlled by Brown University
- the conduct that occurs in University programs and activities abroad; and/or
- the conduct occurs off-campus, in the United States, outside of the context of a program, activity, or location when Brown exercises substantial control over both the Complainant and Respondent, and the effects of the Prohibited Conduct have a continuing discriminatory effect at Brown.

Exempt from these procedures is Prohibited Conduct defined in the Sexual and Gender-Based Harassment, Sexual Assault, Interpersonal Violence, and Stalking Policy.

*Note: Complaints involving student Respondents who are participants in Summer@Brown or Pre-College Programs should refer to the policies and procedures governing students enrolled in those programs.*

#### 2.1 Initial Assessment

When the Title IX Program Officer receives a report or Formal Complaint of alleged Prohibited Conduct, they will conduct an initial assessment to gain a basic understanding of the nature and circumstances of the allegation. This is ordinarily a meeting, which may be held virtually, with the reporting party or Complainant, if different, where the Title IX Program Officer will provide the reporting party verbal and written information about campus resources and response options. Such information will include, but not be limited to, a written explanation of their rights, disciplinary options on campus, how to report to local law enforcement, the importance of the preservation of evidence, confidentiality parameters, and remedial interim protective and support measures available.

The Title IX Program Officer will use the report and knowledge gathered in this meeting to assess if further risk of harm exists for the reporting party, Complainant, or the campus community; or if the report demonstrates a pattern of Prohibited Conduct involving the same Respondent. If any of these conditions exist, the Title IX Program Officer will take the appropriate interim action.

Note: In all cases in this process when the term “Title IX Program Officer or other University official is used, the term shall also mean a designee.

## **2.2 Filing a Complaint**

A Complainant may submit a Formal Complaint at any time while the Respondent is enrolled or employed at Brown. A Formal Complaint is a request for an investigation and initiation of this complaint procedure. Only a Complainant or the Title IX Program Officer can submit a Formal Complaint. A Complainant who wishes to proceed with this procedure must submit a written and signed document (in hard copy or electronically) against a Respondent that details the incident in which the Prohibited Conduct by the Respondent is alleged. A Formal Complaint must be submitted to the Title IX Program Officer.

### **Initial Assessment of the Formal Complaint**

Upon receipt of the Formal Complaint, the Title IX Program Officer will make the following determinations to decide upon the applicability of policies:

- Could the facts set forth by the Formal Complaint, if substantiated, constitute conduct prohibited by the Policy?;
- Was the Complainant a Covered Persons as defined in the Policy when the alleged Prohibited Conduct occurred?;
- Is the Respondent currently enrolled or employed?
- Did Brown University exercise substantial control over both the Complainant and Respondent at the time in which the alleged Prohibited Conduct occurred?

If the answer to any question is “NO” then the Policy and this procedure do not apply to the Formal Complaint. The Formal Complaint will be referred to the appropriate policy, Code, or University Office.

If the answer to each question is “YES” then the Policy and this procedure applies, and the Title IX Office has the authority to investigate and resolve the Formal Complaint.

## **2.3 Standard of Evidence**

In all stages of the process, Brown University applies the preponderance of the evidence standard (more likely than not) when determining whether the Policy has been violated.

## **2.4 Use of an Advisor**

Complainants and Respondents are entitled to be accompanied and assisted by an adviser at meetings, investigation interviews, and, if applicable, a subsequent hearing. An adviser is an individual of the Complainant's or Respondent's choosing, including an attorney, to provide support during the complaint process. The parties are not limited to one adviser throughout the process; however, only one adviser may be present at each meeting or interview. Accommodations, including scheduling of interviews or hearings, will not be made for advisers if the accommodation creates an undue delay in the process, which is considered to be a delay of three (3) or more business days.

During meetings, interviews, the investigation process, and hearing, advisers may not speak for or answer questions on behalf of their party, although they may ask to take a break briefly to provide consultation.

## **2.5 Time Frame for Reporting**

The University will accept a report of Prohibited Conduct at any time, although the University's ability to investigate may be limited by the passage of time. There is no time limit on submitting a Report; however, a Complainant seeking to use this procedure must submit a formal complaint while the Respondent is enrolled or employed at the time in which the Formal Complaint is received.

If the Respondent is no longer affiliated with Brown (e.g., a Formal Complaint is made after a student is no longer enrolled or has graduated, or an employee is no longer employed by Brown), the University will provide reasonably available remedial measures as appropriate, will assist the Complainant in identifying external reporting options, and may take appropriate action to address the Prohibited Conduct.

## **2.6 Amnesty**

Brown University may offer amnesty to Complainants, Respondents, reporting parties, and witnesses who disclose the personal ingestion of alcohol or other drugs in violation of the University Alcohol and Drug Policy, and/or disclose a violation of COVID-19 requirements when making a report of Prohibited Conduct or participating in an investigation unless the University determines there is malicious intent. Although amnesty safeguards the individual from a disciplinary notation or finding of responsible for a policy violation, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

## **2.7 Conflict of Interest**

The Title IX Program Officer, investigator, hearing panel and other decision makers will be free from conflicts and receive training on identifying and mitigating explicit and implicit bias. The Title IX Office checks for conflict of interest with the parties, investigator, hearing officer, and decision makers. Individuals can disclose potential or actual conflicts as they arise to Title IX Program Officer.



## 2.8 Informal Resolution

An informal resolution is an alternative to the investigation and adjudication model and generally involves a facilitated resolution that is acceptable to the Complainant and Respondent. A full investigation of the allegation is not conducted in the informal resolution process; however, the details of the allegation will be gathered to allow the University to engage in an assessment of risk. An informal resolution can be the full and final resolution to a Formal Complaint.

An informal resolution can be requested by a Complainant or Respondent at any time after a Formal Complaint has been submitted up to the start of a Title IX hearing. Generally, informal resolutions are pursued when the Complainant and Respondent, having been fully informed of all available options, have explicitly and voluntarily made that choice. An informal resolution process is voluntary for the both Complainant and the Respondent. Engaging in the informal resolution process is not an admission of responsibility for the allegation or an admission of the falsehood of the allegations. The existence of an informal resolution is not viewed as a finding against the Respondent.

The Complainant or Respondent may withdraw from an informal resolution process at any time before its completion. If an informal resolution process is ended prior to its completion, any information obtained will not be used in a subsequent investigation of the Formal Complaint.

Once a Formal Complaint has been resolved through an informal resolution process, the matter will be closed. This means allegations resolved through an informal resolution will not advance through the formal resolution process unless the terms of the informal resolution are broken or incomplete. If a term of the informal resolution is broken or incomplete, the information obtained may be submitted as evidence in a subsequent investigation involving the Complainant and/or Respondent.

For some limited types of Prohibited Conduct, an informal resolution may include mediation. Mediation may not be an appropriate option for cases involving a report of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct.

In all cases, the Title IX Program Officer will have the discretion to determine whether an informal resolution or mediation is appropriate to the circumstances. The University will generally allow only one informal resolution per Respondent.

- **Notice of the Formal Complaint for the Informal Resolution Process**

The Title IX Program Officer will provide the Complainant or Respondent written notice of the other party's interest in resolving a Formal Complaint through the informal resolution process. Written notice will include a copy of the Formal Complaint, the Prohibited Conduct at issue, and a summary of the guidelines to an informal resolution and the participant's rights in the process. The Complainant or Respondent will have five (5) business days to respond to the informal resolution request, indicating their interest in participating in the informal process. In the instance when a party does not reply to the notice or a party does not voluntarily agree to participate in the informal resolution process, the informal resolution process will end, and the University will begin an investigation into the Formal Complaint.

- **Privacy of Informal Resolution**

The existence of an informal resolution and/or the agreed upon terms is considered private information maintained in the Title IX Office. The existence of an informal resolution and/or the agreed upon terms may be shared with a limited circle of individuals in the University who “need to know” in order to (i.) assist in implementing the agreed upon terms, (ii.) monitor the agreed upon terms, (iii.) engage in a risk assessment involving the Complainant or Respondent, (iv.) implement support or protective measures, or (v.) perform University operations.

The Title IX Program Officer may use the information obtained during an informal resolution process as evidence when investigating the Formal Complaint when the terms of an informal resolution are broken or not completed.

The Title IX Program Officer may also use the information obtained during an informal resolution as evidence when investigating a Formal Complaint if a subsequent allegation of Prohibited Conduct involving the same Respondent is made and the alleged Prohibited Conduct is distinctively similar to the conduct alleged in the informal resolution process. If this occurs, the relevant portion of the Formal Complaint may be shared with an investigator and the Complainant may be called as a witness.

- **Acceptance of Responsibility for Impact**

As a component of the informal resolution process involving Students as the Complainant and Respondent, the Student Respondent must accept responsibility for the harm or impact caused by the Prohibited Conduct alleged in the Formal Complaint. Accepting responsibility for the harm or impact does not mean the Student Respondent accepts responsibility for violating of University policy.

A Student Respondent who is interested in accepting responsibility for a policy violation is welcome to do so and should note accepting responsibility for Prohibited Conduct may be considered evidence in a Formal Complaint investigation when an informal resolution is not reach or the terms are breached or not completed.

- **Developing Terms of the Informal Resolution**

The Complainant and Respondent may propose terms for the informal resolution. The terms should be designed to remedy the adverse effects the Prohibited Conduct alleged has on the Complainant and/or to restore the Complainant’s equal access to the programs and activities of Brown. Informal resolutions involving faculty and staff will include a supervisor, Senior Dean, Office of the Provost, or University Human Resources who may also suggest proposed terms.

The Title IX Program Officer will review the proposed and final terms and will remove those terms that are not permissible under University policy or practice and/or federal or state law. The Title IX Program Officer may consult with the relevant University officials such as a supervisor, Department Chair, Senior Dean, Office of the Provost, Campus Life, or University Human Resources when determining the permissibility of a proposed term(s).

After the Title IX Program Officer's review, the parties will have five (5) business days from the date of delivery of the informal agreement to review the terms. They should indicate their willingness to accept all, some, or none of the proposed terms. They may also propose alternative strategies to meet a specific term they reject.

The Title IX Program Officer will send the Complainant and/or Respondent a copy of the other party's response to the proposed terms. The Complainant or Respondent will have a subsequent five (5) business days from the date of delivery of the new terms to consider and respond to the revised terms.

The informal agreement is reached when both parties independently and voluntarily come to agreement on terms. Upon agreement and signature (in hard copy or electronically) by both the Complainant and Respondent, the Formal Complaint is considered resolved and closed.

- **Violations of the Informal Resolution**

The Complainant and Respondent will be asked to identify and agree upon the consequences for violating the terms of the informal resolution. The Title IX Program Officer will consult with the relevant University officials such as a supervisor, Department Chair, Senior Dean, Office of the Provost, or University Human Resources when determining the permissibility or appropriateness of the proposed consequences. If the consequences for violating the informal resolution are not determined, the matter will continue in the Formal Resolution Process.

- **Right of Appeal**

The informal resolution is grounded in the voluntary participation of the Complainant and Respondent. For this reason, there is no right of appeal associated with the informal resolution process.

- **Time Frame for the Informal Resolution Process**

The University cannot promise a definitive timeframe for an informal resolution process as the time to complete the agreement is unique to each set of Complainant and Respondent. The informal resolution will ordinarily take an average of 20 business days to complete.

Below is an overview of the approximate time associated with the major stages of the informal resolution process after the Title IX Program Officer receives a Formal Complaint. All timeframes set forth in this process may be adjusted at the discretion of the Title IX Program Officer. The Complainant and Respondent will be notified of any delays or extensions of these timeframes and will be provided with a revised timeline to resolve the complaint.

- Written notice of Formal Complaint – Two (2) business days from receipt of the Formal Complaint
- Written notice of a request for informal resolution – Two (2) business days from receipt of the request from either the Complainant or Respondent
- Drafting of terms – Five (5) business days (this step may be repeated as necessary)
- Review of proposed terms – Five (5) business days (this step may be repeated as necessary)
- Review and sign off on the final terms – Five (5) business days.

- **Recordkeeping**

The Formal Complaint and final informal resolution agreement will be maintained for a period of seven (7) years in accordance with the records retention schedule of the University. Records of supportive measures will be maintained for a minimum period of seven (7) years.

## **2.9 Formal Resolution**

A formal resolution process will occur when (i.) a Complainant submits a Formal Complaint and requests to begin the formal resolution process, (ii.) the University engages in an assessment of threat and determines that the Title IX Program Officer should proceed with the formal resolution process because there is reasonable cause to believe that the Respondent poses a threat of harm to the health, safety, and welfare of the Complainant or Brown community, or (iii.) the Title IX Program Officer identifies a pattern of alleged Prohibited Conduct involving the same Respondent.

In the event of (ii.) or (iii.), the Title IX Program Officer will draft and sign a Formal Complaint in lieu of a Complainant, and the formal resolution process will proceed as indicated below.

### **2.9.1 Notice to the Respondent(s)**

The Title IX Program Officer will provide the Respondent written notice of the Formal Complaint. Written notice will include a copy of the Formal Complaint, the Prohibited Conduct alleged, and a summary of the participant's rights and guidelines to the formal resolution process.

The Respondent will have five (5) business days following the date of delivery of the written notice to respond to the Formal Complaint but is not required to respond. A response to the Formal Complaint is at minimum the acceptance or denial of responsibility for the alleged Prohibited Conduct. The response may also, but is not required to, address the factual allegations within the Formal Complaint. Any response submitted will be provided to the Complainant and the investigator.

- **No Response to Written Notice**

In instances when the Respondent does not reply to the written notice, the formal resolution process and investigation will continue. The Title IX Office will make a good faith effort to contact the Respondent to notify them of the Formal Complaint and ensuing formal complaint process.

A Respondent's silence in response to a Formal Complaint will not be viewed as an admission of responsibility but may leave the allegations undisputed. If the Respondent chooses to participate in the resolution process after the investigation report is finalized, they will be given the opportunity to participate in the subsequent steps of the process.

### 2.9.2 Investigation

The Title IX Program Officer will appoint one or more investigators to conduct the fact finding for the case. The Title IX Program Officer will have the discretion to determine whether the investigator will be internal (an employee at Brown) or external (a qualified individual outside of the Brown community), or a combination of both internal and external investigators. The role of the investigator will be to gather, assess, and synthesize the relevant evidence in a report that sets forth the facts determined to have occurred. The investigator has the discretion to determine the relevance of any witness or other evidence and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

The investigator will prepare an initial (draft) investigation report. A redacted version of the draft investigation report and a redacted copy of all of the physical evidence submitted or obtained is shared electronically with both parties who will have ten (10) business days from the date of delivery of the draft report to review and comment before the investigation report is finalized. The investigator does not make a final determination to whether a policy violation has occurred.

Complainants and Respondents should be aware that the allegations and Prohibited Conduct in the draft investigation report may be different from allegations in the Formal Complaint. If an additional allegation is identified during the investigation, the Title IX Program Officer will send the Complainant and Respondent notice of the new allegation and amend the Formal Complaint. The Respondent will be provided five (5) business days from the date of delivery of the notice of the new allegation to respond to the new charge.

The investigator's report may include credibility assessments, where appropriate, based on their interviews with the Complainant, Respondent, witnesses, and review of the material evidence, as well as the basis of those assessments. The credibility assessment may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information.

To ensure that the investigator is complying with their role as outlined in these procedures, the Title IX Program Officer will review the investigation report in advance of the parties for thoroughness and accuracy and may return the investigation report to the investigator in instances where the investigator does not comply with their role, the Title IX Program Officer questions an initial decision of relevance of evidence, clarification is needed, or the potential policy violation is not addressed in a manner consistent with the Policy definition.

To protect the privacy of the parties and safeguard the contents of the investigation report, the draft and final investigation report will be sent through an encrypted email that limits the parties' ability to edit, download, or print the investigation report. These limitations will be amended as needed to adhere to reasonable accommodation related to a disability that is documented with the University.

- **Extensions** A Complainant and/or Respondent may ask for an extension to a deadline or to pause the investigation. Pauses and/or extensions are only provided for good cause and are normally a three- to five-day extension. Good cause is considered to be extraordinary or extenuating circumstances outside of the control of the party such as an unanticipated health issue or exam or deadline associated with an academic assignment. Extensions to accommodate an adviser's schedule, including scheduling of interviews or hearings, will be considered if they do not unduly delay the process, which is considered to be a delay of three (3) or more business days.



- **Witnesses** The Complainant, Respondent, and witnesses are permitted to provide names of potential witnesses to the investigator. The investigator will determine which of those potential witnesses, or other persons, may have relevant evidence about the alleged conduct and may request statements, either orally or in writing. Witnesses may include individuals outside the Brown community.
- **Evidence:** Complainants, Respondents, and witnesses are permitted to provide evidence to the investigator. Evidence may include text messages, email exchanges, timelines, receipts, photographs, videos, etc. The investigator may also gather and consider additional documents, items, or other relevant information.

The investigator will determine whether the evidence is relevant. Information that does not directly relate to the facts at issue may be considered irrelevant to the determination of whether the conduct alleged violates the Policy.

- **Pattern Evidence:** A report of Prohibited Conduct that is so distinctively similar and closely resembling the behavior in the Formal Complaint may be considered as factual evidence. The investigator may consider this as pattern evidence regardless of whether there has been a prior finding of a Policy violation. Pattern evidence may occur before or after the conduct in question. This information may be deemed relevant to determine whether the conduct alleged violates the Policy and/or to assign appropriate discipline.
- **Character Evidence:** Information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, qualities, or habits of an individual is character evidence and will be given lesser weight than information that directly relates to the facts of the case when determining whether the conduct alleged violates the Policy.
- **Prior Sexual History:** An individual's character or reputation with respect to sexual activity is not typically relevant and is not ordinarily considered as evidence. Similarly, an individual's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence when offered to prove that someone other than the Respondent committed the offense or if the sexual history evidence concerns specific sexual incidents between the Complainant and Respondent and is offered to prove consent. For example, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve other questions raised by the investigation report. The investigator will determine the relevance of this information.

Even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Where the parties have a sexual relationship prior to or after the incident in question and the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, this does not assume that the prior sexual history was consensual, and this should be a factor in considering relevance.

- **Other Disciplinary Case**

Information about prior, concurrent, or pending campus disciplinary or criminal charges involving the Complainant or Respondent is typically viewed as irrelevant to the investigation unless determined to be so distinctly similar or to be contemporaneous such that the other conduct may be related that it will be considered pattern evidence.

### **2.9.3 Investigation Report Review**

Within ten (10) business days following the date of delivery of a redacted draft investigation report, both parties may provide a written response. The Complainant and Respondent may offer additional comments, clarify information previously shared, suggest additional witnesses, question relevance determinations, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation.

The parties should contact the Title IX Program Officer if the redactions create a barrier to their review of the investigation report. The Title IX Program Officer will set up a meeting, which may be held virtually, to review the redacted information verbally, including the identity of the witnesses.

The Title IX Program Officer will review the investigation report in advance of the parties for thoroughness and accuracy and may return the investigation report to the investigator in instances where the investigator does not comply with their role, the Title IX Program Officer questions an initial decision of relevance of evidence, clarification is needed, or the potential policy violation is not addressed in a manner consistent with the Policy definition.

The investigator will review the responses submitted by the parties to finalize the investigation report, but is not obligated to change the report. The investigator may request additional information or interview additional witnesses to finalize the document. Once the investigation report is finalized, it is provided to the Title IX Program Officer, who will send it to the parties, the Chair of the Title IX Council and the Hearing Panel.

### **2.9.4 Hearing**

The University conducts a live virtual hearing in which the parties can simultaneously see and/or hear each other. The hearing is recorded, and subject to a proctored review by the parties after the hearing upon request during the pendency of an appeal.

The Title IX Program Officer will select a date for the hearing based on the availability of the Hearing Panel and will consider a participants' academic and work schedules when identifying the hearing date.

*Note: The University requires the party to be on camera during their cross examination and verbal statement only. The parties will be muted and off camera during the other phases of the hearing.*

- **Chair of the Title IX Council**

The Chair of the Title IX Council presides over the Hearing Panel as a non-voting member. The Chair is responsible for the administration of the hearing process and conduct of the deliberations process, including procedural matters and decisions leading up to the hearing. The Chair is also responsible for the overall decorum and conduct of the parties, panelist, investigator, and advisors during the hearing. The Chair will also draft the determination letter that summarizes the finding, rationale, and outcomes.

- **Hearing Panel**

The Hearing Panel is comprised of one to three individuals who receive training to hear Formal Complaints investigated under the Policy. The Title IX Program Officer will send the Hearing Panel a redacted copy of the final investigation report at least ten (10) business days before the date of the hearing. The Hearing Panel will convene to deliberate and render a decision, by majority vote, regarding whether or not the Respondent has violated the Policy by a preponderance of the evidence. No member may abstain from voting.

The number and composition of the Hearing Panel is determined by the affiliation of the Respondent (i.e., Faculty, Staff, or Student). When a respondent holds multiple relationships to the University, the Respondent's affiliation will be determined by the role they were in when the alleged Prohibited Conduct occurred.

- **Hearing Panel for Faculty Respondent:** A Hearing Panel where both the Complainant and Respondent are faculty will consist of three (3) faculty members drawn from the Title IX Council. If the Complainant is a student or staff member, the Hearing Panel will consist of two faculty (2) and one (1) student or staff member respectively drawn from the Title IX Council. The Hearing Panel will deliberate and make a determination on the finding and Discipline (if applicable). The Senior Academic Dean of the Respondent or Senior Director of Employee and Labor Relations may be substituted for a three (3) person Hearing Panel in instances in which the Title IX Office is unable to populate a panel due to urgency, time of year, or conflict of interest.
- **Hearing Panel for Staff Respondent:** A Hearing Panel where both the Complainant and Respondent are staff will consist of three (3) staff members drawn from the Title IX Council. If the Complainant is a student or faculty member, the Hearing Panel will consist of two (2) staff members and one (1) student or faculty member respectively drawn from the Title IX Council. The Hearing Panel will deliberate and make a determination on the finding and Discipline (if applicable). The Senior Director of Employee and Labor Relations may be substituted for a three (3) person Hearing Panel in instances in which the Title IX Office is unable to populate a panel due to urgency, time of year, or conflict of interest.
- **Hearing Panel for Student Respondent:** A Hearing Panel for student Respondent complaints will consist of three (3) individuals drawn from the Title IX Council. The Hearing Panel will deliberate and make a finding and determine a Discipline (if applicable).

- **Direct Questionings**

The Hearing Panel may pose questions to the parties, investigator, and witnesses (if applicable) to elicit relevant factual information missing from the final investigation report. The presumption is that the investigator has identified and interviewed all relevant witnesses and supplied the information necessary for the Hearing Panel to render its decision and determine sanctions. It is rare for witnesses to appear before the Hearing Panel. The Chair has the discretion to approve or deny requests from the Hearing Panel to gather additional evidence or question a witness during the hearing.

During direct questioning, the Hearing Panel will ask questions (if any) of the investigator first followed by the Complainant and then the Respondent.

The Chair will make determinations of relevance. The hearing process does not allow the Complainant or Respondent to challenge the relevance decision of the Chair during the hearing or of the investigator's relevance decisions in the final investigation report. Challenges to relevance decisions may be addressed through the appeals process as a material procedural error.

- **Verbal Statement**

The Complainant and Respondent will be granted the opportunity to appear before the Hearing Panel if they wish to make a verbal statement regarding the facts. Verbal statements must be no more than seven (7) minutes in length. The Chair will intervene should a verbal statement exceed seven (7) minutes.

The Chair will instruct the Hearing Panel to disregard verbal statements made that are more prejudicial than probative, introduce new allegations, or introduce evidence deemed irrelevant or immaterial by the investigator or Chair of the Title IX Council. If both the Complainant and Respondent choose to make a verbal statement, the Complainant shall appear first, and the Respondent shall appear second. Verbal statements should focus on the facts and relevant evidence and limit references to character.

- **Impact Statements**

The Complainant and Respondent may submit an impact statement to be considered by the Hearing Panel. Impact statements will be shared with the Hearing Panel after it has made a determination of responsibility for the Prohibited Conduct and is considering Discipline if applicable. The impact statement must be submitted one (1) business day before the scheduled hearing. The impact statements should be no more than three (3) 8 ½ by 11 pages, double spaced, 12-point font, one inch margins and should not include new allegations or information determined by the investigator or Chair to be irrelevant or immaterial to the allegations or information that is more prejudicial than probative. Information deemed inappropriate or irrelevant, as stated above, included in an impact statement will be redacted or removed before the statement is shared with the Hearing Panel.

- **Outcome**

The Chair of the Title IX Council will prepare a written decision within five (5) business days from the date of the hearing. The written decision will include a finding for each charge, rationale for each decision, and appropriate Discipline for each allegation as applicable. The Chair may ask for additional time for deliberation or request to pause the Hearing Panel deliberation in the instance in which the Hearing Panel requires additional information in order to render a decision. The Title IX Program Officer will notify the parties if additional time or information is needed. The Hearing Panel shall consider prior violations when determining an appropriate sanction.

If the Hearing Panel determines that there is adequate cause for the termination of a term appointment or revocation of tenure of a Faculty respondent, the Hearing Panel will make this recommendation to the Provost and President who will consider the recommendation and follow the appropriate procedure as stated by the Faculty Rules and Regulations.

If the Hearing Panel determines there is adequate cause for the separation or termination of an employee, the Hearing Panel will make this recommendation to the Senior Director of Employee and Labor Relations who will follow the appropriate procedure as stated by employee policy or applicable collective bargaining agreement, if any.

In all cases, the Complainant and Respondent will be notified of the outcome and determination simultaneously in writing. The appropriate campus officials such as the Senior Academic Dean, Deans in the Graduate or Medical School, Department Chair, University Human Resources and supervisory personnel, or Deans in The College and Campus Life will receive a copy of the outcome as appropriate.

- **Determining the Appropriate Discipline**

If the Hearing Panel determines that a Respondent is responsible for one or more violations of the Policy, it will then impose an appropriate Discipline. The Hearing Panel will be permitted to consider prior unrelated Policy and Code violations in determining an appropriate sanction. The Hearing Panel shall consider, but is not limited to, the following factors in determining an appropriate discipline.

- Whether or not the circumstances suggest there is an increased risk of the Respondent committing additional acts of sexual violence or other violence (whether there have been other sexual violence Complaints about the same Respondent, whether the Respondent has a history of violence, whether the Respondent threatened further sexual violence or other violence against the Complainant or others);
- Whether or not the circumstances suggest there is an increased risk of future acts of Prohibited Conduct under similar circumstances (whether the circumstances reveal a pattern of perpetration, for instance via illicit use of drugs or alcohol, at a given location, or by a particular group);
- Whether or not the Prohibited Conduct was perpetrated with a weapon or had other aggravating considerations;



- Whether the Respondent upon return to campus would be likely to pose a threat to the safety and/or well-being of the Complainant and/or the Brown University community generally, and if so, the nature and extent of the threat and steps to effectively mitigate the impact;
- The impact statements submitted by the Complainant and Respondent;
- The impact of the conduct on the Brown University community, and the need for any Discipline or remedies to eliminate, prevent, or address the existence of any hostile environment caused in the Brown University community or to maintain a safe and respectful environment conducive to learning, working and living; and
- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in the case.

If a student Respondent is found responsible and the Discipline includes suspension or expulsion, the Threat Assessment Team will meet to determine if the Respondent must be immediately removed from campus housing, restricted in their movements on campus (e.g., only able to attend classes and labs), or barred completely from campus during the entirety of the appeal process. Such removal or restriction will only be imposed if there is reasonable cause to believe that the Respondent poses a significant threat of harm to the health, safety, and welfare of the Complainant or others.

In cases of expulsion or termination: Once the appeal deadline has passed or an expulsion or termination is upheld by an appeal panel, the Respondent's enrollment or employment will end and the Respondent must vacate campus immediately.

In cases of suspension of a student Respondent: Once the appeal deadline has passed or a suspension is upheld by an appeal panel, the start of the Respondent's suspension will be determined by the date in which the final decision is made. Suspensions imposed before the end of the sixth week of classes will begin immediately and apply to the current semester. Suspensions imposed after the sixth week of classes will apply to the next semester. The University may impose interim actions, as appropriate, on the student respondents whose suspension will begin in the upcoming semester.

- **Right of Appeal**

The Complainant and Respondent both have the right to appeal a determination of responsibility on the limited grounds of (i.) material procedural error that materially affected the outcome; (ii.) material, new evidence not reasonably available at the time of the hearing; (iii.) a decision and/or Discipline that is clearly contrary to the weight of the evidence; and/or (iv.) conflict of interest or bias on the part of the Title IX Program Officer, investigator, or Hearing Panelist that affected the outcome.

Written requests for appeal must be submitted within five (5) business days following delivery of the notice of the outcome. Written requests for appeal submitted by one party will be shared with the other party. Each party may respond in writing to any appeal submitted by the other party. Written responses to an appeal must be submitted within five (5) business days following delivery of the notice of the written appeal.

Appeals are heard by the Provost in cases with a faculty Respondent, Vice President of Human Resources in cases with a staff Respondent, and a three (3) member appeal panel drawn from the Title IX Council when the case involves a Student Respondent. The appeal officer/appeal panel's responsibility will be strictly limited to determining if the written appeal meets the limited grounds in which an appeal is submitted. If the appeal officer/appeal panel finds that the grounds for appeal are met, the appeal will be granted. Otherwise, the appeal will be denied. If the appeal is denied, the matter is closed, and the Hearing Panel's decision stands as the final decision.

There are two possibilities in the event that an appeal is granted. The appeal officer or appeal panel may, in its discretion: (i.) Remand the case to the original or new Hearing Panel and provide instructions regarding the nature and extent of its reconsideration. The Hearing Panel will act promptly to reconsider the matter consistent with those instructions. Following reconsideration, the finding of the Hearing Panel or the sanction imposed by the decision-maker will be final and not subject to further appeal, or (ii.) Modify the decision and/or sanction consistent with its decision. Following reconsideration, the finding of the appeal officer/appeal panel or the sanction imposed will be final and not subject to further appeal.

#### **2.9.5 Time Frame of the Formal Resolution**

The University seeks to complete its investigation and disciplinary process, if any, as promptly as possible. A formal resolution process will take an average of 75 business days. The length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, but are not limited to, circumstances in which critical witnesses are unavailable, or if law enforcement requests the University temporarily halt its investigation for a brief period of time.

Below is an overview of the approximate time associated with the major stages of the formal resolution process after the Title IX Program Officer receives a Formal Complaint. All timeframes set forth in this process may be adjusted by the discretion of the Title IX Program Officer. The Complainant and Respondent will be notified of any delays or extensions of these timeframes and will be provided with a revised timeline to resolve the complaint.

- Notice to the Respondent – Two (2) business days from receipt of the Formal Complaint
- Response to the Formal Complaint – Five (5) business days from delivery of written notice of the Formal Complaint
- Investigation – Thirty (30) business days
- Draft Report Review – Ten (10) business days from delivery of the draft investigation report
- Finalize the Investigation Report – Five (5) business days
- Hearing Panel Report Review – Ten (10) business days
- Hearing Panel Deliberation – Five (5) business days
- Right of Appeal – Five (5) business days from the delivery of the written outcome
- Appeal Review – Five (5) business days

### **2.9.6 Information Sharing**

Throughout the investigation, the parties should only share documentation and information they receive or learn of from the Title IX Office, including the investigator, for the purpose of advice and counsel. Information shared, publicly posted, or distributed for other purposes may be considered Retaliation under the Policy and could constitute a violation of federal or state privacy laws.

The University may share the Formal Complaint, investigation report, and Finding with a limited circle of individuals within the University who “need to know” in order to assist in (i.) the review, investigation, and resolution of the report or Formal Complaint, (ii.) the implementation of support or protective measures, (iii.) the implementation of the Finding and/or Discipline, or (iv.) other disclosures necessary to fulfill University operations.

### **2.9.7 Withdrawal or Dismissal of Formal Complaint or Allegations**

The University may dismiss a Formal Complaint or allegation in the instance when the investigation proves that the charge falls outside of the jurisdictional scope of the Sexual and Gender-Based Misconduct Policy. The Formal Complaint or allegation may be dismissed even if the investigation proves that the Prohibited Conduct occurred. The University may refer the Formal Complaint and the investigation report to an alternative policy, Code of Conduct, or University official.

The Complainant may request to withdraw the Formal Complaint or allegations within a Formal Complaint at any time before the determination made by the Hearing Panel. Either request must be made in writing to the Title IX Program Officer. The Title IX Program Officer will consider whether to approve or deny these requests, and will strongly consider the Complainant’s request.

Similarly, the University may withdraw or dismiss an allegation or Formal Complaint at any time before a hearing when the Complainant or witness refuses to participate in the investigation or hearing, the Respondent permanently separates from the University, or the investigation uncovers that the University does not have control over the Respondent and is unable to issue impose discipline on the Respondent.

Written notice of a decision to dismiss some or all of the Formal Complaint will be sent to the parties in writing. The Complainant and/or the Respondent have the right to appeal a decision to dismiss on the limited grounds of (i.) material procedural error that materially affected the outcome; (ii.) material, new evidence not reasonably available at the time of the determination to dismiss; and/or (iii.) conflict of interest or bias on the part of the Title IX Program Officer, investigator, or hearing panelist that affected the outcome. The Director of Equal Opportunity and Diversity will hear appeals of dismissal. An appeal of a mandatory or discretionary dismissal must be submitted to the Director of Equal Opportunity and Diversity within 5 (five) business days from notice of the decision to dismiss. Written requests for appeal submitted by one party will be shared with the other party. Each party may respond in writing to any appeal submitted by the other party. Written responses to an appeal must be submitted within five (5) business days following delivery of the notice of the written appeal. The outcome of the appeal must be in writing, and must include the rationale. The written decision must be provided simultaneously to both parties.

### 2.9.8 Recordkeeping

The Formal Complaint, final investigation report, and final determination letters, including appeal outcomes, will be maintained for a minimum period of seven (7) years in accordance with the records retention schedule of the University. The Formal Complaint, final investigation report, and final determination letters, including appeal outcomes for cases involving suspensions and expulsions will be maintained by the University in perpetuity. Records of supportive measures will be maintained for a minimum period of seven (7) years.

## 3.0 Definitions

For the purpose of this SOP, the terms below have the following definitions:

**Advisor:** An adviser is an individual of the Complainant's or Respondent's choosing, including an attorney, to provide support during the complaint process. More on the role and responsibility of an adviser can be found in the Sexual and Gender-based Misconduct Policy.

**Administrative Leave:** Administrative leave is the process where the institution places an Employee on an interim work, supervision, leadership, or teaching suspension after the filing of a Formal Complaint against the Employee.

**Coercion:** Coercion is verbal and/or physical conduct, including intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate harm and that is employed to compel someone to engage in sexual contact.

**Complainant:** A Complainant is the individual(s) who is alleged to be the victim of behavior that could constitute Prohibited Conduct. A Complainant seeking to use the Sexual and Gender-based Misconduct Complaint Procedure associated with this policy must have been participating in or attempting to participate in an educational program, employment, or activity of Brown at the time in which the alleged prohibited conduct occurred.

**Consent:** Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely and affirmatively chosen to engage in sexual contact. Consent cannot be obtained through: (1) the use of coercion or force or (2) by taking advantage of the incapacitation of another individual.

Silence, passivity, incapacitation from alcohol or drugs, or the absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact. An essential element of consent is that it be freely given. Freely given consent might not be present, or may not even be possible, in relationships of a sexual or intimate nature between individuals where one individual has power, supervision, or authority over another.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant or reporting party affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from coercion; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating incapacitation.

**Covered Persons:**

- **Employees:** Individuals employed by Brown University, including faculty, affiliates, visiting faculty, postdoctoral fellows, and all staff (including all exempt and non-exempt, bargaining unit, and senior administrative positions), as well as those physicians and health scientists who are not employed by Brown University but have Brown University faculty, affiliate, postdoctoral, or house staff appointments for the purpose of teaching and/or research in the Division of Biology and Medicine.
- **Students:** Individuals enrolled in the College, the Graduate School, the Warren Alpert Medical School, the School of Public Health, the School of Engineering, and/or the School of Professional Studies.

**Dating Violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).

**Discipline:** Discipline is a consequence, punishment, or penalty rendered as a result of a finding of responsibility for a policy violation.

**Domestic Violence:** Domestic violence is violence committed (i.) by a current or former spouse or intimate partner of the victim; (ii.) by a person with whom the victim shares a child in common; (iii.) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv.) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v.) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

This definition includes, but is not limited to, physical, sexual, emotional, economic, and/or psychological actions or threats of action, including threatening to reveal personal or confidential information (including, but not limited, to information regarding one's gender identity and/or sexual orientation), that are intimidating, frightening, terrorizing, or threatening. Prohibited Conduct under this definition includes threats of violence or harm to one's self, one's family member(s) or friends, and/or one's pet. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).



**Emergency Removal:** Emergency removal is the process where the institution places a Respondent on an interim suspension, interim leave of absence, and/or interim removal from campus. The Title IX Program Officer will bring reports that may necessitate an emergency removal to the Threat Assessment Team in the case involving Student Respondents, or convene a risk assessment group for cases involving Employee Respondents to determine whether there is reasonable cause to believe that the Prohibited Conduct is likely to continue and/or the Respondent poses a significant threat of harm to the health, safety, and welfare of others or the University community.

If the Threat Assessment Team determines that an emergency removal of a student is warranted, it will recommend that action to the Associate Vice President for Campus Life and Dean of Students who will decide whether to implement the emergency removal. Emergency removals of a student can be appealed to the Vice President of Campus Life. Brown may remove a student on an emergency basis with or without the completion of a complaint resolution process.

**Fondling:** Forcible or non-forcible touching of the private body part (breast, buttocks, groin, genital, or other intimate part) of another person for the purpose of sexual gratification without consent.

**Force:** Force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.

**Formal Complaint:** A written and signed document submitted by a Complainant (or the Title IX Program Officer in lieu of a Complainant) alleging that a Covered Person has engaged in conduct prohibited by this policy. A Formal Complaint should include identities of the parties involved (if known), the Prohibited Conduct alleged, the date and location of the alleged incident (if known), and the details of the incident. The Formal Complaint will be shared the Respondent and the investigator upon the initiation of an investigation.

**Gender-Based Harassment:** Unwelcome action based on actual or perceived sex or gender, gender identity, gender expression, or sexual orientation, whether verbal or non-verbal, graphic, physical, or otherwise that has the purpose of unreasonably interfering with the learning, working, or living environment; in other words, the behavior is sufficiently severe or pervasive and objectively offensive that it denies the target(s) equal access to the programs and activities of Brown (Hostile Environment).

**Hostile Environment:** A hostile environment is one that denies or interferes with an individual or group's access to the programs and activities of Brown. A hostile environment is created when (i.) enduring the hostile conduct based on gender, gender identity, or sexual orientation that becomes a condition of the continued living, working, or social environment, or (ii.) the conduct is sufficiently severe or pervasive, and objectively offensive to create an environment that a reasonable person would consider intimidating, hostile, or abusive.

Slights, offensive comments, and isolated incidents (unless extremely serious) typically do not rise to the level of a policy violation unless the effects associated with the offensive comment go beyond being uncomfortable, embarrassed, or offended.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including but not limited to:

- The frequency, nature, and severity of the conduct;
- Public nature of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the Complainant's mental and emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other unlawful discriminatory conduct; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

**Incapacitation:** An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is 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. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Interim Action:** A course of action taken by the University in response to a report of Prohibited Conduct. These measures may be both restorative (designed to address a Complainant's safety and well-being and continued access to educational opportunities) and remedial (involving action against a Respondent without unreasonably burdening a Respondent.) Interim actions may include housing relocation, on-campus housing restriction, change in work location or modification of work hours, restricted access to certain buildings or locations of campus, course reassignment or shift to remote course access, interim suspension and/or interim removal from campus, or interim administrative leave of absence. Interim action may be taken with or without a formal complaint or the implementation of a complaint resolution process and are individualized to protect the safety of all parties, the broader campus community, and/or prevent future Prohibited Conduct.

**Prohibited Conduct:** Includes Sexual Harassment, Gender-Based Harassment, Sexual Assault (Rape, Fondling, Incest, Statutory Rape), Dating Violence, Domestic Violence, Stalking), Sexual Exploitation, Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct, and Retaliation. See the Sexual and Gender Misconduct Policy for definitions.

**Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct:** The provision of alcohol and/or other drugs to an individual for the purpose of committing or facilitating Prohibited Conduct under this policy is also Prohibited Conduct. Such behavior may include provision of a drink or food which contains alcohol and/or other drugs without the knowledge of the individual to whom it is being provided or other actions taken with the intention of impairing the senses, judgment, and/or physical and mental ability of another person in order to engage in other forms of Prohibited Conduct. An individual does not have to engage in sexual activity with another person to be found responsible for the prohibited provision of alcohol and/or other drugs.

**Rape:** Attempted or completed anal or vaginal penetration of another person, no matter how slight, by a body part or object without consent and/or completed or attempted oral penetration by a sex organ of another person.

**Respondent:** An individual(s) who has been reported to be the perpetrator of behavior that could constitute Prohibited Conduct.

**Report:** Information shared with the Title IX Office that includes details of alleged Prohibited Conduct. A report is made when a Complainant, reporting party, or third party seeks information, support measures, or informs the University of Prohibited Conduct, but such party is not making a Formal Complaint or pursuing a complaint resolution process to address the alleged Prohibited Conduct.

**Retaliation:** Retaliation is any action, statement, or behavior meant as reprisal or retribution against an individual in response to the individual's good-faith report or participation in a proceeding related to this policy. Any retaliatory action taken directly or indirectly against a person who has made a report, filed a complaint, or participated in an investigation is prohibited.

Retaliation includes, but is not limited to, intimidation, threats, harassment, and other conduct that would discourage a reasonable person from engaging in activity protected under this policy, such as seeking services, receiving protective measures and accommodations, and/or reporting Prohibited Conduct. This prohibition against retaliation protects Complainants, Respondents, reporting parties, witnesses, hearing panelists, decision-makers, advisors, investigators, and other individuals who provide information relating to a Title IX investigation or participate in a complaint process associated with this policy.

**Sexual Assault:** Sexual assault is defined as a sexual act directed against another person, without the consent of the other person, including instances where the target is incapable of giving consent due to age or temporary or permanent mental or physical incapacity. Sexual Assault is the umbrella term for actions that constitute rape, fondling, incest, and statutory rape. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).

**Sexual Exploitation:** Sexual Exploitation is purposefully taking sexual advantage of another person without consent. It may involve use of one's own or another individual's nudity or sexuality.

Examples of Sexual Exploitation include, but are not limited to:

- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person in a state of undress or of another person engaging in a sexual act without the consent of all parties);
- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's consent;
- Exposing one's genitals to another person without consent;
- Prostituting another individual; or
- Knowingly exposing another individual to a sexually transmitted infection without the other individual's knowledge and consent.

**Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:

- (i.) An employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or
- (ii.) Unwelcome conduct determined by a reasonable person to be so severe or pervasive and objectively offensive that it effectively denies a person equal access to the programs and activities of Brown (hostile environment).

**Stalking:** Stalking is a course of conduct on the basis of sex or gender directed at a specific person that would cause a reasonable person to (i.) fear for the person's safety or the safety of others; or (ii.) suffer substantial emotional distress.

For the purposes of this policy, Stalking refers to actions "on the basis of sex or gender" that would constitute Sexual or Gender-Based Harassment such as surveillance of a former intimate partner.

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Stalking includes the concepts of cyber-stalking, a form of stalking through electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).

**Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Support Measures:** Non-disciplinary, non-punitive measures provided to a Complainant or Respondent designed to restore or preserve equal access to Brown's programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and deter future prohibited conduct. The Title IX Program Officer will oversee the implementation of support measures that are individualized to respond to the effects of the Prohibited Conduct, and that are appropriate, reasonably available, and free of charge. Support measures may include a no-contact order, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, changes in work or housing locations, leave of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Use of support measures is private and is available with or without a Formal Complaint.

Brown will also provide reasonably available support measures for third-party reporters, provided that the accommodations are within the scope of that individual's relationship to Brown University.

#### 4.0 Responsibilities

All individuals to whom this Sexual and Gender-based Complaint Procedure applies are responsible for becoming familiar with and following this Procedures. University supervisors are responsible for promoting the understanding of this Procedure and for taking appropriate steps to help ensure compliance with it.

**Office of Institutional Equity and Diversity (OIED):** Oversees the response to reports, submission of a formal complaint, and the implementation of the formal or informal resolution procedures. The University's response is coordinated by the following individuals:

- **The Title IX Program Officer** will coordinate the response to reports, review and respond to formal complaints, convene the appropriate officials to assess threats, train the responsible employees, mandatory reporters, Hearing Panelists, and others involved in operationalizing these procedures.
- **The Institutional Equity Officers and Institutional Equity Investigator:** Serve as internal neutral fact finders.
- **The Director of Equal Opportunity and Diversity:** Hears appeals of dismissal decisions.

#### 5.0 Related Information

The following information compliments and supplements this document. The information is intended to help explain this SOP and is not an all-inclusive list of policies, procedures, laws and requirements.

##### 5.1 Related University Policies:

[Sexual and Gender-Based Misconduct Policy](#)



## APPENDIX C

### Sexual and Gender-based Harassment, Sexual Assault, Intimate Partner Violence, and Stalking Policy

#### 1.0 Policy Purpose

This policy prohibits Sexual Harassment, Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, in addition to Retaliation against an individual for making a report of conduct prohibited under this policy or for participating in an investigation of an alleged violation of this policy. It also defines Prohibited Intimate Relationships between individuals where one individual has power or authority over another which could create a hostile environment.

This policy is in accordance with Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; their implementing regulations; and other applicable federal and Rhode Island state laws and regulations.

Concerns about Brown's application of this policy may also be addressed to the United States Department of Education, Office for Civil Rights, at [OCR@ed.gov](mailto:OCR@ed.gov) or (800) 421-3481 or the Rhode Island Commission for Human Rights.

#### 2.0 To Whom the Policy Applies

This policy applies broadly to the entire Brown University ("Brown" or "the University") community including applicants, employees, invitees, students, and contractors collectively together known as Covered Persons. This policy pertains to acts of Prohibited Conduct committed by or against Covered Persons when:

- (i.) the conduct that occurs, in the United States, on property owned, leased or controlled by Brown University; and/or
- (ii.) the conduct occurs off-campus, in the United States, in the context of a program, activity, or location in which Brown exercises substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurred, including but not limited to off-campus research, internships, mentorships, summer sessions, clerkships, graduate student fellowships, or other affiliated programs.

### 3.0 Policy Statement

The purpose of this policy is to establish and maintain an inclusive learning, living, and working environment where healthy, respectful, and consensual conduct represents a campus cultural norm that is free from discrimination and harassment. To that end, this policy requires Covered Persons to act in a manner that does not intentionally or unintentionally discriminate against or create a hostile environment for another on the basis of their actual or perceived gender, gender-identity and gender-expression, and sexual orientation (**Sexual and Gender-Based Harassment**). It also prohibits certain relationships of a sexual or intimate nature between Students and Employees (**Prohibited Intimate Relationships**). **Sexual Assault, Dating Violence, Domestic Violence, and Stalking** as defined in the Violence Against Women's Act (VAWA) is prohibited by this policy. Additionally, this policy prohibits retaliation against an individual for making a report of conduct prohibited under this policy or for participating in an investigation of an alleged violation of this policy (Retaliation). These behaviors will be collectively known as Prohibited Conduct and are actions that undermine the character and purpose of Brown University and will not be tolerated.

It is the responsibility of every member of the Brown University community to foster an environment free from discrimination and harassment. Covered Persons must be respectful of power-dynamics and privilege associated with their role, position, rank, or identity and avoid actions that would leverage that power to compel others to consent to unwanted behavior or deny others equal access to the programs and activities of Brown. Abusing or taking advantage of one's power, supervision, or authority over another is unacceptable and may create a hostile environment for the individuals involved and the community at large that seriously undermines the atmosphere of trust essential to the academic enterprise.

All members of the University community are encouraged to take reasonable and prudent actions to prevent or stop the conduct prohibited by this policy. This may include direct intervention when safe to do so, enlisting the assistance of others, contacting law enforcement, or seeking assistance from a person in authority. University community members who choose to exercise this positive responsibility will be supported by Brown University and protected from retaliation.

### 3.1 Reporting

#### 3.1.1 Designated Reporting Locations

The University encourages individuals who are harmed or targeted by or witnesses of Prohibited Conduct to report incidents to Ebony Manning, Title IX Coordinator. The Title IX Coordinator oversees the University's response to these reports. Individuals can report incidents directly to the:

##### **Title IX and Gender Equity Office**

Horace Mann House

47 George Street

[titleixoffice@brown.edu](mailto:titleixoffice@brown.edu)

(401) 863-2026

(401) 863-5140

Online reporting form: <https://www.brown.edu/about/administration/title-ix/online-reporting>

Reports that involve an imminent safety risk should go to the:

**Department of Public Safety**

75 Charlesfield Street

Emergency Line (401) 863-4111

Non-emergency Line (401) 863-3322

*In all cases in this process, when the term “Title IX Program Officer” or other University official is referenced, the term shall also mean a designee.*

**3.1.2 Confidential Support Services**

Individuals may also speak with a confidential resource to learn of the support measures and complaint options available. The following offices are confidential resources and are under no obligation to disclose the content of conversations with the Title IX and Gender Equity Office. A disclosure to a confidential resource does not constitute a report or actual knowledge to the University. Confidential resources are:

**Counseling and Psychological Services (CAPS)**

(401) 863-3476

Page-Robinson Hall 512

<https://www.brown.edu/campus-life/support/counseling-and-psychological-services>

**Brown Emergency Medical Services (EMS)**

401-863-4111

<https://www.brown.edu/campus-life/health/ems>

**Faculty and Staff Assistance Program**

(800) 624-5544

<https://www.brown.edu/about/administration/human-resources/benefits/health-and-wellbeing/facultystaff-assistance-program>

**The Chaplains**

Office of the Chaplains and Religious Life

(401) 863-2344

Page-Robinson Hall 410

<https://www.brown.edu/campus-life/spiritual-life/chaplains/about/people>

**Sexual Assault Response Line**

(401) 863-6000

<https://www.brown.edu/campus-life/health/services/promotion/sexual-assault-dating-violence-get-help/sexual-assault-response-line>

**Sexual Harassment & Assault Resources & Education (SHARE) Advocates**

(401) 863-2794

Andrews House

13 Brown Street

<https://www.brown.edu/campus-life/health/services/promotion/sexual-assault-dating-violence-get-help-help-friend/share-advocates>

**University Health Services**

(401) 863-3953

13 Brown Street

<https://www.brown.edu/campus-life/health/services>

**3.1.3 Community Resources**

Brown University also strongly encourages anyone who becomes aware of an alleged incident of Prohibited Conduct which may constitute a violation of Rhode Island State Law to report the incident to local law enforcement, and will provide support, resources, and assistance to those who do so.

**Providence Police Department**

Emergency: 911

Non-Emergency: (401) 272-3121

**Day One (The Sexual Assault & Trauma Center)**

Helpline: 1-800-494-8100

<https://www.dayoneri.org>

**3.1.4 Mandatory Reporters**

Taking meaningful action when conduct prohibited by this policy occurs is a critical component to Brown's commitment to a campus that is free from discrimination and harassment. Brown asks faculty and staff in varying leadership roles who oversee the welfare of faculty, staff, students, and University programs to assist us in these efforts by reporting all disclosures or knowledge of Prohibited Conduct to the Title IX Program Officer. Such reports amplify the University's ability to know what is occurring within its programs and activities and to respond accordingly. The Title IX Program Officer will conduct an initial assessment of these reports and will do so in a manner consistent with the privacy choices of the Complainant or reporting party.

Community members who are mandated to report allegations of Prohibited Conduct to the Title IX Program Officer are:

- Academic department chairs and directors of University institutes (i.e., Watson, ICERM, etc.)
- Athletic Team Head Coaches and Assistant Coaches including Strength and Conditioning Coaches
- Deans and Directors in Campus Life
- Deans and Directors in The College
- Deans and Directors in the Graduate School
- Deans and Directors in the Office of the Dean of the Faculty, Schools of Engineering, Public Health, and Professional Studies
- Deans and Directors in the Warren Alpert Medical School
- Deputy Title IX Coordinators
- Director of Athletics and Assistant and Associate Directors of Athletics
- Directors, Assistant Directors, and Area Coordinators in University Residential Life and Housing Programs
- Directors of Undergraduate Studies
- Directors of Graduate Studies

Any questions about the status of an employee as a ‘Mandatory Reporter’ should be addressed to the Title IX Program Officer.

All other faculty, staff, and students not designated as a Mandatory Reporter are strongly encouraged to report allegations of Prohibited Conduct to the Title IX Program Officer or a Deputy Title IX Coordinator. Before making this disclosure, employees should confer with the individual harmed or targeted by the Prohibited Conduct to make sure they are aware of the requirement to make this referral.

Upon receipt of a report or other knowledge of alleged Prohibited Conduct, the Title IX Program Officer will contact the individual(s) alleged to be harmed by or subjected to the Prohibited Conduct to inform them of the (i.) available support measures (ii.) confidential resources and support services on-campus, (iii.) the importance of preserving evidence related to the Prohibited Conduct alleged, (iv.) the process of filing a formal complaint, (v.) the option to file a civil or criminal complaint, and (vi) a written explanation of their rights.

### **3.1.5 Time Frame for Reporting**

The University will accept a report of Prohibited Conduct at any time, although the University's ability to investigate may be limited with the passage of time. There is no time limit on submitting a Formal Complaint; however, a Complainant pursuing a complaint resolution process associated with this policy must be participating in or attempting to participate in an educational program, employment, or other activity of Brown at the time of filing a Formal Complaint.

If the Complainant and/or Respondent is no longer affiliated with Brown (e.g., a report is made after a student is no longer enrolled or graduated or an employee is no longer employed by Brown), the University will provide reasonably available and appropriate support measures, assist the Complainant in identifying external reporting options, and may take appropriate action to address the Prohibited Conduct.

### **3.1.6 Amnesty**

#### **3.1.6.1 Personal Ingestion of Alcohol and Other Drugs**

Brown University generally will offer amnesty to Complainants, Respondents, reporting parties, and witnesses who disclose the personal ingestion of alcohol or other drugs, in violation of Brown University Code of Student Conduct, when making a report of Prohibited Conduct and/or participating in a complaint procedure associated with this policy. Although amnesty safeguards the individual from a disciplinary notation or finding of responsible for a policy violation for drugs or alcohol, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

#### **3.1.6.2 Violation of Healthy Brown Public Health Protocols**

Brown University generally will offer amnesty to Complainants, Respondents, reporting parties, and witnesses who disclose participating in activities that do not adhere to required COVID-19 requirements such as social distancing, use of face coverings, and other practices to reduce the spread of infectious disease when making a report of Prohibited Conduct or participating in an complaint procedure associated with this policy unless the University determines that there was malicious intent. Although amnesty safeguards the individual from a disciplinary notation or finding of responsible for a policy violation, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

### **3.2 Academic Freedom**

Brown University is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this policy is not intended to restrict teaching methods. Offensiveness of inquiry or expression, standing alone, is not sufficient to constitute Prohibited Conduct. The action must be sufficiently severe, pervasive, and objectively offensive to unreasonably interfere with an individual's ability to participate in employment or educational programs and activities. Such behavior that violates this policy compromises Brown University's integrity and tradition of intellectual freedom and will not be tolerated.



### 3.3 Confidentiality and Privacy

#### 3.3.1 Confidentiality

Confidentiality is a legal concept prohibiting designated campus or community professionals from revealing identifiable information shared by an individual to any other person without express permission of the individual, or as otherwise permitted or required by law. Those campus and community professionals who maintain information confidentially are:

- Health care providers in Brown University Health Services including EMTs,
- Clinicians in Counseling and Psychological Services (CAPS),
- the Sexual Harassment and Assault Resources and Education (SHARE) Advocate(s),
- Ordained clergy who have privileged confidentiality that is recognized by Rhode Island state law.

These individuals are prohibited from breaking confidentiality unless (i.) given permission to do so by the person who disclosed the information; (ii.) there is an imminent threat of harm to self or others; (iii.) the conduct involves suspected abuse of a minor under the age of 18; or (iv.) as otherwise required or permitted by law or court order.

#### 3.3.2 Privacy

Privacy means that information related to a report of Prohibited Conduct will be treated with the utmost discretion and will be shared only with a limited circle of individuals who “need to know” in order to assist in the review, investigation, and resolution of the report, and/or other disclosures necessary to fulfill University operations.

### 3.4 Conflict of Interest

The [Brown University Conflict of Interest and Commitment Policy](#) and its related guidelines apply to all members of the Brown community and to all processes and procedures, including all investigative and disciplinary procedures in place to support and implement this policy. A conflict of interest may arise when a member of the Brown community may be able to use the authority of their position to influence a University decision, action, or outcome with regard to the implementation and enforcement of this policy, including associated investigative and disciplinary procedures. It is the responsibility of all members of the Brown community involved in any aspect of a report of Prohibited Conduct to read the University’s Conflict of Interest and Commitment Policy and to disclose potential or actual conflicts as they arise to Title IX Program Officer or University Human Resources for employees.

### 3.5 Training and Education

As part of its commitment to the prevention of Prohibited Conduct, Brown University offers education and awareness programs to bring awareness to and reduce the occurrence of Prohibited Conduct. Incoming Students and new Faculty and Staff receive prevention and awareness programming as a requirement of their orientation.

The Title IX Program Officer and investigators receive annual training on identifying and mitigating implicit and explicit bias, the definitions of Prohibited Conduct, the scope of a recipients education program and activities, how to conduct investigations, and managing a complaint resolution process including hearings, appeals, and informal resolution processes.

The Title IX Council, Hearing Panelist, and Hearing Officers receives annual training from the Title IX and Gender Equity Office to hear cases on conduct prohibited by this policy. The training provides an overview of identifying and mitigating implicit and explicit bias, applying the preponderance of evidence standard, the definition of Prohibited Conduct and understanding key concepts such as consent, incapacitation, and hostile environment. The training also strengthens panelist skills in asking questions, reviewing the investigation report, and determining discipline.

### 4.0 Definitions

For the purpose of this policy, the terms below have the following definitions:

**Advisor:** An adviser is an individual of the Complainant's or Respondent's choosing, including an attorney, to provide support during the complaint process. More on the role and responsibility of an adviser can be found in the Title IX Grievance Procedure.

**Administrative Leave:** Administrative leave is the process where the institution places an Employee on an interim work, supervision, leadership, or teaching suspension after the filing of a Formal Complaint against the Employee.

**Coercion:** Coercion is verbal and/or physical conduct, including intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate harm and that is employed to compel someone to engage in sexual contact.

**Complainant:** A Complainant is the individual(s) who is alleged to be the victim of behavior that could constitute Prohibited Conduct. A Complainant seeking to use the Title IX Complaint Procedure associated with this policy must have been participating in or attempting to participate in an educational program, employment, or activity of Brown at the time in which the formal complaint is submitted.

**Consent:** Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely and affirmatively chosen to engage in sexual contact. Consent cannot be obtained through: (1) the use of coercion or force or (2) by taking advantage of the incapacitation of another individual.

Silence, passivity, incapacitation from alcohol or drugs, or the absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact. An essential element of consent is that it be freely given. Freely given consent might not be present, or may not even be possible, in relationships of a sexual or intimate nature between individuals where one individual has power, supervision, or authority over another.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant or reporting party affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from coercion; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating incapacitation.

#### **Covered Persons:**

- **Applicants:** Individuals who have expressed an interest in applying or have submitted an application for employment or enrollment as a student.
- **Contractors:** Independent contractors, vendors, or other third parties contractually obligated to perform services for Brown University.
- **Employees:** Individuals employed by Brown University, including faculty, affiliates, visiting faculty, postdoctoral fellows, and all staff (including all exempt and non-exempt, bargaining unit, and senior administrative positions), as well as those physicians and health scientists who are not employed by Brown University but have Brown University faculty, affiliate, postdoctoral, or house staff appointments for the purpose of teaching and/or research in the Division of Biology and Medicine.
- **Invitees:** Visitors or guests of Brown University.
- **Students:** Individuals enrolled in the College, the Graduate School, the Warren Alpert Medical School, the School of Public Health, the School of Engineering, and/or the School of Professional Studies.

**Discipline:** Discipline is a consequence, punishment, or penalty rendered as a result of a finding of responsibility for a policy violation.

**Emergency Removal:** Emergency removal is the process where the institution places a Respondent on an interim suspension, interim leave of absence, and/or interim removal from campus. The Title IX Program Officer will bring reports that may necessitate an emergency removal to the Threat Assessment Team in the case involving Student Respondents, or convene a risk assessment group for cases involving Employee Respondents to determine whether there is reasonable cause to believe that the Prohibited Conduct is likely to continue and/or the Respondent poses a significant threat of harm to the health, safety, and welfare of others or the University community.

If the Threat Assessment Team determines that an emergency removal of a student is warranted, it will recommend that action to the Associate Vice President for Campus Life and Dean of Students who will decide whether to implement the emergency removal. Emergency removals of a student can be appealed to the Vice President of Campus Life. Brown may remove a student on an emergency basis with or without the completion of a complaint resolution process.

**Force:** Force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.

**Formal Complaint:** A written and signed document submitted by a Complainant (or the Title IX Program Officer in lieu of a Complainant) alleging that a Covered Person has engaged in conduct prohibited by this policy. A Formal Complaint should include identities of the parties involved (if known), the Prohibited Conduct alleged, the date and location of the alleged incident (if known), and the details of the incident. The Formal Complaint will be shared the Respondent and the investigator upon the initiation of an investigation.

**Incapacitation:** An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is 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. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

**Interim Action:** A course of action taken by the University in response to a report of Prohibited Conduct. These measures may be both restorative (designed to address a Complainant's safety and well-being and continued access to educational opportunities) and remedial (involving action against a Respondent without unreasonably burdening a Respondent.) Interim actions may include housing relocation, on-campus housing restriction, change in work location or modification of work hours, restricted access to certain buildings or locations of campus, course reassignment or shift to remote course access, interim suspension and/or interim removal from campus, or interim administrative leave of absence. Interim action may be taken with or without a formal complaint or the implementation of a complaint resolution process and are individualized to protect the safety of all parties, the broader campus community, and/or prevent future Prohibited Conduct.

**Prohibited Conduct:** Includes Dating Violence, Domestic Violence, Gender-Based Harassment, Prohibited Intimate Relationships, Sexual Assault (Rape, Fondling, Incest, Statutory Rape), Sexual Harassment, Retaliation and Stalking.

- **Dating Violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).
- **Domestic Violence:** Domestic violence is violence committed (i.) by a current or former spouse or intimate partner of the victim; (ii.) by a person with whom the victim shares a child in common; (iii.) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv.) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v.) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Domestic violence includes, but is not limited to, physical, sexual, emotional, economic, and/or psychological actions or threats of action, including threatening to reveal personal or confidential information (including, but not limited, to information regarding one's gender identity and/or sexual orientation), that are intimidating, frightening, terrorizing, or threatening. Prohibited Conduct under this definition includes threats of violence or harm to one's self, one's family member(s) or friends, and/or one's pet. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).

- **Gender-Based Harassment:** Unwelcome action based on actual or perceived sex or gender, gender identity, gender expression, or sexual orientation, whether verbal or non-verbal, graphic, physical, or otherwise that has the purpose of unreasonably interfering with the learning, working, or living environment; in other words, the behavior is sufficiently severe or pervasive and objectively offensive that it denies the target(s) equal access to the programs and activities of Brown (Hostile Environment).
  - **Hostile Environment:** A hostile environment is one that denies or interferes with an individual or group's access to the programs and activities of Brown. A hostile environment is created when (i.) enduring the hostile conduct based on gender, gender identity, or sexual orientation that becomes a condition of the continued living, working, or social environment, or (ii.) the conduct is sufficiently severe and pervasive, and objectively offensive to create an environment that a reasonable person would consider intimidating, hostile, or abusive.

Slights, offensive comments, and isolated incidents (unless extremely serious) typically do not rise to the level of a policy violation unless the effects associated with the offensive comment go beyond being uncomfortable, embarrassed, or offended.

In evaluating whether a hostile environment exists, the University will consider the totality of known circumstances, including but not limited to:

- The frequency, nature, and severity of the conduct;
  - Public nature of the conduct;
  - Whether the conduct was physically threatening;
  - The effect of the conduct on the Complainant's mental and emotional state;
  - Whether the conduct was directed at more than one person;
  - Whether the conduct arose in the context of other unlawful discriminatory conduct; and
  - Whether the conduct implicates concerns related to academic freedom or protected speech.
- 
- **Prohibited Intimate Relationships:** No Employee shall request or accept sexual favors from or engage in a romantic, sexual, or intimate relationship with any Brown University undergraduate Student. This prohibition includes intimate relationships between student supervisors and supervisees, and undergraduate, graduate, or medical student teaching or research assistant, teaching fellow, or proctor and any undergraduate student who is enrolled in a course or section taught by that individual or otherwise subject to that individual's academic supervision.

Relationships of a sexual or intimate nature between Employees and graduate and medical Students where the Employee has power, supervision, or authority over the student is prohibited. No faculty, graduate or medical Student, medical resident or fellow, postdoctoral fellow or associate, teaching or research assistant or fellow, proctor shall request or accept sexual favors from or engage in a romantic, sexual, or intimate relationship with any graduate or medical Student who is enrolled in a course or section taught by that individual or otherwise subject to that individual's academic supervision.

Academic supervision includes teaching, advising, supervising research, serving on a dissertation or other academic committee, grading, and/or having influence upon funding and/or academic progress, and/or otherwise occupying a position of influence or power over a Student's academic program.

Even when both parties have consented at the outset to the development of such a relationship, it is the person in the position of greater authority who may be investigated for or charged with Prohibited Conduct.

Pre-existing relationships of a sexual or intimate nature with a Student or relationships between individuals who are faculty and staff must be disclosed on the Conflict of Interest Form and may require a Management Plan.



- **Retaliation:** Retaliation is any action, statement, or behavior meant as reprisal or retribution against an individual in response to the individual's good-faith report or participation in a proceeding related to this policy. Any retaliatory action taken directly or indirectly against a person who has made a report, filed a complaint, or participated in an investigation is prohibited.

Retaliation includes, but is not limited to, intimidation, threats, harassment, and other conduct that would discourage a reasonable person from engaging in activity protected under this policy, such as seeking services, receiving protective measures and accommodations, and/or reporting Prohibited Conduct. This prohibition against retaliation protects Complainants, Respondents, reporting parties, witnesses, hearing panelists, decision-makers, advisors, investigators, and other individuals who provide information relating to a Title IX investigation or participate in a complaint process associated with this policy.

- **Sexual Assault:** Sexual assault is defined as a sexual act directed against another person, without the consent of the other person, including instances where the target is incapable of giving consent due to age or temporary or permanent mental or physical incapacity. Sexual Assault is the umbrella term for actions that constitute rape, fondling, incest, and statutory rape. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).
  - **Fondling:** Forcible or non-forcible touching of the private body part (breast, buttocks, groin, genital, or other intimate part) of another person for the purpose of sexual gratification without consent.
  - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).
  - **Rape:** Attempted or completed anal or vaginal penetration of another person, no matter how slight, by a body part or object without consent and/or completed or attempted oral penetration by a sex organ of another person.
  - **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:
  - (i.) An employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or
  - (ii.) Unwelcome conduct determined by a reasonable person to be so severe and pervasive and objectively offensive that it effectively denies a person equal access to the programs and activities of Brown (Hostile Environment).

- **Stalking:** Stalking is a course of conduct on the basis of sex or gender directed at a specific person that would cause a reasonable person to (i.) fear for the person's safety or the safety of others; or (ii.) suffer substantial emotional distress.

For the purposes of this policy, Stalking refers to actions "on the basis of sex or gender" that would constitute Sexual or Gender-Based Harassment such as surveillance of a former intimate partner.

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Stalking includes the concepts of cyber-stalking, a form of stalking through electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).

**Respondent:** An individual(s) who has been reported to be the perpetrator of behavior that could constitute Prohibited Conduct.

**Report:** Information shared with the Title IX Office that includes details of alleged Prohibited Conduct. A report is made when a Complainant, reporting party, or third party seeks information, support measures, or informs the University of Prohibited Conduct, but such party is not making a Formal Complaint or pursuing a complaint resolution process to address the alleged Prohibited Conduct.

**Support Measures:** Non-disciplinary, non-punitive measures provided to a Complainant or Respondent designed to restore or preserve equal access to Brown's programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and deter future prohibited conduct. The Title IX Program Officer will oversee the implementation of support measures that are individualized to respond to the effects of the Prohibited Conduct, and that are appropriate, reasonably available, and free of charge. Support measures may include a no-contact order, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, changes in work or housing locations, leave of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Use of support measures is private and is available with or without a Formal Complaint.

Brown will also provide reasonably available support measures for third-party reporters, provided that the accommodations are within the scope of that individual's relationship to Brown University.

## 5.0 Responsibilities

All individuals to whom this policy applies are responsible for becoming familiar with and following this policy. University supervisors are responsible for promoting the understanding of this policy and for taking appropriate steps to help ensure compliance with it.

**Title IX Program Officer:** The Title IX Program Officer is the Title IX Coordinator for the University and oversees the review of reports and Formal Complaints associated with this policy. The Title IX Program Officer also oversees the implementation of interim actions, support measures, the investigation process, and administration of the hearings associated with alleged violations of this policy. The Title IX Program Officer is also charged with monitoring compliance with Title IX; providing education and training; tracking and reporting annually on all incidents in violation of this policy. More on the Title IX Program Officer can be found [here](#).

## 6.0 Consequences for Violating this Policy

Failure to comply with this and related policies is subject to disciplinary action, up to and including suspension without pay, or termination of employment or association with the University, in accordance with applicable (e.g., staff, faculty, student) disciplinary procedures.

The University has developed the Title IX Grievance Procedure to investigate an allegation that a Covered Person has committed an act of Prohibited Conduct in this policy.

A Student or Employee determined to be responsible for an act of Prohibited Conduct in violation of this policy is subject to disciplinary action. Disciplinary action may include, but not be limited to, one or more of the following:

- reprimand (written or verbal)
- mandated training
- restitution
- permanent or temporary academic or work related reassignments
- change in academic or social status or standing, limiting ability to serve in leadership roles, access funding, or serve as a representative for the University on or off-campus
- probation with or without restrictions
- administrative leave without pay
- temporary (suspension or administrative leave) or permanent (expulsion or termination) separation from Brown University.

Applicants, Affiliates, Contractors, or Invitees who violate this policy may have their relationship with Brown University terminated and/or their privilege of being on Brown University premises withdrawn.

**Academic Transcripts:** Discipline of suspension and expulsion include a permanent notation on the student's official academic transcript that is maintained by the Office of the Registrar. A Respondent's access to a copy of their academic transcript will be suspended and the University will not release a copy of the Respondent's academic transcript to any other institution or third party during an investigation and adjudication of a Formal Complaint. Requests to release an academic transcript must be submitted to the Title IX Program Officer, who will determine (i.) whether to release the academic transcript; and (ii.) whether a notation indicating that serious disciplinary investigation and/or charges are pending should be included on the academic transcript.

**Leave of absence with a formal complaint pending:** If a Complainant or Respondent takes a leave of absence from Brown after the University has given notice to the Respondent but prior to a finding or final resolution, the complaint resolution process may be put on hold or continue as appropriate. The Title IX Program Officer will make an individualized assessment to determine whether to hold or continue with the complaint resolution process.

If the process is held due to the leave of absence of a Student Respondent, their transcript will be held in accordance with the process provided for in Section 6.1 above and a temporary entry may be made on their academic transcript indicating that the Student has taken a leave of absence with serious disciplinary investigation or charges pending.

If the process is held due to the leave of absence of an Employee Respondent, a temporary entry will be made in their personnel file that indicates that the employee has taken a leave of absence with disciplinary charges pending.

**Withdrawal/Permanent separation with a formal complaint pending:** The University will assess the allegations and make an individualized assessment to determine whether to continue or end the complaint resolution process upon the separation from the University of the Complainant and/or Respondent. A Complainant or Respondent may appeal a decision to dismiss (close) a Formal Complaint. The Director of Equal Opportunity and Diversity will hear appeals of dismissal decisions.

- If a Complainant withdraws or separates from Brown after the University has given notice to the Respondent but prior to a finding, the University may dismiss the Formal Complaint or continue on as the Complainant.
- If a Student Respondent withdraws from Brown after the University has given notice to the Respondent but prior to a finding or final resolution, the Formal Complaint may be dismissed and an entry will be made on their academic transcript maintained by the Office of the Registrar that indicates the Student has withdrawn with a disciplinary investigation and/or charges pending.
- If an Employee Respondent separates or is terminated from Brown after the University has given notice to the Respondent but prior to disciplinary a finding or final resolution, the Formal Complaint may be dismissed and an entry will be made in their personnel file that indicates that the employee separated with disciplinary investigation and/or charges pending or employment terminated with a disciplinary investigation and/or charges pending.
- If a Complainant or Respondent withdraws or permanently separates from the University after submitting an appeal on the finding and/or sanction of a hearing panel but before the appeal is decided, the University will dismiss the appeal and uphold the finding of the hearing panel as the final resolution to the complaint. The University may make a retroactive entry on the Respondent's academic transcript or the employee's personnel file indicating the original sanction issued by the hearing panel (if applicable).

## 7.0 Related Information

Brown University is a community in which employees are encouraged to share workplace concerns with University leadership. Additionally, [Brown's Anonymous Reporting Hotline](#) allows anonymous and confidential reporting on matters of concern [online](#) or by phone (877-318-9184).

The following information complements and supplements this document. The information is intended to help explain this policy and is not an all-inclusive list of policies, procedures, laws and requirements.

### 7.1 Related Policies:

- [Corporation Policy Statement on Equal Opportunity, Non-Discrimination and Affirmative Action](#)
- [Nondiscrimination and Anti-Harassment Policy](#)

### 7.2 Related Procedures:

- [Title IX Grievance Procedure](#)
- Sexual and Gender-Based Misconduct Complaint Procedure
- Discrimination and Harassment Complaint Resolution SOP

### 7.3 Related Forms: N/A

### 7.4 Frequently Asked Questions (FAQs): N/A

### 7.5 Other Related Information: Rhode Island State Law

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a Respondent to criminal prosecution by the applicable jurisdiction. An individual can choose to make a report to external law enforcement at any time, and doing so does not preclude the individual from making a report to the University. Both processes can be pursued if an individual chooses to do so. Brown University encourages individuals to report an incident which may be a violation of Rhode Island State Law to external law enforcement. Prompt reporting to external law enforcement is important in a criminal prosecution.

- First degree Sexual Assault ([RIGL § 11-37-2](#))
- Second degree Sexual Assault ([RIGL § 11-37-4](#))
- Third Degree Sexual Assault ([RIGL § 11-37-6](#))
- Stalking ([RIGL § 11-59-2](#))
- Cyberstalking and Cyberharassment ([RIGL § 11-52-4.2](#))

## APPENDIX D

### Title IX Grievance Procedure

#### 1.0 Standard Operating Procedure (SOP) Purpose

The purpose of the Title IX Grievance Procedure is to provide a prompt, impartial, and unbiased response to Formal Complaints made pursuant to the Sexual and Gender-Based Harassment, Sexual Assault, Interpersonal Violence, and Stalking policy (Policy). Specifically, this process will address Formal Complaints of Sexual Harassment, Gender-based Harassment, Prohibited Intimate Relationships, Sexual Assault, Dating Violence, Domestic Violence, Stalking and Retaliation (together Prohibited Conduct).

This procedure is grounded in fairness and support for all parties, and includes procedural protections that ensure nondiscrimination, adequate notice and meaningful opportunities to participate. The University makes the presumption that reports and formal complaints are made in good faith and presumes that the Respondent is not responsible for the alleged Prohibited conduct until a determination is made at the conclusion of this procedure. This procedure is also in compliance with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; and other applicable federal and Rhode Island state laws.

#### 2.0 SOP

This procedure applies to Students and Employees as defined in the Policy when:

- the conduct that occurs, in the United States, on property owned, leased, used, or controlled by Brown University; and/or
- the conduct occurs off-campus, in the United States, in the context of a program, activity, or location in which Brown exercises substantial control over both the Respondent and the context in which the alleged Prohibited Conduct occurred, including but not limited to off-campus research, internship, mentorship, summer session, clerkship, graduate student fellowship or other affiliated programs.

Exempt from these procedures is Prohibited Conduct engaged in by an individual unaffiliated with the University or outside of the University's control and/or conduct that occurs (a.) abroad, or (b.) outside the context of a Brown University employment, education, or research program or activity. Formal Complaints related to the aforementioned conduct (a. & b.) will be addressed through the appropriate Code of Conduct and/or policy.

*Note: Complaints involving student Respondents who are participants in Summer@Brown or Pre-College Programs should refer to the policies and procedures governing students enrolled in those programs.*



## 2.1 Initial Assessment

When the Title IX Program Officer receives a report or Formal Complaint of alleged Prohibited Conduct, they will conduct an initial assessment to gain a basic understanding of the nature and circumstances of the allegation. This is ordinarily a meeting, which may be held virtually, with the reporting party or Complainant, if different, where the Title IX Program Officer will provide the reporting party written information about campus resources and response options whether the offense occurred on or off campus. Such information will include, but not be limited to, a written explanation of their rights, disciplinary options on campus, how to report to local law enforcement, the importance of the preservation of evidence, confidentiality parameters, and remedial interim protective and support measures available.

The Title IX Program Officer will use the report and knowledge gathered in this meeting to assess if further risk of harm exists for the reporting party, Complainant, or the campus community; or if the report demonstrates a pattern of Prohibited Conduct involving the same Respondent. If any of these conditions exist, the Title IX Program Officer will take the appropriate interim action.

*Note: In all cases in this process when the term “Title IX Program Officer or other University official” is used, the term shall also mean a designee.*

## 2.2 Filing a Complaint

A Complainant may submit a Formal Complaint at any time while they are enrolled or employed at Brown or attempting to participate in Brown’s programs and activities. A Formal Complaint is a request for an investigation and initiation of this grievance procedure. Only a Complainant or the Title IX Program Officer can submit a Formal Complaint. A Complainant who wishes to proceed with this procedure must submit a written and signed document (in hard copy or electronically) against a Respondent that details the incident in which the Prohibited Conduct by the Respondent is alleged. A Formal Complaint must be submitted to the Title IX Program Officer.

### 2.2.1 Initial Assessment of the Formal Complaint

Upon receipt of the Formal Complaint, the Title IX Program Officer will make the following determinations to decide upon the applicability of policies:

- Could the facts set forth by the Formal Complaint, if substantiated, constitute conduct prohibited by the Policy?;
- Is the Complainant participating in or attempting to participate in an educational program, employment, or other activity of Brown University?;
- Is the Respondent a Covered Person as defined in the Policy?;
- Did the alleged Prohibited Conduct occur against a person in the United States?; and
- Did Brown University exercise substantial control over both the Respondent and the context in which the alleged Prohibited Conduct?

If the answer to any question is “NO”, then the Policy and this procedure do not apply to the Formal Complaint. The Formal Complaint will be referred to the appropriate policy, Code, or University Office.

If the answer to each question is “YES”, then the Policy and this procedure applies, and the Title IX Office has the authority to investigate and resolve the Formal Complaint.

### **2.3 Standard of Evidence**

In all stages of the process, Brown University applies the preponderance of the evidence standard (more likely than not) when determining whether the Policy has been violated.

### **2.4 Use of an Advisor**

Complainants and Respondents are entitled to be accompanied and assisted by an adviser at meetings, investigation interviews, and, if applicable, a subsequent hearing. An adviser is an individual of the Complainant’s or Respondent’s choosing, including an attorney, to provide support during the complaint process. The parties are not limited to one adviser throughout the process; however, only one adviser may be present at each meeting or interview. Accommodations, including scheduling of interviews or hearings, will not be made for advisers if the accommodation creates an undue delay in the process, which is considered to be a delay of three (3) or more business days.

During meetings, interviews, and the investigation process, advisers may not speak for or answer questions on behalf of their party, although they may ask to take a break briefly to provide consultation.

During a hearing, advisers may ask questions on behalf of party during the cross-examination phase of the hearing. An adviser’s active role is limited to the questioning during the cross-examination phase only. An adviser cannot speak to the hearing panel or other participants in the hearing or ask questions in any other step of the hearing unless it is to request a brief break to provide private consultation to their party.

A pool of Brown University faculty and staff are trained as process advisers. Process advisers are available to the Complainant or Respondent upon request, subject to the process adviser’s availability. There is no requirement that the adviser is chosen from this pool or be an individual from the Brown University community.

### **2.5 Time Frame for Reporting**

The University will accept a report of Prohibited Conduct at any time, although the University’s ability to investigate may be limited by the passage of time. There is no time limit on submitting a Formal Complaint; however, a Complainant seeking to use this procedure must be participating in or attempting to participate in an educational program, employment, or other activity of Brown at the time of filing a Formal Complaint. The Respondent must also be participating in an educational program, employment, or other activity of Brown at the time in which the Formal Complaint is received.

If the Complainant and/or Respondent is no longer affiliated with Brown (e.g., a report is made after a student is no longer enrolled or graduated or an employee is no longer employed by Brown), the University will provide reasonably available remedial measures as appropriate, will assist the

Complainant in identifying external reporting options, and may take appropriate action to address the Prohibited Conduct.

## **2.6 Amnesty**

Brown University may offer amnesty to Complainants, Respondents, reporting parties, and witnesses who disclose the personal ingestion of alcohol or other drugs in violation of the University Alcohol and Drug Policy and/or disclose a violation of COVID-19 requirements when making a report of Prohibited Conduct or participating in an investigation unless the University determines there is malicious intent. Although amnesty safeguards the individual from a disciplinary notation or finding of responsible for a policy violation, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

## **2.7 Conflict of Interest**

The Title IX Program Officer, investigator, hearing panel, and other decision makers will be free from conflicts of interest and receive training on identifying and mitigating explicit and implicit bias. The Title IX Office checks for conflict of interest with the parties, investigator, hearing officer, and decision makers. Individuals can disclose potential or actual conflicts as they arise to Title IX Program Officer.

## **2.8 Informal Resolution**

An informal resolution is an alternative to the investigation and adjudication model and generally involves a facilitated resolution that is acceptable to the Complainant and Respondent. A full investigation of the allegation is not conducted in the informal resolution process; however, the details of the allegation will be gathered to allow the University to engage in an assessment of risk. An informal resolution can be the full and final resolution to a Formal Complaint.

An informal resolution can be requested by a Complainant or Respondent at any time after a Formal Complaint has been submitted up to the start of a Title IX hearing. Generally, informal resolutions are pursued when the Complainant and Respondent, having been fully informed of all available options, has explicitly and voluntarily made that choice. An informal resolution process is voluntary for the both Complainant and the Respondent. Engaging in the informal resolution process is not an admission of responsibility for the allegation or an admission of the falsehood of the allegations. The existence of an informal resolution is not viewed as a finding against the Respondent. If an informal resolution process is ended, any information obtained may be used in a subsequent investigation of the Formal Complaint.

The Complainant or Respondent may withdraw from an informal resolution process at any time before its completion. If an informal resolution process is ended prior to its completion, any information obtained will not be used in a subsequent investigation of the Formal Complaint.

Once a Formal Complaint has been resolved through an informal resolution process, the matter will be closed. This means allegations resolved through an informal resolution will not advance through the formal resolution process unless the terms of the informal resolution are broken or incomplete. If a term of the informal resolution is broken or incomplete, the information obtained may be submitted as

evidence in a subsequent investigation involving the Complainant and/or Respondent.

For some limited types of Prohibited Conduct, an informal resolution may include mediation. Mediation may not be an appropriate option for cases involving a report of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct.

In all cases, the Title IX Program Officer will have the discretion to determine whether an informal resolution or mediation is appropriate to the circumstances. The University will generally allow only one informal resolution per Respondent. Informal resolutions are not permitted between student Complainants and Employee Respondents.

#### **2.8.1 Notice of the Formal Complaint**

The Title IX Program Officer will provide the Complainant or Respondent written notice of the other party's interest in resolving a Formal Complaint through the informal resolution process. Written notice will include a copy of the Formal Complaint, the Prohibited Conduct at issue, and a summary of the guidelines to an informal resolution and the participant's rights in the process. The Complainant or Respondent will have five (5) business days to respond to the informal resolution request, indicating their interest in participating in the informal process. In the instance when a party does not reply to the notice or a party does not voluntarily agree to participate in the informal resolution process, the informal resolution process will end and the University will begin an investigation into the Formal Complaint.

#### **2.8.2 Privacy of Informal Resolution**

The existence of an informal resolution and/or the agreed upon terms is considered private information maintained in the Title IX Office. The existence of an informal resolution and/or the agreed upon terms may be shared with a limited circle of individuals in the University who "need to know" in order to (i.) assist in implementing the agreed upon terms, (ii.) monitor the agreed upon terms, (iii.) engage in a risk assessment involving the Complainant or Respondent, (iv.) implement support or protective measures, or (v.) perform University operations.

The Title IX Program Officer may use the information obtained during an informal resolution process as evidence when investigating the Formal Complaint when the terms of an informal resolution are broken or not complete.

The Title IX Program Officer may also use the information obtained during an informal resolution as evidence when investigating a Formal Complaint if a subsequent allegation of Prohibited Conduct involving the same Respondent is made and the alleged Prohibited Conduct is distinctively similar to the conduct alleged in the informal resolution process. If this occurs, the relevant portion of the Formal Complaint may be shared with an investigator and the Complainant may be called as a witness.

#### **2.8.3 Acceptance of Responsibility for Impact**

As a component of the informal resolution process involving Students as the Complainant and

Respondent, the Student Respondent must accept responsibility for the harm or impact caused by the Prohibited Conduct alleged in the Formal Complaint. Accepting responsibility for the harm or impact does not mean the Student Respondent accepts responsibility for violating of University policy.

A Student Respondent who is interested in accepting responsibility for a policy violation is welcome to do so and should note accepting responsibility for Prohibited Conduct may be considered factual evidence in a Formal Complaint investigation when an informal resolution is not reached or the terms are not completed or breached.

#### **2.8.4 Developing Terms of the Informal Resolution**

The Complainant and Respondent may propose terms for the informal resolution. The terms should be designed to remedy the adverse effects the Prohibited Conduct alleged has on the Complainant and/or to restore the Complainant's equal access to the programs and activities of Brown. Informal resolutions involving faculty and staff will include a supervisor, Senior Dean, Office of the Provost, or University Human Resources who may also suggest proposed terms.

The Title IX Program Officer will review the proposed and final terms and will remove those terms that are not permissible under University policy or practice and/or federal or state law. The Title IX Program Officer may consult with the relevant University officials such as a supervisor, Department Chair, Senior Dean, Office of the Provost, Campus Life or University Human Resources when determining the permissibility of a proposed term(s).

After the Title IX Program Officer's review, the parties will have five (5) business days from the date of delivery of the informal agreement to review the terms. They should indicate their willingness to accept all, some, or none of the proposed terms. They may also propose alternative strategies to meet a specific term they reject.

The Title IX Program Officer will send the Complainant and/or Respondent a copy of the other party's response to the proposed terms. The Complainant or Respondent will have a subsequent five (5) business days from the date of delivery of the new terms to consider and respond to the revised terms.

The informal agreement is reached when both parties independently and voluntarily come to agreement on terms. Upon agreement and signature (in hard copy or electronically) by both the Complainant and Respondent, the Formal Complaint is considered resolved and closed.

#### **2.8.5 Violations of the Informal Resolution**

The Complainant and Respondent will be asked to identify and agree upon the consequences for violating the terms of the informal resolution. The Title IX Program Officer will consult with the relevant University officials such as a supervisor, Department Chair, Senior Dean, Office of the Provost, or University Human Resources when determining the permissibility or appropriateness of the proposed consequences. If the consequences for violating the informal resolution are not determined, the matter the matter will continue in the Formal Resolution Process.

#### **2.8.6 Right of Appeal**

The informal resolution is grounded in the voluntary participation of the Complainant and Respondent. For this reason, there is no right of appeal associated with the informal resolution process.

#### **2.8.7 Time Frame for the Informal Resolution Process**

The University cannot promise a definitive timeframe for an informal resolution process as the time to complete the agreement is unique to each set of Complainant and Respondent. The informal resolution will ordinarily take an average of 20 business days to complete.

Below is an overview of the approximate time associated with the major stages of the informal resolution process after the Title IX Program Officer receives a Formal Complaint. All timeframes set forth in this process may be adjusted at the discretion of the Title IX Program Officer. The Complainant and Respondent will be notified of any delays or extensions of these timeframes and will be provided with a revised timeline to resolve the complaint.

- Written notice of Formal Complaint – Two (2) business days from receipt of the Formal Complaint
- Written notice of a request for informal resolution – Two (2) business days from receipt of the request from either the Complainant or Respondent
- Drafting of terms – Five (5) business days (this step may be repeated as necessary)
- Review of proposed terms – Five (5) business days (this step may be repeated as necessary)
- Review and sign off on the final terms – Five (5) business days.

#### **2.8.8 Recordkeeping**

The Formal Complaint and final informal resolution agreement will be maintained for a period of seven (7) years in accordance with the records retention schedule of the University. Records of supportive measures will be maintained for a minimum period of seven (7) years.

#### **2.9 Formal Resolution**

A formal resolution process will occur when (i.) a Complainant submits a Formal Complaint and requests to begin the formal resolution process, (ii.) the University engages in an assessment of threat and determines that the Title IX Program Officer should proceed with the formal resolution process because there is reasonable cause to believe that the Respondent poses a significant threat of harm to the health, safety, and welfare of the Complainant or Brown community, or (iii.) the Title IX Program Officer identifies a pattern of alleged Prohibited Conduct involving the same Respondent.

In the event of (ii.) or (iii.), the Title IX Program Officer will draft and sign a Formal Complaint in lieu of a Complainant, and the formal resolution process will proceed as indicated below.

##### **2.9.1 Notice to the Respondent(s)**

The Title IX Program Officer will provide the Respondent written notice of the Formal



Complaint. Written notice will include a copy of the Formal Complaint, the Prohibited Conduct at issue, and a summary of the participant's rights and guidelines to the formal resolution process.

The Respondent will have five (5) business days following the date of delivery of the written notice to respond to the Formal Complaint but is not required to respond. A response to the Formal Complaint is at minimum the acceptance or denial of responsibility for the alleged Prohibited Conduct. The response may also, but is not required to, address the factual allegations within the Formal Complaint. Any response submitted will be provided to the Complainant and the investigator.

#### **2.9.1.1 No Response to Written Notice**

In instances when the Respondent does not reply to the written notice, the formal resolution process and investigation will continue. The Title IX Office will make a good faith effort to contact the Respondent to notify them of the Formal Complaint and ensuing formal complaint process.

A Respondent's silence in response to a Formal Complaint will not be viewed as an admission of responsibility but may leave the allegations undisputed. If the Respondent chooses to participate in the resolution process after the investigation report is finalized, they will be given the opportunity to participate in the subsequent steps of the process.

### **2.9.2 Investigation**

The Title IX Program Officer will appoint one or more investigators to conduct the fact finding for the case. The Title IX Program Officer will have the discretion to determine whether the investigator will be internal (an employee at Brown) or external (a qualified individual outside of the Brown community), or a combination of both internal and external investigators. The role of the investigator will be to gather, assess and synthesize the relevant evidence in a report that sets forth the facts determined to have occurred. The investigator has the discretion to determine the relevance of any witness or other evidence and may exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

The investigator will prepare an initial (draft) investigation report. A redacted version of the draft investigation report and a redacted copy of all of the physical evidence submitted or obtained is shared electronically with both parties who will have ten (10) business days from the date of delivery of the draft report to review and comment before the investigation report is finalized. The investigator does not make a final determination to whether a policy violation has occurred.

Complainants and Respondents should be aware that the allegations and Prohibited Conduct in the draft investigation report may be different from allegations in the Formal Complaint. If an additional allegation is identified during the investigation, the Title IX Program Officer will send the Complainant and Respondent notice of the new allegation and amend the Formal Complaint. The Respondent will be provided five (5) business days from the date of delivery of

the notice of the new allegation to respond to the new charge.

The investigator's report may include credibility assessments, where appropriate, based on their interviews with the Complainant, Respondent, witnesses, and review of the material evidence, as well as the basis of those assessments. The credibility assessment may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information.

To ensure that the investigator is complying with their role as outlined in these procedures, the Title IX Program Officer will review the investigation report in advance of the parties for thoroughness and accuracy and may return the investigation report to the investigator in instances where the investigator does not comply with their role, the Title IX Program Officer questions an initial decision of relevance of evidence, clarification is needed or the potential policy violation is not addressed in a manner consistent with the Policy definition.

*Note: To protect the privacy of the parties and safeguard the contents of the investigation report, the draft and final investigation report will be sent through an encrypted email that limits the parties' ability to edit, download, or print the investigation report. These limitations will be amended as needed to adhere to reasonable accommodation related to a disability that is documented with the University.*

#### **2.9.2.1 Extensions**

A Complainant and/or Respondent may ask for an extension to a deadline or to pause the investigation. Pauses and/or extensions are only provided for good cause and are normally a three- to five-day extension. Good cause is considered to be extraordinary or extenuating circumstances outside of the control of the party such as an unanticipated health issue or exam or deadline associated with an academic assignment. Extensions to accommodate an adviser's schedule, including scheduling of interviews or hearings, will be considered if they do not unduly delay the process, which is considered to be a delay of three (3) or more business days.

#### **2.9.2.2 Witnesses**

The Complainant, Respondent, and witnesses are permitted to provide names of potential witnesses to the investigator. The investigator will determine which of those potential witnesses, or other persons, may have relevant evidence about the alleged conduct and may request statements, either orally or in writing. Witnesses may include individuals outside the Brown community.

#### **2.9.2.3 Evidence**

- Complainants, Respondents, and witnesses are permitted to provide evidence to the investigator. Evidence may include text messages, email exchanges, timelines, receipts, photographs, videos, etc. The investigator may also gather and consider additional documents, items, or other relevant information.

The investigator will determine whether the evidence is relevant. Information that does not directly relate to the facts at issue may be considered irrelevant to the determination of whether the conduct alleged violates the Policy.

- **Pattern Evidence:** A report of Prohibited Conduct that is so distinctively similar and closely resembling the behavior in the Formal Complaint may be considered as factual evidence. The investigator may consider this as pattern evidence regardless of whether there has been a prior finding of a Policy violation. Pattern evidence may occur before or after the conduct in question. This information may be deemed relevant to determine whether the conduct alleged violates the Policy and/or to assign appropriate discipline.
- **Character Evidence:** Information that does not directly relate to the facts at issue, but instead reflects upon the reputation, personality, qualities, or habits of an individual is character evidence and will be given lesser weight than information that directly relates to the facts of the case when determining whether the conduct alleged violates the Policy.
- **Prior Sexual History:** An individual's character or reputation with respect to sexual activity is not typically relevant and is not ordinarily considered as evidence. Similarly, an individual's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence when offered to prove that someone other than the Respondent committed the offense or if the sexual history evidence concerns specific sexual incidents between the Complainant and Respondent and is offered to prove consent. For example, prior sexual history may be relevant to explain the presence of a physical injury or to help resolve other questions raised by the investigation report. The investigator will determine the relevance of this information.

Even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another sexual act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Where the parties have a sexual relationship prior to or after the incident in question and the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question. However, this does not assume that the prior sexual history was consensual, and this should be a factor in considering relevance.

- **Other Disciplinary Case**  
Information about prior, concurrent, or pending campus disciplinary or criminal charges involving the Complainant or Respondent is typically viewed as irrelevant to the investigation unless determined to be so distinctly similar or to be contemporaneous such that the other conduct may be related that it will be considered pattern evidence.

### 2.9.3 Investigation Report Review

Within ten (10) business days following the date of delivery of a redacted draft investigation report, both parties may provide a written response. The Complainant and Respondent may offer additional comment, clarify information previously shared, suggest additional witnesses, question relevance determinations, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation.

The parties should contact the Title IX Program Officer if the redactions create a barrier to their review of the investigation report. The Title IX Program Officer will set up a meeting, which may be held virtually, to review the redacted information verbally, including the identity of the witnesses.

The Title IX Program Officer will review the investigation report in advance of the parties for thoroughness and accuracy and may return the investigation report to the investigator in instances where the investigator does not comply with their role, the Title IX Program Officer questions an initial decision of relevance of evidence, clarification is needed or the potential policy violation is not addressed in a manner consistent with the Policy definition.

The investigator will review the responses submitted by the parties to finalize the investigation report but is not obligated to change the report. The investigator may request additional information or interview additional witnesses to finalize the document. Once the investigation report is finalized, it is provided to the Title IX Program Officer, who will send it to the parties, the Chair of the Title IX Council, Hearing Officer, and the hearing panel.

#### **2.9.4 Hearing**

The University conducts a live virtual hearing in which the parties can simultaneously see and/or hear each other. The hearing is recorded, and subject to a proctored review by the parties after the hearing upon request during the pendency of an appeal.

The Title IX Program Officer will select a date for the hearing based on the availability of the hearing panel, and will consider a participants' academic and work schedules when identifying the hearing date.

The University requires the party to be on camera during their cross examination and verbal statement only. The parties will be muted and off camera during the other phases of the hearing.

##### **2.9.4.1 Chair of the Title IX Council**

The Chair of the Title IX Council presides over the hearing panel as a non-voting member. The Chair is responsible for the administration of the hearing process and conduct of the deliberations process, including procedural matters and decisions leading up to the hearing. The Chair is also responsible for drafting the determination letter that summarizes the finding, rationale, and outcomes.

#### 2.9.4.2 Hearing Officer

The Hearing Officer presides over the hearing as a trained non-voting member. The Hearing Officer is responsible for making determinations of relevance about information that will be considered or not during the hearing including appropriate and inappropriate lines of questioning. The Hearing Officer is responsible and has the authority for the overall decorum and conduct of the parties, panelist, investigator, and advisers during cross-examination.

#### 2.9.4.3 Hearing Panel

The Hearing Panel is comprised of one to three individuals who receive training to hear Formal Complaints investigated under the Policy. The Title IX Program Officer will send the hearing panel a redacted copy of the final investigation report at least ten (10) business days before the date of the hearing. The hearing panel will convene to deliberate and render a decision, by majority vote, regarding whether or not the Respondent has violated the Policy by a preponderance of the evidence. No member may abstain from voting.

The number and composition of the hearing panel is determined by the affiliation of the Respondent (i.e. Faculty, Staff, or Student). When a respondent holds multiple relationships to the University, the Respondent's affiliation will be determined by the role they were in when the alleged Prohibited Conduct occurred.

- **Hearing Panel for Faculty Respondent:** A hearing panel where both the Complainant and Respondent are faculty will consist of three (3) faculty members drawn from the Title IX Council. If the Complainant is a student or staff member, the hearing panel will consist of two faculty (2) and one (1) student or staff member respectively drawn from the Title IX Council. The hearing panel will deliberate and make a determination on the finding and Discipline (if applicable). The Senior Academic Dean of the Respondent or Senior Director of Employee and Labor Relations may be substituted for a three (3) person hearing panel in instances in which the Title IX Office is unable to populate a panel due to urgency, time of year, or conflict of interest.
- **Hearing Panel for Staff Respondent:** A hearing panel where both the Complainant and Respondent are staff will consist of three (3) staff members drawn from the Title IX Council. If the Complainant is a student or faculty member, the hearing panel will consist of two (2) staff members and one (1) student or faculty member respectively drawn from the Title IX Council. The hearing panel will deliberate and make a determination on the finding and Discipline (if applicable). The Senior Director of Employee and Labor Relations may be substituted for a three (3) person hearing panel in instances in which the Title IX Office is unable to populate a panel due to urgency, time of year, or conflict of interest.

- **Hearing Panel for Student Respondent:** A hearing panel for student Respondent complaints will consist of three (3) individuals drawn from the Title IX Council. The hearing panel will deliberate and make a finding and determine a Discipline (if applicable).

#### 2.9.4.4 Cross-Examination

The hearing provides the Complainant and Respondent the opportunity to pose questions to the other party, investigator, and witnesses to elicit relevant factual information missing from the final investigation report. The Complainant and Respondent must pose questions through their advisor and are prohibited from communicating directly with the other party.

The Complainant and Respondent are responsible for developing their specific questions. The University will provide each party a hearing process advisor who can fulfill the function of asking their questions in the event that the party does not have an advisor or their advisor of choice cannot attend the hearing. The process advisor's role is limited to asking the questions identified by their party, and may, but is not required, to assist their party in developing additional questions.

During cross examination, the Respondent will ask questions first and the Complainant ask questions second. Questioning for the participants will be timed as follows:

- 15 minutes for each party to question specific witnesses
- 15 minutes for each party to question the investigator
- 45 minutes to question the Respondent
- 45 minutes to question the Complainant

The Hearing Officer will manage the time allotted for questioning and will extend these timeframes in their discretion.

The Complainant and Respondent must send their anticipated questions and the names of the specific witnesses they would like to cross-examine to the Title IX Office two (2) business days before the hearing. The questions will be provided to the Hearing Officer to prepare for relevancy determinations. The questions will not be shared with witnesses, the other party, or the hearing panel.

Submitting questions in advance of the hearing does not obligate the party to ask the submitted questions nor does it preclude the party from identifying and asking additional questions at the hearing. The Hearing Officer will make a brief determination of relevance before the subject of cross examination answers.

The hearing process does not allow the Complainant or Respondent to challenge the relevance decision of the Hearing Officer during the hearing or of the



investigators relevance decisions in the final investigation report. Challenges to relevance decisions may be addressed through the appeals process as a material procedural error.

#### **2.9.4.5 Verbal Statement**

The Complainant and Respondent will be granted the opportunity to appear before the Hearing Panel if they wish to make a verbal statement regarding the facts. Verbal statements must be no more than seven (7) minutes in length. The Hearing Officer will intervene should a verbal statement exceed seven (7) minutes.

The Hearing Officer will instruct the Hearing Panel to disregard verbal statements made that are more prejudicial than probative, introduce new allegations, or introduce evidence deemed irrelevant or immaterial by the investigator, Chair of the Title IX Council or Hearing Officer. If both the Complainant and Respondent choose to make a verbal statement, the Complainant shall appear first, and the Respondent shall appear second. Verbal statements should focus on the facts and relevant evidence and limit references to character.

#### **2.9.4.6 Impact Statement**

The Complainant and Respondent may submit an impact statement to be considered by the hearing panel. Impact statements will be shared with the hearing panel after it has made a determination of responsibility for the Prohibited Conduct and is considering Discipline if applicable. The impact statement must be submitted one (1) business days before the scheduled hearing. The impact statements should be no more than three (3) 8 ½ by 11 pages, double spaced, 12 point font, one inch margins and should not include new allegations or information determined by the investigator or Hearing Officer to be irrelevant or immaterial to the allegations or information that is more prejudicial than probative. Information deemed inappropriate or irrelevant, as stated above, included in an impact statement will be redacted or removed before the statement is shared with the hearing panel.

#### **2.9.4.7 Outcome**

The Chair of the Title IX Council will prepare a written decision within five (5) business days from the date of the hearing. The written decision will include a finding for each charge, rationale for each decision, and appropriate Discipline for each allegation as applicable. The Chair may ask for additional time for deliberation or request to pause the hearing panel deliberation in the instance in which the hearing panel requires additional information in order to render a decision. The Title IX Program Officer will notify the parties if additional time or information is needed.

The hearing panel shall consider prior violations when determining an

appropriate sanction.

If the Hearing Panel determines that there is adequate cause for the termination of a term appointment or revocation of tenure of a Faculty respondent, the Hearing Panel will make this recommendation to the Provost and President who will consider the recommendation and follow the appropriate procedure as stated by the Faculty Rules and Regulations.

If the Hearing Panel determines there is adequate cause for the separation or termination of an employee, the Hearing Panel will make this recommendation to the Senior Director of Employee and Labor Relations who will follow the appropriate procedure as stated by employee policy or applicable collective bargaining agreement.

In all cases, the Complainant and Respondent will be notified of the outcome and determination simultaneously in writing. The appropriate campus officials such as the Senior Academic Dean, Deans in the Graduate or Medical School, Department Chair, University Human Resources and supervisory personnel, or Deans in The College and Campus Life will receive a copy of the outcome as appropriate.

#### **2.9.4.8 Determining the Appropriate Discipline**

If the hearing panel determines that a Respondent is responsible for one or more violations of the Policy, it will then impose an appropriate Discipline. The hearing panel will be permitted to consider prior unrelated Policy and Code violations in determining an appropriate sanction.

The hearing panel shall consider, but is not limited to, the following factors in determining an appropriate discipline:

- Whether or not the circumstances suggest there is an increased risk of the Respondent committing additional acts of sexual violence or other violence (whether there have been other sexual violence Complaints about the same Respondent, whether the Respondent has a history of violence, whether the Respondent threatened further sexual violence or other violence against the student or others);
- Whether or not the circumstances suggest there is an increased risk of future acts of Prohibited Conduct under similar circumstances (whether the circumstances reveal a pattern of perpetration, for instance via illicit use of drugs or alcohol, at a given location, or by a particular group);
- Whether or not the Prohibited Conduct was perpetrated with a weapon or had other aggravating considerations;
- Whether the Respondent upon return to campus would be likely to pose a threat to the safety and/or well-being of the Complainant and/or the Brown University community generally, and if so, the nature and extent of the

- threat and steps to effectively mitigate the impact;
- The impact statements submitted by the Complainant and Respondent;
- The impact of the conduct on the Brown University community, and the need for any Discipline or remedies to eliminate, prevent, or address the existence of any hostile environment caused in the Brown University community or to maintain a safe and respectful environment conducive to learning, working and living; and
- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in the case.

If a student Respondent is found responsible and the Discipline includes suspension or expulsion, the Threat Assessment Team will meet to determine if the Respondent must be immediately removed from campus housing, restricted in their movements on campus (e.g., only able to attend classes and labs), or barred completely from campus during the entirety of the appeal process. Such removal or restriction will only be imposed if there is reasonable cause to believe that the Respondent poses a significant threat of harm to the health, safety, and welfare of the complainant or others.

In cases of expulsion or termination: Once the appeal deadline has passed or an expulsion or termination is upheld by an appeal panel, the Respondent's enrollment or employment will end and the Respondent must vacate campus immediately.

In cases of suspension of a student Respondent: Once the appeal deadline has passed or a suspension is upheld by an appeal panel, the start of the Respondent's suspension will be determined by the date in which the final decision is made. Suspensions imposed before the end of the sixth week of classes will begin immediately and apply to the current semester. Suspensions imposed after the sixth week of classes will apply to the next semester. The University may impose interim actions, as appropriate, on the student respondents whose suspension will begin in the upcoming semester.

#### **2.9.4.9 Right of Appeal**

The Complainant and Respondent both have the right to appeal a determination of responsibility on the limited grounds of (i.) material procedural error that materially affected the outcome; (ii.) material, new evidence not reasonably available at the time of the hearing; (iii.) a decision and/or Discipline that is clearly contrary to the weight of the evidence; and/or (iv.) conflict of interest or bias on the part of the Title IX Program Officer, investigator, or hearing panelist that affected the outcome.

Written requests for appeal must be submitted within five (5) business days following delivery of the notice of the outcome. Written requests for appeal submitted by one party will be shared with the other party. Each party may

respond in writing to any appeal submitted by the other party. Written responses to an appeal must be submitted within five (5) business days following delivery of the notice of the written appeal.

Appeals are heard by the Provost in cases with a faculty Respondent, Vice President of Human Resources in cases with a staff Respondent, and a three (3) member appeal panel drawn from the Title IX Council when the case involves a student Respondent. The appeal panel's responsibility will be strictly limited to determining if the written appeal meets the limited grounds in which an appeal is submitted. If the appeal panel finds that the grounds for appeal are met, the appeal will be granted. Otherwise, the appeal will be denied. If the appeal is denied, the matter is closed, and the hearing panel's decision stands as the final decision.

There are two possibilities in the event that an appeal is granted, the appeal officer or appeal panel may, in its discretion: (i.) Remand the case to the original or new hearing panel and provide instructions regarding the nature and extent of its reconsideration. The hearing panel will act promptly to reconsider the matter consistent with those instructions. Following reconsideration, the finding of the hearing panel or the sanction imposed by the decision-maker will be final and not subject to further appeal, or (ii.) Modify the decision and/or sanction consistent with its decision. Following reconsideration, the finding of the appeal panel or the sanction imposed will be final and not subject to further appeal.

#### **2.9.5 Time Frame of the Formal Resolution**

The University seeks to complete its investigation and disciplinary process, if any, as promptly as possible. A formal resolution process will take an average of 75 business days. The length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, but are not limited to, circumstances in which critical witnesses are unavailable, or if law enforcement requests the University temporarily halt its investigation for a brief period of time.

Below is an overview of the approximate time associated with the major stages of the formal resolution process after the Title IX Program Officer receives a Formal Complaint. All timeframes set forth in this process may be adjusted in the discretion of the Title IX Program Officer. The Complainant and Respondent will be notified of any delays or extensions of these timeframes and will be provided with a revised timeline to resolve the complaint.

- Notice to the Respondent – Two (2) business days from receipt of the Formal Complaint
- Response to the Formal Complaint – Five (5) business days from delivery of written notice of the Formal Complaint
- Investigation – Thirty (30) business days

- Draft Report Review – Ten (10) business days from delivery of the draft investigation report
- Finalize the Investigation Report – Five (5) business days
- Hearing Panel Report Review – Ten (10) business days
- Hearing Panel Deliberation – Five (5) business days
- Right of Appeal – Five (5) business days from the delivery of the written outcome
- Appeal Review – Five (5) business days

#### **2.9.6 Information Sharing**

Throughout the investigation, the parties should only share documentation and information they receive or learn of from the Title IX Office, including the investigator, for the purpose of advice and counsel. Information shared, publicly posted, or distributed for other purposes may be considered Retaliation under the Policy and could constitute a violation of federal or state privacy laws.

The University may share the Formal Complaint, investigation report, and Finding with a limited circle of individuals within the University who “need to know” in order to assist in (i.) the review, investigation, and resolution of the report or Formal Complaint, (ii.) the implementation of support or protective measures, (iii.) the implementation of the Finding and/or Discipline, or (iv.) other disclosures necessary to fulfill University operations.

#### **2.9.7 Withdrawal or Dismissal of Formal Complaint or Allegations**

The Title IX regulations require the University to dismiss a Formal Complaint or allegation in the instance when the investigation proves that the charge falls outside of the jurisdictional scope of Title IX. The Formal Complaint or allegation must be dismissed even if the investigation proves that the Prohibited Conduct occurred. The University may refer the Formal Complaint and the investigation report to an alternative policy, Code of Conduct, or University official.

The Complainant may request to withdraw the Formal Complaint or allegations within a Formal Complaint at any time before the determination made by the hearing panel. Either request must be made in writing to the Title IX Program Officer. The Title IX Program Officer will consider whether to approve or deny these requests, and will strongly consider the Complainant’s request.

Similarly, the University may withdraw or dismiss an allegation or Formal Complaint at any time before a hearing when the Complainant or witness refuses to participate in the investigation or hearing, the Respondent permanently separates from the University, or the investigation uncovers that the University does not have control over the Respondent and is unable to issue impose discipline on the Respondent.

Written notice of a decision to dismiss some or all of the Formal Complaint will be sent to the parties in writing. The Complainant and/or the Respondent have the right to appeal a decision to dismiss on the limited grounds of (i.) material procedural error that materially

affected the outcome; (ii.) material, new evidence not reasonably available at the time of the determination to dismiss; and/or (iii.) conflict of interest or bias on the part of the Title IX Program Officer, investigator, or hearing panelist that affected the outcome. The Director of Equal Opportunity and Diversity will hear appeals of dismissal. An appeal of a mandatory or discretionary dismissal must be submitted to the Director of Equal Opportunity and Diversity within 5 (five) business days from notice of the decision to dismiss. Written requests for appeal submitted by one party will be shared with the other party. Each party may respond in writing to any appeal submitted by the other party. Written responses to an appeal must be submitted within five (5) business days following delivery of the notice of the written appeal. The outcome of the appeal must be in writing, and must include the rationale. The written decision must be provided simultaneously to both parties.

The University must dismiss a formal complaint or allegation for behavior that does not meet the definition of prohibited Conduct as defined in the policy, behavior that occurs outside of Brown locations, programs or activities of Brown, or behavior that did not occur in the United States. Behavior dismissed under Title IX may be addressed through another University Code of Conduct or Policy.

#### **2.9.8 Recordkeeping**

The Formal Complaint, final investigation report, and final determination letters, including appeal outcomes, will be maintained for a minimum period of seven (7) years in accordance with the records retention schedule of the University. The Formal Complaint, final investigation report, and final determination letters, including appeal outcomes for cases involving suspensions and expulsions will be maintained by the University in perpetuity. Records of supportive measures will be maintained for a minimum period of seven (7) years.

### **3.0 Definitions**

For the purpose of this SOP, the terms below have the following definitions:

**Adviser:** An adviser is an individual of the Complainant's or Respondent's choosing, including an attorney, to provide support during the complaint process. More on the role and responsibility of an adviser can be found in the Sexual and Gender-based Harassment, Sexual Assault, Intimate Partner Violence, and Stalking Policy.

**Administrative Leave:** Administrative leave is the process where the institution places an Employee on an interim work, supervision, leadership, or teaching suspension after the filing of a Formal Complaint against the Employee.

**Coercion:** Coercion is verbal and/or physical conduct, including intimidation, unwanted contact, and express or implied threats of physical, emotional, or other harm, that would reasonably place an individual in fear of immediate harm and that is employed to compel someone to engage in sexual contact.

**Complainant:** A Complainant is the individual(s) who is alleged to be the victim of behavior that could constitute Prohibited Conduct. A Complainant seeking to use the Title IX grievance procedure associated with this policy must be participating in or attempting to participate in an educational program, employment,



or activity of Brown at the time of filing a formal complaint.

**Consent:** Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely and affirmatively chosen to engage in sexual contact. Consent cannot be obtained through: (1) the use of coercion or force, or (2) by taking advantage of the incapacitation of another individual.

Silence, passivity, incapacitation from alcohol or drugs, or the absence of resistance does not imply consent. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact. An essential element of consent is that it be freely given. Freely given consent might not be present, or may not even be possible, in relationships of a sexual or intimate nature between individuals where one individual has power, supervision, or authority over another.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant or reporting party affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from coercion; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating incapacitation.

**Covered Persons:**

- **Applicants:** Individuals who have expressed an interest in applying or have submitted an application for employment or enrollment as a student.
- **Contractors:** Independent contractors, vendors, or other third parties contractually obligated to perform services for Brown University.
- **Employees:** Individuals employed by Brown University, including faculty, affiliates, visiting faculty, postdoctoral fellows, and all staff (including all exempt and non-exempt, bargaining unit, and senior administrative positions), as well as those physicians and health scientists who are not employed by Brown University but have Brown University faculty, affiliate, postdoctoral, or house staff appointments for the purpose of teaching and/or research in the Division of Biology and Medicine.
- **Invitees:** Visitors or guests of Brown University.
- **Students:** Individuals enrolled in the College, the Graduate School, the Warren Alpert Medical School, the School of Public Health, the School of Engineering, and/or the School of Professional Studies.

**Discipline:** Discipline is a consequence, punishment, or penalty rendered as a result of a finding of responsibility for a policy violation.

**Emergency Removal:** Emergency removal is the process where the institution places a Respondent on an interim academic suspension, interim leave of absence and/or interim removal from campus. The Title IX Program Officer will bring reports that may necessitate an emergency removal to the Threat Assessment

Team in the case involving Student Respondents or convene a risk assessment group for cases involving Employee Respondents to determine whether there is reasonable cause to believe that the alleged Prohibited Conduct is likely to continue and/or the student Respondent poses a significant threat of harm to the health, safety, and welfare of others or the University community.

If the Threat Assessment Team determines that an emergency removal is warranted, it will recommend that action to the Associate Vice President for Campus Life and Dean of Students who will decide whether to implement the emergency removal. Emergency removals can be appealed to the Vice President of Campus Life. Brown may remove a student on an emergency basis with or without the completion of a complaint resolution process.

**Force:** Force is the use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.

**Formal Complaint:** A written and signed document submitted by a Complainant (or the Title IX Program Officer in lieu of a Complainant) alleging that a Covered Person has engaged in conduct prohibited by this policy. A Formal Complaint should include identities of the parties involved (if known), the Prohibited Conduct alleged, the date and location of the alleged incident (if known), and the details of the incident. The Formal Complaint will be shared with the Respondent and the investigator upon the initiation of an investigation.

**Incapacitation:** An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is 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. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate consent or unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's: decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; or level of consciousness. The assessment is based on objectively and reasonably apparent indications of incapacitation when viewed from the perspective of a sober, reasonable person.

**Prohibited Conduct:** Includes Sexual Harassment, Gender-Based Harassment, Sexual Assault (Rape, Fondling, Incest, Statutory Rape), Dating Violence, Domestic Violence, Stalking), Prohibited Intimate Relationships, Retaliation and Stalking. See the Sexual and Gender-based Harassment, Sexual Assault, Intimate Partner Violence, and Stalking Policy for definitions.

**Respondent:** An individual(s) who has been reported to be the perpetrator of behavior that could constitute Prohibited Conduct.

**Report:** Information shared with the Title IX Office that includes details of alleged Prohibited Conduct. A report is made when a Complainant, reporting party, or third party seeks information, support measures, or informs the University of alleged Prohibited Conduct, but such party is not making a Formal Complaint or pursuing a complaint resolution process to address the alleged Prohibited Conduct.

**Support Measures:** Non-disciplinary, non-punitive measures provided to a Complainant or Respondent designed to restore or preserve equal access to Brown's programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and deter future Prohibited Conduct. The Title IX Program Officer will oversee the implementation of support measures that are individualized to respond to the effects of the alleged Prohibited Conduct, and that are appropriate, reasonably available, and free of charge. Support measures may include a no contact order, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, changes in work or housing locations, leave of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Use of support measures is private and is available with or without a Formal Complaint.

Brown will also provide reasonably available support measures for third-party reporters, provided that the accommodations are within the scope of that individual's relationship to Brown.

#### 4.0 Responsibilities

All individuals to whom this SOP applies are responsible for becoming familiar with and following this SOP. University supervisors are responsible for promoting the understanding of this SOP and for taking appropriate steps to help ensure compliance with it.

**Office of Institutional Equity and Diversity (OIED):** Oversees the response to reports, submission of a formal complaint, and the implementation of the formal or informal resolution procedures. The University's response is coordinated by the following individuals:

- **The Title IX Program Officer** will coordinate the response to reports, review and respond to formal complaints, convene the appropriate officials to assess threats, train the responsible employees, mandatory reporters, hearing panelists, and others involved in operationalizing these procedures.
- **The Institutional Equity Officers:** Serves as a neutral fact finder.
- **The Director of Equal Opportunity and Diversity:** Hears appeals of dismissal decisions.

#### 5.0 Related Information

The following information compliments and supplements this document. The information is intended to help explain this SOP and is not an all-inclusive list of policies, procedures, laws and requirements.

##### 5.1 Related University Policies:

Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy

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BROWN