Brown ACLU proposal for disciplinary system reform

Part II: Code of Conduct Reform

Brown ACLU
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Introduction

In a college disciplinary system, precedents have only limited usefulness. Judicial panel members do not have access to the full records of past cases, student representation changes from year to year, and the student body as a whole can change radically within the space of only a few years. This means that if rules of behavior are vague or poorly worded, there is no mechanism to correct these errors and ensure their consistent application. Thus, the rules of student conduct must be developed in a logical and precise manner, so that the rules alone can be a sufficient guide for students and judicial panels. If this results in a code of conduct that some see as overly "legalistic," then that is the price we must pay for fairness and consistency.

The Brown ACLU believes that three main principles should guide the development of the Standards of Student Conduct. These are derived both from the recommendations of Brown's 1967 Magrath Committee, and from national ACLU policies that have stood since 1961:

- Specificity. In order to be a useful guide for students and judicial panels, the Standards of Student Conduct must be stated in a clear, specific manner. Vague catch-alls, such as "flagrant disrespect" and "alcohol-related behavior," are unacceptable because they create no reasonable understanding of what behavior they prohibit.[*]
- Limited aims. Although they are arguably drawn from the community's ideals for appropriate behavior, the fact that the Standards of Student Conduct are backed up by the threat of negative sanctions makes them fundamentally different from a mere statement of purpose. In some cases, the negative sanctions imposed for a violation of the Standards can have severe and long-lasting impacts on a student's life. For this reason, the Standards of Student Conduct should be aimed primarily at keeping order within the school and preserving acceptable relations with the larger civil community. In no case should they be used to impose a particular set of morals or political opinions on the student body.
- Respect for individual liberty. As independent-minded adults, students retain certain natural rights that Brown is honor-bound to respect and protect. The Standards of Student Conduct must fulfill this commitment, with an especially deep concern for our rights to free thought, inquiry, and expression.

The attached set of recommendations attempts to rewrite the Standards of Student Conduct to conform to these three principles.

A few words are necessary to describe our position on the University's "speech code." The Brown ACLU recognizes and affirms the importance of fostering a positive racial climate on campus. However, these efforts must focus on changing opinions through positive inducements and educational programs, not negative sanctions. To restrict the expression of mere opinions, however repulsive those opinions may be, only stifles debate and prevents an open and honest discussion of values. As currently drafted, the University's speech code simply forces racist, sexist, and homophobic opinions underground, rather than working to educate and change the minds of those who espouse them. This kind of speech code is not progressive, because it only creates the illusion of change without actually working to eliminate the various -isms it purports to combat.

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[*] We expect that some will object to our requirement of specificity. They will claim that if the Standards are too specific, students will exploit loopholes. They will claim that the only way we can adequately protect students from harm is to make the rules vague and their boundaries unclear. However, this objection ignores the fact that excessive vagueness is a harm in itself. If the rules are left indefinite, then they do not delineate clear standards of behavior, thus undermining the very purpose of writing a code of rules. Although the Standards need not define every variation of every possible offense, each rule must be clear in its intent and its scope.

Nevertheless, the Brown ACLU recognizes the existence of some particularly vicious manifestations of verbal assault and harassment which can legitimately be regulated, because they go beyond the simple expression of ideas and cross over into the territory of deliberate threats and intimidation.

Consonant with these concerns, we have drafted a new definition of harassment which – though more specific than the current definition – represents a significant loosening of the traditional ACLU stance on hate speech. Rather than categorically rejecting hate speech regulations based on the danger of "slippery slope" expansion, we have proposed a set of regulations which – if applied by an appropriately restructured disciplinary system that avoids expanding the regulations beyond their original meaning – will pose a minimal threat to freedom of expression on campus.

Regrettably, we do not believe that the current disciplinary system maintains enough accountability to warrant this level of trust. Only a reformed UDC, made fully accountable to the student body and subject to constant faculty-student oversight, will be an adequate safeguard against a "slippery slope" erosion of free speech. *For this reason, our revised harassment regulations are integrally tied to our proposals for structural reform, and should only be considered after discussion of these structural reforms.*

Offense I

Current Offense I:
Behavior which disrupts or materially interferes with the exercise by others of the basic rights to which they are entitled on University property or at University functions.

Analysis:
The Brown ACLU agrees with the spirit of Offense I. We are firmly opposed to the practice of drowning out speakers in an attempt to silence their views (a depressingly common practice among Brown students). However, we are concerned about the way in which Offense I is worded.

First, the phrase "disrupts or materially interferes with" is repetitive and unnecessarily broad. "Disrupt" is an ill-defined term that could be used to dangerously expand the meaning of the clause; we believe that only "material interference" should be proscribed.

In addition, we are concerned about the use of the phrase "basic rights." We see two possible interpretations of this phrase:
1) "Basic rights" is an undefined category that the administration is free to define however it sees fit.
2) "Basic rights" refers to the rights enumerated in the "Policies" section.

Both of these put too much discretionary power in the hands of the administration. The reason why the first possibility is of concern should be obvious. As for the second possibility, the basic rights defined in the "Policies" section may be read to include harassment, which is left undefined. Thus, Offense I may be interpreted as including a hazy prohibition against an undefined, potentially very broad category of speech and/or conduct. The list of offenses already includes a proscription of harassment – Offense IV. To leave Offense I available as an alternate definition of harassment is dangerous and redundant. We strongly recommend that Offense I be rewritten in a manner that does not allow it to be interpreted as including a proscription against undefined harassment.

Proposed Offense I:
Behavior which materially interferes with the exercise by others of:
a. the rights of peaceful assembly, free exchange of ideas, and orderly protest, or
b. the right of members of the Brown community to attend, make use of or enjoy the facilities and functions of the University subject to prescribed rules.

Offense II

Current Offense II:
Behavior which:
a. causes or can be reasonably expected to cause physical harm to a person;
b. or shows flagrant disrespect for the well-being of others;
c. or is unreasonably disruptive of the University community and its neighborhoods;
d. *or causes or can be reasonably expected to cause damage to property.*

Analysis:
We have no objections to Offense II(a) or Offense II(d). These prohibitions are clearly worded and cover legitimate areas of regulation.

However, Offense II(b) ("flagrant disrespect") is a vague catch-all that hearkens back to the prohibitions against "conduct unbecoming a gentleman" and "conduct which shall serve to bring discredit upon the individual or the University" imposed on Brown students in the 1940's and 1950's. It was with good

reason that in 1967, the Magrath Committee chose to exclude such catch-alls from the new disciplinary system: “We are opposed to vague rules such as those contained in phrases that make students liable for ‘ungentlemanly conduct,’ ‘conduct unbecoming to a student’ or ‘conduct against the best interests of the institution.’” (Magrath Report, p. 10) Such phrases create no reasonable understanding of what behavior is prohibited, and their boundaries defy clear definition. This is also the case with “flagrant disrespect.” The Brown ACLU believes that the University should once again heed the words of the Magrath Committee by removing Offense II(b) from the code of conduct.

Offense II(c) (“unreasonably disruptive of the University community and its neighborhoods”) is also overly vague. What exactly constitutes a disruption of the “University community?” The “University community” is an abstract concept which can be made to apply to any number of objects, individuals, or even other concepts. Thus, Offense II(c) could easily be turned into a content-based restriction on freedom of expression. This is an unnecessary risk to take.

We propose a considerable narrowing of this Offense II(c) to deal with what we believe to be its major target: loud parties and other forms of boisterous disruption that affect University housing and the neighborhoods surrounding the University. It is not necessary to deal with actions that interfere with access to University facilities and functions, as this is adequately dealt with by our revised Offense I.

Proposed Offense II:
Behavior which:
a. *causes or can be reasonably expected to cause physical harm to a person;*
b. *or is unreasonably disruptive of University housing and/or the neighborhoods surrounding the University;*
c. *or causes or can be reasonably expected to cause damage to property.*

Offense III

Sexual Misconduct: non-consensual physical contact of a sexual nature.

Comment:
Encompasses a broad range of behaviors, including acts using force, threat intimidation, or advantage gained by the offended student's mental or physical incapacity or impairment of which the offending student was aware or should have been aware. Harassment, without physical contact, will not be deemed sexual misconduct under these provisions.

Analysis:
While we have no objection to the spirit of Offense III, we are concerned with certain implications of the “Comment” section of this offense.

As evidenced by the Adam Lack case, determining an individual’s level of mental impairment from disease, alcohol, or some other substance can be difficult. It is even more difficult for a third party (such as the UDC) to determine whether someone “should have been aware” of such impairment.

Although it is impossible to avoid some level of subjectivity in the standards used to decide when a person “should have been aware” of something, the Code of Conduct should attempt to limit this subjectivity as much as possible. “Outward signs of impairment which would be commonly and easily recognized by the average student” is a reasonable and fair standard to apply in this situation, because it lends itself to verification by the testimony of third parties and eliminates much of the subjectivity and potential for politicization inherent in the current “should have been aware” standard.

Proposed Offense III:

Sexual Misconduct: non-consensual physical contact of a sexual nature.

Comment:
Encompasses a broad range of behaviors, including acts using force, threat intimidation, or advantage gained by the offended student's mental or physical incapacity or impairment of which the offending student was aware or that – due to outward signs which would be commonly and easily recognized by the average student – the offending student should have been aware. Harassment, without physical contact, will not be deemed sexual misconduct under these provisions.

Offense IV

Harassment: The subjection of another person or group to abusive, threatening, or intimidating actions, including those based on race, religion, gender, handicap, ethnicity, national origin, or sexual orientation.

Analysis and proposed new rule:
While maintaining a positive racial climate is an important goal, Brown should promote this climate through positive inducements and educational programs. Negative sanctions should never come into play when an individual's actions merely cause offense or display insensitivity. If we are to have an open and honest discussion of race and gender issues on campus, it must be as unfettered as possible.

As currently drafted, Offense IV is an overbroad, content-based restriction on speech that undermines the principles of free discussion. Under Offense IV, a student may be punished for expressing an offensive opinion, even if the opinion is not directed at anyone in particular.

The danger of censoring or "chilling" legitimate speech is not mere speculation. In 1988, the *Film Bulletin* was sanctioned under Offense IV for publishing an article (written by Jewish staff writers!) making fun of Chanukah, which many members of the Jewish community found offensive. While we do not condone the particular jokes used by the *Film Bulletin* in this case, we deplore the administration's attempt to legislate good taste. To do so was an inappropriate exercise of power, and Offense IV needs to be rewritten to prevent it from happening again.

In this proposal, we attempt to do three things with Offense IV:
- Make a clear distinction between speech and action, which is lacking in the current text, by separating mere expressions of opinion from direct threats of violence.
- Limit restrictions on offensive, abusive speech to that which is directed at a specific individual or group of individuals.
- Make a distinction between repeated acts of harassment and single acts of harassment.
- Limit the definition of single acts of harassment to situations in which it is impossible or unreasonably difficult to engage in dialogue. If a person is willing to identify him/herself, that person's speech should be heavily protected; the act of identification implicitly opens the door to dialogue.

To aid in separating the different aspects of the restrictions, we have divided Offense IV into three new offenses.

IV.1 Verbal assault.
A person has committed verbal assault if both of the following conditions are met:

a. *He or she willfully threatens to cause bodily injury to the person threatened or any other person; or threatens to cause physical damage to the property of the person threatened or any person other than the actor; or threatens to subject the person threatened or any person other than the actor to physical confinement; and,*
b. *The words or actions of the actor, taken in context, cause the threatened person to reasonably fear that the threats will be carried out.*

This category is intended to punish threats of bodily harm or property damage. It can cover both hate crimes and non-hate crimes. Some likely examples of actionable verbal assault include: shoving a Black student and telling him, “You’re going to die, nigger;” telling another person, “I'm going to smash your face in,” while waving a stick in his/her face; a student telling another person, “I hate your stupid drums. I want to throw them out the window,” and then grabbing the drums; etc.

IV.2 Repeated harassment
A person has committed repeated harassment if all of the following conditions are met:

a. *The actor engages in threatening and/or intimidating communication and/or physical behavior;*
b. *The communication and/or behavior is:*
   (1) *addressed directly at the individual or small group of individuals whom it threatens and/or intimidates;*
   (2) *willful;*
   (3) *repeated or sustained;*
c. *The actor continues to engage in this harassment after the targeted individual or group of individuals has clearly expressed to the actor that the communication and/or behavior is unwanted.*

This clause deals with what is most commonly understood to be harassment: threatening or intimidating communication or behavior that is repeated and clearly unwanted. The key element of this definition is an intent to harass, indicated by the fact that the harassment continues despite the target expressing that it is unwanted.

Because of the relatively loose language we use, our proposed offense could potentially cover a broad range of behavior. This is why it is so important for the intent to harass to be clearly established. Some of the most embarrassing cases for university disciplinary tribunals are those in which the so-called racial harassment was neither intended to be racial nor harassment. A prime example of this is the 1993 Penn “water buffalo” case, in which Eden Jacobowitz, an Orthodox Jewish student, was disciplined for yelling “Shut up, you water buffaloes!” to a group of Black sorority sisters who had disturbed his studying. Despite the fact that “water buffalo” had no history as a racial epithet (in fact, it is a literal translation of the Hebrew slang insult behema, meaning a thoughtless or rowdy person), the University came down hard on Jacobowitz, accusing him of violating Penn's racial harassment code. The case attracted national and international press attention, and Penn – in the face of blistering editorial criticism from *Village Voice*, the *New York Times*, *Washington Post*, NBC Nightly News, and an ACLU-backed lawsuit by Jacobowitz – ended up backing down. If Penn had simply arranged for the two parties to talk and exchange apologies, the final result would have been much better for all concerned.

In fact, Brown offers exactly this alternative in the form of the Structured Negotiations system. While most serious offenses (such as sexual misconduct, assault, battery, and others) should be dealt with solely by the UDC or the Providence courts, many relatively minor incidents of harassment can be resolved informally, without resorting to punitive measures. For this reason, we believe that harassment cases that come before the UDC should result in punishment only in the most clear-cut of cases.

IV.3 Single incidents of anonymous harassment:
A person has committed a single incident of harassment if all of the following conditions are met:

a. *The actor engages in threatening and/or intimidating communication;*
b. *The communication is:*
    (1) *addressed directly at the individual or small group of individuals whom it threatens and/or intimidates;*
    (2) *willful;*
    (3) *sufficiently severe to reasonably cause serious alarm on the part of harassed individual(s);*
c. *The nature of the communication is such that it would be unreasonably difficult for the target to:*
    (1) *identify the harasser, or*
    (2) *contact the harasser via e-mail, telephone, or other direct means of communication, using information supplied to the target by the harasser.*

This category applies to single incidents of anonymous harassment. When harassment is completely anonymous, there is a lessened opportunity for discussion or apologies, and the experience can often be much more threatening than when identities are known and there is both accountability and the possibility of dialogue. For this reason, we are willing to accept a limited restriction on certain forms of anonymous speech.

However, the Brown ACLU urges that this rule be very narrowly construed. To do otherwise would sabotage the careful balancing that we have attempted to construct here.

Some, in an attempt to expand the rule, may argue that the power dynamics of an oppressor speaking to an oppressed person inherently close out the possibility of meaningful dialogue. We categorically reject this assertion and its implications. Such power dynamics exist in all speech acts; to restrict speech on this basis would create an unacceptable "slippery slope" situation that could lead to a broad and oppressive regime of censorship on campus.

We also emphasize that this rule applies only when the communication/behavior is directed at an individual or small group of individuals. This is not a rule against "group libel." That is, it does not apply to blanket statements about non-specific groups, such as political groups, ethnic groups, or either sex, if those statements are not directed at a specific individual or small group of individuals.

Also, this is not intended to restrict anonymous speech *per se*, but rather to channel it into mediums where anonymity can walk hand in hand with accountability. Although this may seem oxymoronic, it is often possible in the context of electronic bulletin boards. For example, in the Daily Jolt, there are many users whose identities remain anonymous, but who use a "registered" pseudonym linked to an anonymous e-mail account when making posts. This pseudonymous identity provides the freedom to dissent inherent in anonymous speech, but the provision of a direct means of contacting the poster simultaneously ties it to the accountability normally provided by identity in the real world.

Some examples of anonymous harassment include: anonymously scrawling "Go back where you came from, you dirty Chink" on the door of an Asian American student; burning a cross in front of the door of a minority student; posting an anonymous poster or anonymously sending a mass e-mail that makes threats against specific individuals.

Examples of behavior which are offensive, but do not constitute anonymous harassment, include: Posting a sign or sending a mass e-mail that advocates offensive beliefs, without targeting any specific individuals; posting a sign, sending a mass e-mail, or writing a letter/column that makes abusive, intimidating statements about specific individuals, but is not severe enough to reasonably cause serious

alarm; describing your offensive beliefs to a friend and being overheard by a third party who feels threatened by your comments.

Offense V

Current Offense V:

Drugs and/or Alcohol:

a. Illegal possession or use of drugs and/or alcohol and/or drug paraphernalia.
b. The illegal provision, sale, or possession with intent to sell, of drugs and/or alcohol and/or drug paraphernalia.
c. Drug and/or alcohol related behavior.

Offense V(c), "Drug and/or alcohol related behavior" was added to the Code of Conduct in the early 1970's. It was grouped in with what is now Offense II, in an apparent effort to make rules against the illegal use, possession, sale, and distribution of drugs and alcohol without having to spell out such acts explicitly. However, these acts are now specifically proscribed by Offenses V(a) and V(b).

We question whether Offense V(c) is still needed. If a person is drunk or high and disrupting others or damaging property, then they can be punished under Offense II. If a person is engaging in *illegal* drug or alcohol-related activities, then they can be punished under Offenses V(a) and V(b). From our reading, the only unique aspect of Offense V(c) is that it can be used to punish the mere act of being intoxicated, even if the student in question is not disrupting others or violating liquor/drug laws. We see no justification for this.

We recognize that drug and alcohol abuse can have seriously detrimental effects on a person's mental and physical health. We further recognize that attempting to help students with drug and alcohol addictions is a legitimate function of the university deanery. However, the role of the deanery should be to make alcohol and drug counseling easily available, with strict confidentiality, rather than raising the specter of punitive actions. As long as it does not result in harm to others, the use of drugs or alcohol is a self-regarding action that should be treated as a *medical* problem, not a disciplinary problem. The Code of Conduct should reflect this philosophy; Offense V(c) should be stricken from the code.

Proposed Offense V:

Drugs and/or Alcohol:

a. Illegal possession or use of drugs and/or alcohol and/or drug paraphernalia.
b. The illegal provision, sale, or possession with intent to sell, of drugs and/or alcohol and/or drug paraphernalia.

Offenses VI and VII

We have no objection to these offenses as currently worded.

Offense VIII

Current Offense VIII:
Possession, use, or distribution of firearms, ammunition or explosives. The University defines firearms as any projectile firing device, especially those which are capable of causing harm to persons or damage to property. This includes but is not limited to conventional firearms (devices using gunpowder); all types of air rifles; BB, pellet, and dart guns; or any slingshot device.

Analysis:
This should be limited to the possession, use, or distribution of such devices on University property. If a student wishes to possess, use, or sell firearms off-campus, this is a matter between the student and local law enforcement authorities – not the University.

Proposed Offense VIII:
Possession, use, or distribution of firearms, ammunition or explosives on University property. The University defines firearms as any projectile firing device, especially those which are capable of causing harm to persons or damage to property. This includes but is not limited to conventional firearms (devices using gunpowder); all types of air rifles; BB, pellet, and dart guns; or any slingshot device.

Offenses IX, X, and XI

We have no objection to these offenses as currently worded.

Proposed Code of Conduct, in full

I. Behavior which materially interferes with the exercise by others of:

a. **the rights of peaceful assembly, free exchange of ideas, and orderly protest, or**
b. **the right of members of the Brown community to attend, make use of or enjoy the facilities and functions of the University subject to prescribed rules.**

Comment:

Protests or demonstrations, the effect of which is to infringe upon the rights of others to peaceful assembly, orderly protest, free exchange of ideas, or which interfere with the rights of others to attend, make use of or enjoy the facilities or functions of the University cannot be tolerated.

Picket lines which permit free passage of those who wish to pass , and signs, banners and peaceful assemblies are all acceptable. However, the carrying of signs that by virtue of their construction constitute a hazard to other people may not be permitted. Specifically, this means that signs should be constructed entirely of soft material such as cardboard or cloth, and that signs should not be attached to rigid sticks or poles when such signs are used inside University buildings. Actions such as the following, are unacceptable: blocking; obstructing or impeding passage of a person or vehicle; actions which result in bodily harm; erecting or placing of obstructions which result in depriving others of their rights.

Protest is a necessary and acceptable means of expression within the Brown community. However, protest becomes unacceptable when it obstructs the basic exchange of ideas. Such obstruction is a form of censorship, no matter who initiates it or for what reasons.

Halting a lecture, debate, or any public forum is an unacceptable form of protest. "Halting" means directly or indirectly preventing a speaker from speaking - even for a brief period of time - or seizing control of a public forum for one's own purposes.

By asserting their rights to protest, individuals cannot decide for the entire community which ideas will or will not receive free expression.

II. Behavior which:

a. **causes or can be reasonably expected to cause physical harm to a person;**
b. **or is unreasonably disruptive of University housing and/or the neighborhoods surrounding the University;**
c. **or causes or can be reasonably expected to cause damage to property.**

Comment:

Offense II encompasses a wide range of behavior - e.g., assault, vandalism, throwing, hurling or firing projectiles with disregard for persons or property, violation of fire safety regulations.

III. Sexual Misconduct: non-consensual physical contact of a sexual nature.

Comment:

Encompasses a broad range of behaviors, including acts using force, threat intimidation, or advantage gained by the offended student's mental or physical incapacity or impairment of which the offending student was aware or that – due to outward signs which would be commonly and easily recognized by the average student – the offending student should have been aware. Harassment, without physical contact, will not be deemed sexual misconduct under these provisions.

IV. Verbal assault.

A person has committed verbal assault if both of the following conditions are met:

a. **He or she willfully threatens to cause bodily injury to the person threatened or any other person; or threatens to cause physical damage to the property of the person threatened or any**

person other than the actor; or threatens to subject the person threatened or any person other than the actor to physical confinement; and,

b. The words or actions of the actor, taken in context, cause the threatened person to reasonably fear that the threats will be carried out.

V. Repeated harassment

A person has committed repeated harassment if all of the following conditions are met:

a. The actor engages in threatening and/or intimidating communication and/or physical behavior;

b. The communication and/or behavior is:

(1) addressed directly at the individual or small group of individuals whom it threatens and/or intimidates;

(2) willful;

(3) repeated or sustained;

c. The targeted individual or group of individuals has clearly expressed to the actor that the communication and/or behavior is unwanted.

VI. Single incidents of anonymous harassment:

A person has committed a single incident of anonymous harassment if all of the following conditions are met:

a. The actor engages in threatening and/or intimidating communication;

b. The communication is:

(3) addressed directly at the individual or small group of individuals whom it threatens and/or intimidates;

(4) willful;

(5) sufficiently severe to reasonably cause serious alarm on the part of harassed individual(s);

c. The nature of the communication is such that it would be impossible for the target to identify the harasser(s), or to engage the harasser(s) in dialogue via e-mail or other direct methods of communication.

VII. Drugs and/or Alcohol:

a. Illegal possession or use of drugs and/or alcohol and/or drug paraphernalia.

b. The illegal provision, sale, or possession with intent to sell, of drugs and/or alcohol and/or drug paraphernalia.

Comment:

The use of any drug, including alcohol, judged to be related to an offense will not be considered a mitigating circumstance. This applies whether the drug was legally or illegally used by the offending party. This factor in a case may result in a more severe penalty and/or the imposition of terms requiring evaluation or treatment, as determined by appropriate professionals. (See Brown Policy on Drugs.) All students who are party to a disciplinary matter in which alcohol is involved and who, in the determination of a Dean, misused alcohol or exercised poor judgment due to alcohol or about alcohol, will be required to undergo appropriate alcohol evaluation and/or treatment, as determined by appropriate officials. This includes, but is not limited to, respondents and complaining witnesses.

Drug paraphernalia includes, but is not limited to, all items used for the purpose of preparing, injecting, ingesting, inhaling or otherwise using illegal drugs, or in the illicit use of legal drugs. In determining whether an object is drug paraphernalia, a dean or the University Disciplinary Council may consider all logically relevant factors.

Providence municipal ordinances prohibit the possession of open containers of alcoholic beverages on public ways. Providence Police and, and in the case of violations on the streets immediately adjacent to the campus, Brown University Police & Security, enforce these ordinances. Violations of the

open container policy on University property are subject to enforcement by Police & Security and University non-academic disciplinary procedures.

VIII. Theft:
a. Theft or attempted theft of personal or University property.
b. Possession of stolen personal or University property.

IX. Altering, forging or contributing to the fraudulent use of University identification cards, refusing to identify oneself or refusing to present University identification to an Officer of the University including Police and Security personnel. This includes failing to comply with the proper directive(s) of a Police and Security Officer.

Comment
A University community depends upon the cooperation of all of its members to assure reasonable safety and security. There are many occasions, including emergencies, and cases of suspected unlawful conduct when it is especially important that authorized personnel be able to identify members of the Brown University community.

X. Possession, use, or distribution of firearms, ammunition or explosives on University property. The University defines firearms as any projectile firing device, especially those which are capable of causing harm to persons or damage to property. This includes but is not limited to conventional firearms (devices using gunpowder); all types of air rifles; BB, pellet, and dart guns; or any slingshot device.

XI. Flagrant or repeated violations of operational rules governing various offices, departments and facilities of the University (e.g., Residential Life, Student Activities Office, Food Services, the Computer Center, the Libraries, etc.).

XII. Misrepresentation:
a. Lying or material misrepresentation of information to an official University committee, council, or Officer of the University, including Police and Security personnel.
b. Lying in the course of a UDC judicial hearing shall constitute an offense which is immediately actionable and for which the UDC may vote a penalty without the filing of a separate charge.

Comment
University procedures allow a student allegedly involved in an academic code violation or in a non-academic disciplinary matter to remain silent. Lying or misrepresentation which inhibits or interferes with the process of an official University investigation or hearing, which reduces the likelihood of a fair and just outcome of a disciplinary or academic code case, or which leaves others inappropriately implicated will be considered a serious offense.

XIII. Violation of the terms of Limited Probation, Probation, or Sanction or repeated offenses of a less serious nature.