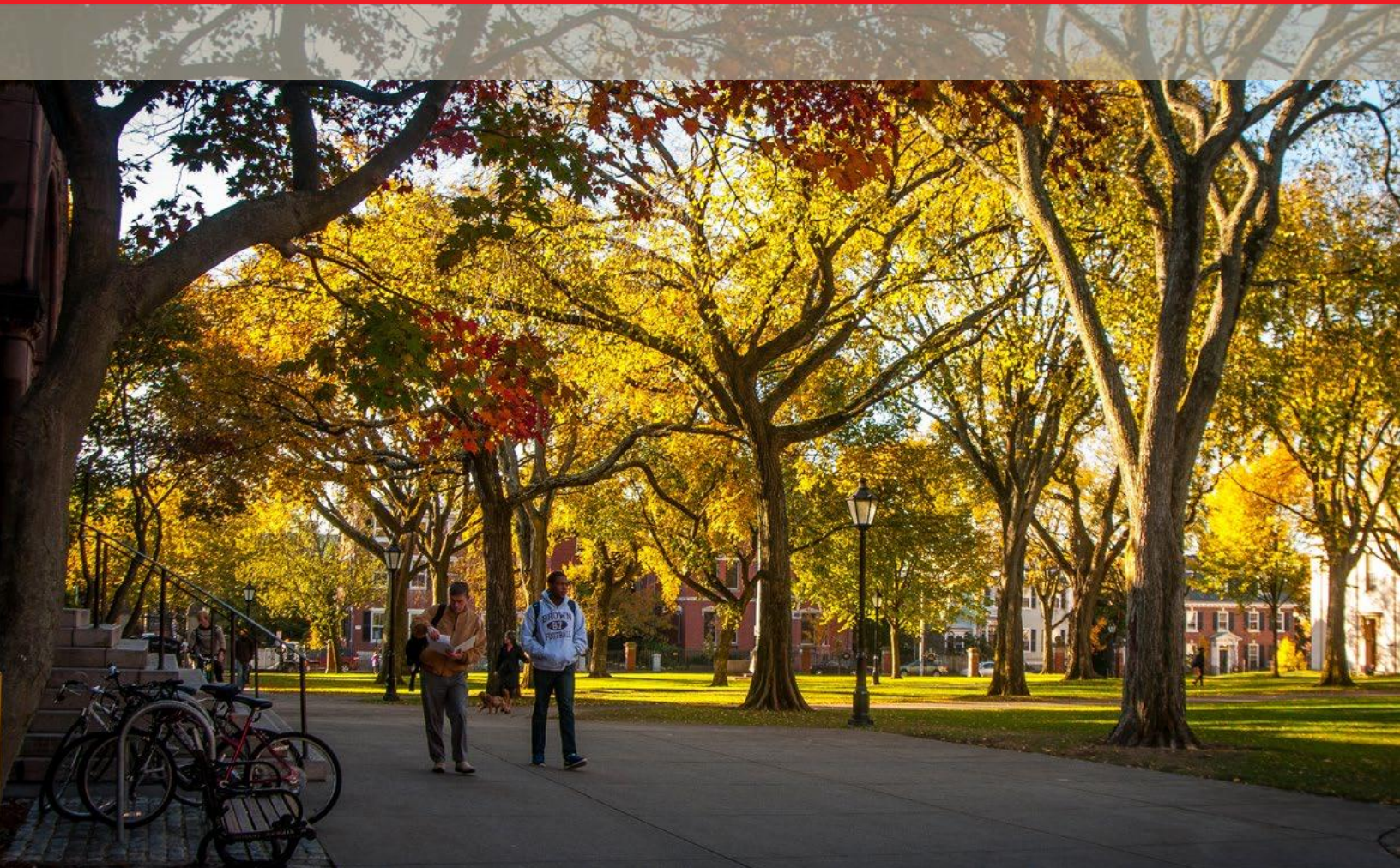


BROWN UNIVERSITY
DEPARTMENT OF PUBLIC SAFETY

2018 Annual Security Report



BROWN

The Department of Public Safety has a Special Victims Unit staffed by personnel training to provide advocacy and post-crisis support to victims of sensitive crimes and are available to students, faculty and staff who may need assistance and guidance through the criminal justice process, obtaining a protective order, or safety planning. The SVU consists of detectives and law enforcement advocate, who work closely with appropriate University departments and community agencies that offer a network of support to victims of sexual assault, domestic violence, stalking or bias-related incidents. Information regarding sexual assault/harassment, dating violence, stalking please visit Brown's Health website.

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:
401-421-4100

Administrator on Call: x4111 (24 hours a day)
Student Support Services: 401-863-3800
Department of Public Safety: x4111 or x3-3322
Special Victims Unit:
401-863-2542, 401-863-2542, 401-86-5292

TITLE IX RESOURCES FOR STUDENTS, FACULTY AND STAFF

Title IX Office:
Rene Davis
Title IX Program Officer
401-863-2386

Liaisons:
Yolanda Castillo-Appolonio
Deputy Title IX Coordinator/Undergraduate
401-863-9579

Maria Suarez
Deputy Title IX Coordinator/Graduate
401-863-1802

Lindsay Orchowski
Deputy Title IX Coordinator/Medical Students
401-444-7021

Ann Windham
Deputy Title IX Coordinator/Faculty
401-863-2216

Office of Institutional Equity and Diversity
Title IX Coordinator/Staff
401-863-2216

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A MESSAGE FROM THE CHIEF OF POLICE

The Department of Public Safety (DPS) is making available the Annual Security Report 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.

The safety and well-being of our students, faculty, staff, alumni and visitors is top priority. DPS is committed to

federal law that requires colleges and universities across the United States to disclose timely and annual information about campus crime and security policies. 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. Copies of

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.

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

this report are available at the Department of Public Safety Headquarters, located at 75 Charlesfield Street, Providence RI. You can request a copy by mail by contacting DPS at 401-863-3103.

brown.edu/go/2018ASR

For fire safety procedures, statistics, reports and documentation, refer to the Annual Fire Safety Report at: brown.edu/Administration/EHS/public/HEOA-Report-Fire-Safety.pdf

Mark J. Porter
Executive Director
Chief of Police

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, and are licensed as RI Special Police Officers. 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 Operations 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 Patrol Operations 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.

Our Administrative Services Division is responsible for the strategic and fiscal planning, building security technology, community relations and outreach for the department. The Administrative Services Division is also responsible for administering the university's building access and security systems. All residence halls require card access and are equipped with door alarms. When exterior doors are propped open or access is gained illegally, an alarm is generated. This division also includes a Community Relations and Outreach Bureau that coordinates safety and educational programs for members of the community, as well as providing crime victim support and advocacy.

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 Providence Police Department and the Rhode Island State Police. 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 RISPD, 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 (also known as the Clery Act), requires colleges and universities to:

1. Publish an annual report every year by October 1st that contains three years of campus crime and first safety statistics as well as campus security policy statements.
2. Have a public crime log.
3. Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities including Greek housing and remote classrooms. The Clery Act requires reporting of crimes in the following categories: Criminal Homicide including murder/non-negligent manslaughter, manslaughter by negligence, sex offenses (rape, fondling, incest, statutory rape), robbery, aggravated assault, burglary, motor vehicle thefts, arson, domestic violence, dating violence and stalking. Schools are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made): liquor law violations, drug law violations and weapons possession. Hate crime must be reported by category of prejudice, including race, religion, sexual orientation, gender, gender identity, ethnicity, national origin and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime: larceny, simple assault, intimidation, destruction/damage/vandalism of property.
4. Issue timely warning about Clery Act crimes which pose a serious or ongoing threat to students and employees.
5. Devise an emergency response, notification and testing policy.
6. Compile and report fire data to the federal government and publish an annual fire safety report.
7. Enact policies and procedures to handle reports of missing students.

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 responsibility for student and campus activities, including representatives from the Office of Campus Life and Student Services, the Department of Athletics, Human Resources, and Institutional Diversity; see below for more information). In addition, we collect statistics from local law enforcement agencies with jurisdiction for areas where Brown University property is located or areas frequented by students:

- Bristol Police Department
- Pawtucket Police Department
- East Providence Police Department
- Providence Police Department

Note that local 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 Chief of Police 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, does not include any identifying information about persons involved in an incident. The Department of Public Safety is responsible for maintaining this log for the university and for ensuring that 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 the Office of Environmental Health & Safety, 164 Angell Street, Providence, RI or on their website at brown.edu/Administration/EHS/fire.

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. Professional counselors at the University are **encouraged** to inform persons being counseled of the 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 the department can call **Public Safety's Special Victims Unit** at 401-863-2542, the detectives, **days** 401-863-3412, 401-863-5376 **evenings** 401-863-5292, 401-863-5291. 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** by calling 401-863-2542 or the detectives,

days 401-863-3412, 401-863-5376 evenings 401-863-5292, 401-863-5291. Once a criminal report is filed with the Providence Police Department, the decision to prosecute is made at the discretion of the Attorney General. The Attorney General's Office 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 DPS Detectives, Office of Student Life, Psychological Services, and Human Resources to ensure individuals are knowledgeable about their options for personal and workplace safety planning. The department also has a specialized Detective who engages 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 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 staff, faculty, and students. 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 401-863-2542.

Department Detectives play an integral role in providing support and case follow-up for crime victims at Brown. DPS Detectives 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 DPS Detective Division at 401-863-5376 or 401-863-5292 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 include 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 POLICY

In accordance with the Higher Education Opportunity Act of 2008 (20 U.S.C. § 1092(j)), Brown University has adopted a Missing Student Notification Policy for students as a complement to the DPS' guidelines for reporting, investigating, and providing notifications about missing persons.

Registering a Confidential Contact Person

In addition to registering an emergency contact, students residing in on-campus housing have the option to identify, confidentially, an individual to be contacted by Brown University in the event the student is reported to be missing and/or is determined to be missing. 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 their website at brown.edu/student-support. This contact information will be maintained on file by Student Support Services and shall be confidential and will only be accessible to authorized Brown officials or to law enforcement personnel in furtherance of a missing person investigation and/or notification purposes if a student is determined to be missing.

Missing Student Notification

In the event a member of the Brown Community has concern that a student who resides in an on campus student housing facility is missing, he or she should report the matter to any of the following offices at Brown University: Department of Public Safety (401-863-3322), Student Support Services (401-863-3145), or the Office of Residential Life (401-863-3500). If it is believed to be an emergency situation, call 401-863-4111 (or x4111 from a campus phone). In the event of a report to the Student Support Services or the Office of Residential Life, the matter shall be immediately reported to the Department of Public Safety. DPS, in collaboration with other institutional officials and external law enforcement authorities, as appropriate under the circumstances, shall conduct an investigation. 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 DPS' investigation determines that the student is missing, the University will notify the student's emergency contact. If a confidential contact has been listed by a student residing on-campus, that person will also be contacted. If the missing student is under 18 years of age, and not emancipated, the University will contact a custodial parent or guardian, in addition to the emergency 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. In the event of a missing student scenario, nothing in this protocol shall be interpreted as requiring the University to defer any action, or to delay contacting any individual, law enforcement authority or other entity.

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.

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.

Students: enter your cell phone number in Banner at the following URL: selfservice.brown.edu

Faculty and staff: enter your cell phone number in Workday at the following URL: brown.edu/about/administration/workday/workday-log

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, 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.
2. Emergency Announcements Webpage. In the event of an emergency where it is deemed necessary, the University will utilize an Emergency Announcement Webpage to inform and update the community members about an emergency occurring on campus. If there is an emergency on campus the webpage will contain information about the nature of the emergency, steps being taken to address the situation, the emergency's current status with a cumulative chronology, 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 Chief of the Department of Public Safety has the responsibility to activate 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. 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

In the event that a potential criminal incident has occurred on campus, on non-campus property, or public property running through or immediately adjacent to the campus, a "timely warning alert" will be issued – without disclosing the names of the victims - when it is determined by the Chief of Police, Department of Public Safety (DPS), that the incident may pose a serious or ongoing threat to the members of the Brown University community.

Alerts are typically issued for the following crimes: major incident of arson, criminal homicide, motor vehicle theft, and robbery. Alerts for the crimes of aggravated assault, burglary and sex offenses are considered on a case by case basis, and depend upon a number of factors. Those factors include the nature of the crime and the continuing danger to the campus community, for example, whether the perpetrator has been apprehended or the threat has been otherwise mitigated. Alerts will be issued by DPS via a campus wide email as soon as pertinent information is received and it is determined that the reported incident may pose a serious or ongoing threat to the Brown University community.

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 routinely 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, <http://www.paroleboard.ri.gov/sexoffender/agree.php>

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 HARASSMENT, SEXUAL VIOLENCE, RELATIONSHIP AND INTERPERSONAL VIOLENCE AND STALKING POLICY¹

I. Statement of Non-Discrimination

Brown University does not discriminate on the basis of sex, race, color, religion, age, disability, status as a veteran, national or ethnic origin, sexual orientation, gender identity, or gender expression, or any other category protected by applicable law, in the administration of its educational policies, admission policies, scholarship and loan programs, or other school administered programs.

II. Statement of Purpose

Brown University is committed to establishing and maintaining a safe learning, living, and working environment where healthy, respectful, and consensual conduct represents the campus cultural norm. To that end, this policy prohibits Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Relationship and Interpersonal Violence, Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct, and Stalking (together, “**Prohibited Conduct**”). It 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. It also defines prohibited relationships of a sexual or intimate nature between individuals where one individual has power or authority over another. These prohibited forms of conduct 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 Prohibited Conduct. All members of the community are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. 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. Community members who choose to exercise this positive responsibility will be supported by Brown University and protected from retaliation.

1. Throughout this policy, the pronouns “they”, “them”, and “their” are being used intentionally to be inclusive of all genders.

This policy is 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.

III. To Whom This Policy Applies

This policy applies broadly to the entire University community, including students in the College, the Graduate School, the Alpert Medical School, the School of Public Health, the School of Engineering and the School of Professional Studies (all collectively known together as “Students”); those employed by Brown University, including faculty, affiliates, and 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 (together “Faculty and Staff” or “Employees”); contractors, vendors, or other third parties contractually obligated to Brown University (“Third Parties”); and visitors or guests of Brown University (“Invitees”); all collectively together known as “Covered Persons.” This policy pertains to acts of Prohibited Conduct committed by or against Covered Persons when:

- (i.) the conduct occurs on Brown University premises; and/or
- (ii.) the conduct occurs in the context of a Brown University employment, education, or research program or activity, including but not limited to Brown University-sponsored study abroad, research, internship, mentorship, summer session, or other affiliated programs or premises; and/or
- (iii.) the conduct occurs outside the context of a Brown University employment, education, or research program or activity, but (i) has continuing adverse effects on Brown University premises or in any Brown University employment, education, or research program or activity or (ii) occurs in close proximity to Brown University premises and is connected to hostile conduct on Brown University premises.

To implement this policy, the University has developed specific processes to investigate an allegation that a Covered Person has committed or been subject to an act of Prohibited Conduct that could implicate this policy. The University will select the appropriate process to use in a given situation based on the identity of the person alleged to have violated the policy (i.e., the “Respondent”).²

IV. Title IX Program Officer

Rene Davis serves as Brown University’s Title IX Program Officer, with the assistance and support of Deputy Title IX Coordinators. The Title IX Program Officer is charged with monitoring compliance with Title IX; providing education and training; tracking and reporting annually on all incidents in violation of this policy; and coordinating Brown University’s investigation, response, and resolution of all reports under this policy.

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

2. The individual submitting a Complaint will be referred to as the “complainant.” The individual who is alleged to have violated the policy will be referred to as the “respondent.” There may be instances where another person, who has not experienced but is aware of the occurrence of Prohibited Conduct, may report conduct, and that person is referred to as the “Reporting Party.” In those limited circumstances, the University will determine which of the protections provided to the Complainant are also applicable to the Reporting Party.

V. Privacy and Confidentiality

Brown University is committed to making reasonable efforts to protect the privacy interests of a complainant, a respondent and/or other individuals involved in a report under this policy.

Privacy: For the purposes of this policy, privacy generally means that information related to a report of Prohibited Conduct will be shared with a limited circle of individuals who “need to know” in order to assist in the review, investigation, and resolution of the report, and related issues. All employees who are routinely involved in Brown University’s Title IX response receive specific training and guidance about safeguarding private information in accordance with applicable laws.

Confidentiality: For the purposes of this policy, confidentiality means that designated campus or community professionals cannot reveal 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 have the ability to maintain information confidentially include:

1. health care providers in Brown University Health Services,
2. mental health professionals in Counseling and Psychological Services (CAPS),
3. the Sexual Harassment and Assault Resources and Education (SHARE) Advocate(s) in Health Services,
4. ordained clergy, all of whom normally 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.



VI. Employee Responsibility to Report Allegations

There are (3) general classifications of individuals on campus and the respective ability of these categories of individuals to maintain a complainant's confidentiality differs:

1. Confidential Resources: (individuals listed in Section V with legally protected confidentiality).
Confidential Resources can maintain the confidentiality of a complainant's disclosures and will not share any information with Brown University, subject to the exceptions listed above.
2. Responsible Employees: While able to maintain an individual's privacy, Responsible Employees are required to immediately share all known details of incidents of Prohibited Conduct with the Title IX Program Officer. "Responsible Employee" means those designated employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees. Responsible Employees include the Title IX Program Officer; the President, Vice Presidents and Deans; the Provost; Members of the President's Cabinet; Deputy Title IX Coordinators; Public Safety Officers; Assistant and Associate Deans, Directors, and Coordinators in Residential Life, the Office of Student Life, Student Activities, the Dean of the College, the Graduate School, the Alpert Medical School, the School of Public Health, the School of Professional Studies, Human Resources, and Athletics; Academic Department Chairs; Academic Institute, Center and Program Directors; Directors of Graduate Studies; faculty and staff serving as undergraduate academic advisors, including first-year and sophomore and concentration advisors; Community Directors; Athletic Team Head Coaches and Assistant Coaches. Students serving in certain positions of leadership or authority, such as Residential Peer Leaders, student supervisors and managers in Dining Services, and Meiklejohn Advisors, are also considered Responsible Employees and receive appropriate training within the context of their specific programs. Supervisors who receive reports of Prohibited Conduct from individuals they supervise are also required to share all known details with the Title IX Program Officer, the Director of Inclusion, or a Deputy Title IX Coordinator.
3. All other Employees are encouraged to share information with the Title IX Program Officer. Unless designated above, faculty who do not exercise administrative responsibilities outside of the classroom and employees who do not exercise supervisor or managerial responsibilities are generally not considered Responsible Employees.

Clery Act Reporting

Pursuant to the Clery Act and VAWA, Brown University includes statistics about certain offenses in its daily crime log and Annual Security Report and provides those statistics to the United States Department of Education in a manner that does not include any identifying information about persons involved in an incident. This includes numbers of incidents (with no detail or personally identifying information) disclosed to Confidential Resources. Brown University will also issue a timely warning to the community for reports of Clery-defined conduct that constitutes a serious and ongoing threat, as outlined in the Annual Security Report.

VII. Prohibited Conduct Under This Policy

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the complainant or respondent.

A. Sexual or Gender-Based Harassment

Sexual Harassment is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise, when one or more of the following conditions are present:

- i. Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of a Brown University program or activity (*quid pro quo*); and/or
- ii. Such conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile, or offensive learning, working, or living environment under both an objective and subjective standard (*hostile environment*).

Gender-Based Harassment includes harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

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;
- Whether the conduct was physically threatening;
- The effect of the conduct on the complainant's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or University programs or activities; and
- Whether the conduct implicates concerns related to academic freedom or protected speech.

Examples of conduct that may constitute Sexual or Gender-Based Harassment under the *quid pro quo* or hostile environment analysis include but are not limited to:

- Sexual Assault, Sexual Exploitation, Relationship Violence, Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct, or Stalking as defined by this policy;
- Inappropriate physical conduct, including unwelcome touching or sexual advances within the working, living, or learning environment;

- Persistent and inappropriate personal attention from one colleague to another in the face of repeated rejection;
- Inappropriate verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendoes, or unwelcome comments about an individual's sexual orientation, gender, gender identity, or gender expression; or
- Inappropriate written conduct, including letters, notes, or electronic communications, containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual's sexual orientation, gender, gender identity, or gender expression.

In evaluating allegations of sexual harassment, the allegations are evaluated from both a subjective and objective perspective considering the totality of the circumstances.

B. Sexual Assault

Sexual assault is having or attempting to have sexual contact with another individual without consent (*see below for definition of consent*).

Sexual contact includes:

- i. Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight; or
- ii. Sexual touching, including, but not limited to, intentional contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body.

C. 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 or virus without the other individual's knowledge and consent.

D. Relationship and Interpersonal Violence

Relationship and Interpersonal Violence includes any act of violence or threatened act of violence against a person who is or has been involved in a sexual, dating, domestic, or other intimate relationship with that person, or against a person with whom the respondent has sought to have such a relationship. Relationship and Interpersonal Violence may include, but is not limited to, Sexual Assault, Sexual Exploitation, Stalking, and Physical Assault. Physical Assault is threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Prohibited Conduct under 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.

E. Stalking

Stalking occurs when a person engages in a course of conduct toward another person under circumstances that would cause a person to fear bodily injury or experience substantial emotional distress.

Course of conduct means two or more instances including but not limited to unwelcome 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.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

F. 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.

G. Retaliation

Retaliation means any adverse action or threat taken or made against an individual, including through third parties and/or legal counsel, for making a report of Prohibited Conduct or participating in any investigation or proceeding related to this policy. Retaliation includes threatening, intimidating, harassing, or any 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. Retaliation includes maliciously and purposefully interfering with, threatening, or damaging the academic and/or professional career of another individual before, during or after the investigation and resolution of a report of Prohibited Conduct under this policy in response to and/or on account of the report of the Prohibited Conduct. This provision applies to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

VIII. Related Definitions: Consent, Coercion or Force, and Incapacitation

A. 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 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, 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. More information, policy and guidance regarding such relationships can be found below.

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 affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from intimidation, fear, or 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 or fear.

B. Coercion or Force

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

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

C. 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.

IX. Prohibited Sexual or Intimate Relationships

Relationships of a sexual or intimate nature between individuals where one individual has power, supervision or authority over another are prohibited by Brown University. Relationships of a sexual or intimate nature between individuals who are faculty and staff must be disclosed on a Conflict of Interest Form and may require a Management Plan.

In the academic context, Prohibited Conduct under this policy often involves the inappropriate personal attention by an individual who is in a position to exercise professional power over another individual. This could include an instructor who determines a student's grade or who can otherwise affect the student's academic performance or professional future; a tenured professor whose evaluation of a junior colleague can affect the latter's professional life; or a coach who can affect the participation of a student-athlete. 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.

Amorous relationships that might be appropriate in other circumstances have inherent dangers when they occur between an instructor or officer of the University and a person for whom they have a professional responsibility (i.e., as instructor, advisor, evaluator, supervisor, coach, mentor). Implicit in the idea of professionalism is the recognition by those in positions of authority that in their relationships with students, faculty or staff there is an element of power. It is incumbent upon those with authority not to abuse, nor to seem to abuse, the power with which they are entrusted.

As defined in Section VIII, an essential element of consent to sexual contact 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.

Any member of the Brown University community with questions, concerns or doubts about the appropriateness of an actual, anticipated or suspected relationship should consult with the appropriate Dean, Deputy Title IX Coordinator, and/or the Title IX Program Officer.

A. Prohibited Sexual or Intimate Relationships with Students

No Faculty, Staff or Employee (as defined in Section III) shall request or accept sexual favors from or engage in a romantic, sexual or intimate relationship with any Brown University undergraduate student.

No faculty, graduate or medical student, medical resident or fellow, postdoctoral fellow or associate, teaching or research assistant or fellow, proctor, mentor, or undergraduate teaching assistant shall request or accept sexual favors from or engage in a romantic, sexual or intimate relationship with any undergraduate, 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, mentoring, coaching, overseeing 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.

B. Relationships between Individuals of Different University Status

While not expressly prohibited, amorous relationships between faculty, staff, graduate and/or medical students of different University status that occur outside the direct instructional and supervisory context can also lead to difficulties. In a personal relationship where no current professional responsibility exists, the individuals involved should be sensitive to the possibility that they may unexpectedly be placed in a position of responsibility for that individual's instruction, supervision or evaluation. This could involve being called upon to write a letter of recommendation or to serve on a promotion or selection committee involving the individual. In addition, one should be aware that others may speculate that a specific power relationship exists even when there is none, giving rise to assumptions of inequitable academic or professional advantage for the individual involved.

Although graduate students, medical students, teaching or research assistants or fellows, proctors, mentors, and undergraduate teaching assistants may be less accustomed than Faculty, Staff or Employees to think of themselves as being in a position of greater authority by virtue of their professional responsibilities, they should recognize that they might be viewed as more powerful than they perceive themselves to be. In addition to the prohibited relationships defined above, graduate and medical students and undergraduate teaching assistants and other students in leadership and supervisory positions should be aware of the dynamics and risks of relationships with a power differential. Relationships between individuals in the same academic department or program are particularly prone to such risks. Individuals with questions or concerns about the appropriate nature of an actual, anticipated or suspected relationship should consult with the appropriate Dean, Deputy Title IX Coordinator, and/or the Title IX Program Officer.

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, by virtue of his or her special responsibility and educational mission, will be held accountable for unprofessional behavior.

C. Consensual Relationships between Faculty, Staff and Employees

In cases where a consensual relationship exists between Faculty, Staff and Employees who occupy inherently unequal positions of authority, it is important that the person in the position of greater authority does not exercise any supervisory or evaluative function over the other person in the relationship. Accordingly, the person in the position of greater authority must notify their supervisor(s) and Human Resources to evaluate the situation. Furthermore, relationships of a sexual or intimate nature between individuals who are faculty, staff and/or students must be disclosed on a Conflict of Interest Form and development of a Management Plan may be required.



X. Resources, Reporting and Filing a Complaint

Brown University offers trained professional resources for Students and Employees, whether as complainants or respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. For comprehensive information on emergency assistance; hospitals; on-campus, community, and available support with academics, housing, and work, please refer to the Title IX Office website: brown.edu/titleixoffice.

Brown University recognizes that deciding whether to make a report of Prohibited Conduct and/or choosing how to proceed, including but not limited to filing a Complaint, are personal decisions. The following principles and values will guide Brown University as facts and circumstances permit:

- Brown University respects a complainant's autonomy in making the determination regarding how to proceed, including whether to make a report and/or file a Complaint.
- In limited circumstances, typically where a risk of imminent harm to an individual or others or a threat to the health and safety of the campus is determined to exist, Brown University may be required to take immediate action upon receipt of a report of Prohibited Conduct. In such circumstances, the reasons and steps the University will take will always be explained to the individual(s) making the report.
- Brown University is committed to educating and informing individual(s) regarding the choices and options available to them, including resources and processes inside and outside the University.
- An individual may choose to seek assistance, support or guidance from a Confidential Resource on campus or in the community. A disclosure to a Confidential Resource does not constitute a report to the University.
- Making a Report of Prohibited Conduct involves telling a Responsible Employee, verbally or in writing, about what occurred. An individual may choose to make a report: (1) to Brown University and/or (2) to external law enforcement. As discussed below, reporting conduct is different from filing a Complaint. While reported conduct will be conveyed to the Title IX Office, individuals who wish to directly file a Complaint should speak with the Title IX Program Officer.

A. Resources

The following resources are available at Brown University to individuals wishing to seek information and support, make a report and/or file a Complaint:

i. Confidential Resources

Counseling and Psychological Services (CAPS): Provides crisis intervention, short-term individual therapy, group therapy, community outreach, and referral services.

J. Walter Wilson, room 516; 401-863-3476

brown.edu/campus-life/support/counseling-and-psychological-services

Sexual Harassment and Assault Resources and Education (SHARE) Advocate(s): Help is available for students who have experienced sexual violence and abuse in a relationship. Confidential services include support for a survivor or the friends of a survivor, help exploring options to address the incident.

Health Services, 3rd floor; 401863-2794

brown.edu/Student_Services/Health_Services/Health_Education

ii. Designated Reporting Options

Making a report does not require an individual to decide whether to request a specific course of action. Deciding how to proceed can be a process that unfolds over time with support and assistance. The following are resources that an individual can use to report conduct that could be a violation of the Policy. Likewise, the persons listed below are familiar with the Policy and may be contacted to address questions or concerns about the Policy.

Title IX Program Officer

Rene Davis, Rene_Davis@brown.edu

Deputy Title IX Coordinators for Faculty, Staff, Undergraduate, Graduate and Medical Students

brown.edu/about/administration/title-ix/coordinators

Student Support Services

brown.edu/offices/student-support/student-support-services

Human Resources

brown.edu/about/administration/human-resources

Department of Public Safety

brown.edu/about/administration/public-safety

iii. Local Law Enforcement

Brown University also strongly encourages anyone who becomes aware of an 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. All Confidential Resources and Designated Reporting Options are able to provide or direct community members to this support option.

B. Time Frame for Reporting

There is no time limit on reporting or filing Complaints of violations of this policy, although Brown University's ability to respond fully may be limited with the passage of time.

If the respondent is no longer affiliated with Brown (e.g., a report is made after a student has left or graduated or an employee no longer works for Brown), the University will still provide reasonably available remedial measures, assist the complainant in identifying external reporting options, and may take other appropriate action.

C. Amnesty for Personal Ingestion of Alcohol or Other Drugs

Brown University generally will offer amnesty to a reporting Student, whether as a complainant or a witness, for the personal ingestion of alcohol or other drugs in violation of Brown University Code of Student Conduct.

D. Assessment Upon Receipt of a Report

Consistent with the procedures that accompany this policy, upon receipt of a report or a Complaint an Initial Assessment will be conducted to gain a basic understanding of the nature and circumstances of the report. The potential complainant and/or third party will be provided with information about resources, procedural options, and remedial measures and an opportunity to discuss the University's policies. The Initial Assessment will also include whether a timely warning pursuant to the Clery Act is necessary to protect the safety of the complainant, any other individuals, or the campus community.

E. Remedial and Protective Measures

Brown University will take and/or make available reasonable and appropriate measures to protect the complainant and the complainant's access to Brown University employment or education programs and activities regardless of whether they choose to file a Complaint under the applicable procedures. These measures may be both remedial (designed to address a complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a respondent). Remedial and protective measures, which may be temporary or permanent, may include counseling and emotional support, no contact and communication directives, residence modification, academic schedule modification, academic accommodations or assistance, escort, voluntary leave of absence, interim suspension, administrative leave, restrictions on campus activities, work schedule modifications, and other remedies as reasonable and appropriate.

Brown University will provide similar measures and accommodations for respondents where reasonable and appropriate under the circumstances. The Title IX Program Officer has the discretion to ensure the appropriateness of any measure.

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

XI. Applicable Procedures Under This Policy

Any individual with questions, concerns or lack of clarity regarding what to do in response to an incident of Prohibited Conduct, including how or whether to report the conduct, should contact and consult a Confidential Resource. Any individual, referred to as a complainant, regardless of affiliation with Brown University, may make a report of Prohibited Conduct under this policy. The specific investigative and disciplinary procedures and standards that will apply once a Complaint is received can be found on the Title IX Office website.

XII. Sanctions

A Student or Employee determined to have committed an act of Prohibited Conduct in violation of this policy is subject to disciplinary action. Disciplinary action may include a reprimand, probation, deferred suspension, administrative leave without pay, or temporary or permanent separation from Brown University. Third Parties 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. Brown University reserves the right to take action against any individual or organization that commits a violation of another University policy.

If a Student withdraws from Brown University after the University has begun an investigation but prior to a finding or resolution, an entry may, in appropriate circumstances, be made on their transcript that indicates the Student has withdrawn with a disciplinary investigation or Complaint pending.

If an Employee separates from Brown University after the University has begun an investigation but prior to disciplinary charges being filed, an entry may, in appropriate circumstances, be made in their personnel file that indicates that employment terminated with an investigation pending. If an Employee separates after disciplinary charges have been filed but prior to resolution, an entry may, in appropriate circumstances, be made in their personnel file that indicates that employment terminated with disciplinary charges pending.

XIII. Academic Freedom and Integrity

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 conduct, standing alone, is not sufficient for the conduct to constitute Prohibited Conduct. The conduct must be sufficiently serious to unreasonably interfere with an individual's ability to participate in employment or educational programs and activities from both a subjective and objective perspective. Such behavior compromises Brown University's integrity and tradition of intellectual freedom and will not be tolerated.

XIV. 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 Human Resources.

XV. Prevention and Awareness Programs

As part of its commitment to the prevention of Prohibited Conduct, Brown University offers education and awareness programs. Incoming Students and new Faculty and Staff receive prevention and awareness programming as part of their orientation, and all Students and Faculty and Staff receive ongoing training and related programs on an annual basis. For a description of Brown University's Prohibited Conduct prevention and awareness programs, see the Title IX Office website, brown.edu/about/administration/title-ix/index.php?q=prevention-education.

XVI. Violations of 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 presiding authority. 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. The following are definitions compiled from the Rhode Island General Laws that may be relevant to this policy:

First Degree Sexual Assault (RIGL § 11-37-2): A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist: (1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused, through concealment or by the element of surprise, is able to overcome the victim. (4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

Second Degree Sexual Assault (RIGL § 11-37-4): A person is guilty of second degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist: (1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

Third Degree Sexual Assault (RIGL § 11-37-6): A person is guilty of third degree sexual assault if he or she is over the age of 18 years and engages in sexual penetration with another person over the age of 14 years and under the age of consent, 16 years of age.

Stalking (RIGL § 11-59-2): Any person who (1) harasses another person; or (2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury, is guilty of the crime of stalking. “Harasses” means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

Cyberstalking and Cyberharassment (RIGL § 11-52-4.2): Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor.

Covered Persons studying, working, or engaging in other Brown University activities outside the State of Rhode Island are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy.

Behavior that violates this policy also may subject a respondent to civil or criminal liability. Please note that the preponderance of the evidence standard used by the University is not the standard used for criminal culpability in most jurisdictions and a determination of responsibility under this Policy does not equate with a finding of a violation of criminal laws.

Disciplinary procedures for sexual violence, relationship and interpersonal violence and stalking can be found at of this document:

- APPENDIX A – Complaint Process for Complaints Against Students
- APPENDIX B – Complain Process for Complaints Against Faculty
- APPENDIX C – Complaint Process for Complaints Against Staff



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. Reporting to a Campus Life office (Counseling & Psychological Services, Student Support Services or Health Services) does not constitute a subsequent notification to the Department of Public Safety.

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 and the on-call Sexual Assault Crisis Counselor will be notified. The SACC will be available to provide support and accompany you to the hospital to receive medical attention if you choose. Your physical health is paramount and you should consider seeking medical care. 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.
- Your identity will be kept as private as possible. Although community advisories about the incident may be circulated in cases that present only a serious public safety risk, every effort will be made to maintain privacy and to respect the legitimate privacy concerns of all involved individuals.
- The DPS Investigations Unit, which includes detectives, will be assigned to the case. All members of the Unit 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).

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. Please ask your SHARE advocate about this option and which hospital would 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.

Public Safety Resources

DPS Detectives Unit

401-863-5376, 401-863-3412, 404-863-5291 or 401-863-5292

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

401-863-2542

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 often initiated through the Office of Student Conduct and Community Services. These orders are not to be confused with state issued protective orders. NCO's are temporary directives issued by the Student Conduct & Community Standards prohibiting communication between or among designated students. No Contact Orders (NCOs) are issued when, in the judgment of a Student Conduct dean, 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 he or she violates the order as determined by the student conduct system. 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, and students may request to have a NCO lifted after an appropriate sustained period of compliance.

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, ext. 141

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)

- 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 – x4111, (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 – x4111, (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 they 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 on line Campus Incident Complaint Form (CICF) with the Office of Student Conduct, 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. Sanctions that can be imposed through the Student Conduct Board Hearing or an Administrative Hearing include reprimand, probation, deferred suspension, suspension or expulsion. Sanctions that can be imposed through a Dean's Hearing include reprimand, probation and deferred suspension. Sanctions that can be imposed through a Letter Adjudication include reprimand and probation.

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.

Alcohol Use and Underage Drinking

Brown University is in compliance 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. All members of the Brown University community 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.

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

Similarly, Brown University employees are expected to comply with all federal, state and local laws pertaining to alcohol. All 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.

Students violating University policies with respect to alcohol will be disciplined in accordance with Brown University's Code of Student Conduct. Employees violating University policies with respect to alcohol will be disciplined in accordance with procedures outlined in Brown University's employee handbook and/or the faculty rules and regulations.

A student or employee, 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 sanctions and accompanying terms as specified in Brown University's Code of Student Conduct. Cases involving employees will result in disciplinary sanctions up to and including termination. Any disciplinary action imposed by the University may be in addition to any penalty imposed by an off-campus authority. Both students and employees are subject to prosecution under applicable state or federal laws.

Prohibition of Illegal Drugs

Enforcement of Federal and State Drug Laws: Brown University's policy prohibits the unlawful possession, use or distribution of controlled substances/illicit drugs by Brown University students, faculty and staff. All members of the Brown University community 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).

As a term and condition of employment with Brown University, all employees (faculty, staff and students) are prohibited from the unlawful manufacture, dispensing, possession or use of a controlled substance upon the property of Brown University. All employees of the University must abide by the terms of Brown's policy and notify their immediate supervisor and the Director of the Human Resources Department of Brown University 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, and/or requiring the employee to participate satisfactorily in an approved drug assistance or rehabilitation program. 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.

Brown University students are expected to comply with all federal, state and local laws pertaining to drugs. The illegal possession, use, provision, sale, or possession with the intent to sell, of drugs and/or drug paraphernalia, is prohibited by University regulations. 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. Both students and employees are subject to prosecution under applicable state or federal laws.

Educational Programs: Individuals who may have an alcohol or drug abuse problem or who have questions concerning the use or abuse of drugs and alcohol should be aware of the several offices and resources at Brown that offer services to students, faculty and staff.

Health Services/BWell Health Promotion Office: Educational, medical, and referral services are available to students. For further information, call Health Services/BWell Health Promotion Office at 401-863-3953 or 401-863-2794 (TDD number is 401-863-3953) or visit the web site, brown.edu/campus-life/health/services/promotion/.

Counseling and Psychological Services (CAPS): Counseling and Psychological Services (CAPS) provides education, counseling and referral services to students. For further information, call CAPS at 401-863-3476. (TDD phone number is the same.)

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.



CAMPUS SAFETY

The DPS Community Relations and Outreach Bureau is responsible for coordinating programming, communications, outreach events, and other information sessions regarding practices and procedures of safety and security concerns, as well as a range of personal and workplace safety topics at Brown University. For example, members of the department participate in University orientation programs, and coordinate residential unit presentations, brown-bag workshops on various safety topics to include personal safety, workplace safety, and more. Listening Sessions and Officer/student dialogue sessions are also offered in effort to enhance student engagement and promote positive police/community relations on our campus. DPS representatives also participate as requested by University students, faculty or staff 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. For information regarding the department's community policing initiatives, please contact our Community Outreach Officer at 401-863-9637.

Personal Safety and Crime Prevention Programs Information and Education: DPS offers programs to inform as well as encourage students and employees to be knowledgeable about securing procedures and practices, risk-reduction strategies, crime awareness, and the securing of the Brown campus. A comprehensive list of programs provided on campus is listing on page 34.

The **Brown Safety Portal** was created for community members. This website has safety tips, videos, support phone numbers and **Bear Tips Program** information.

Crime Prevention Unit: DPS has available at no cost, crime prevention services and products designed to assist students and employees in properly securing their property and reducing their risk of becoming a victim of crime. Full-time crime prevention staff are available to: present crime prevention presentations and discussions to groups of any size; deliver crime prevention programs such as Operation I.D. Property Registration and the U-Lock or U-Lose Bicycle Theft Prevention program; distribute information about crime prevention to the Brown community; and survey and assess Brown properties to identify security deficiencies and to recommend corrective changes through the Brown Building Security Initiative. Crime Prevention also offers Residential Vulnerability Security Assessments (RSVA) for students and staff living off-campus near Brown. For additional information, contact the Crime Prevention Unit at 401-863-1438 or 401-863-1379.

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Tips and Rumors Hotline: Call the Tips and Rumors Hotline 401-863-2200, to report information about a crime to a Communication Control Officer. This is not a recorded phone line and you may remain anonymous if you wish.

Personal Safety Alarms (PALS): Any student, faculty or staff member who is concerned about their personal safety may obtain a personal alarm device to carry and use for alerting individuals nearby that they are in danger. The personal alarm can be carried in a purse/bag, pocket, or attached to a key chain. It can be used in an emergency situation to call for help, draw attention to a situation, or to scare off an attacker. Simply pull the pin and the alarm will sound. To silence the alarm, insert the pin back into the device. PALS are available to all students, faculty and staff at no cost. PALS can be picked up at 75 Charlesfield Street.

Electronic Campus Watch: Through the use of email at Brown, students, faculty and staff can communicate with the Crime Prevention Unit at DPS. Community notifications are sent by the Crime Prevention Unit alerting students, faculty and staff, campus agencies and local business via email about any crimes, scams and violent incidents, crime prevention programs, Safewalk services and safety tips. If you have any questions about the program, contact the Crime Prevention Unit at 401-863-1438 between 9 a.m. and 4 p.m. or via email at campus_safety@brown.edu.

Transaction Safe Place (TSP): Brown DPS welcomes Brown students and staff to utilize the front lobby for processing exchanges from online transactions. It will not be mandatory but we will ask that students and staff call ahead to advise officers that a transaction will take place and with an approximate time they should arrive by calling 401-863-3322.

The front lobby of the Brown DPS located at 75 Charlesfield Street will be used for Transaction Safe Place. It is manned 24/7 and it is monitored by a surveillance camera and offers a safe alternative space for exchange of items. A Brown Sergeant staffs the front office every day (Sergeants periodically patrol the campus and may not be physically present in the lobby during the time of the transaction). It will not be mandatory for an Officer to be in the lobby/office at the time of the transaction.

Brown DPS will not be there to authenticate the items being sold, or be a part of the transaction, but we are offering a location where people may feel safer than if they bought or sold an item at an unfamiliar, secluded location. The Brown Department of Public Safety's Crime Prevention Unit not only monitors crime trends on campus, they also collect and monitor local crime data. Please call DPS at 863-9637 with questions about the Transaction Safe Place Initiative. There is a phone in the lobby that auto-dials to the DPS Communications Center in case of an emergency.

Operation Identification: Operation ID is a system for registering property using a permanent personal identifying label. The service is free and can be obtained by making an appointment with the Crime Prevention Unit by calling 401-863-9637 or 401-863-1438 between 9 a.m. and 4 p.m. Operation ID is also offered in the first year units during the months of September and October.

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.

The Department of Public Safety has recently configured new features. Simply login into your Brown Guardian App to see new and existing features to include:

- A new University Resource Call Directory
- 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
- Safety Timer and Guardian Network options

Signing up for Brown Guardian is easy and involves a quick 2-step process. You can download the Rave Guardian Mobile App from Apple iTunes or Google Play. From your smartphone, you are now able to enjoy Guardian and its new features. Learn how to install Brown's new Guardian app today!

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

Programs offered throughout the year upon request for students, faculty and staff include:

- Understanding Sexual Assault
- Sexual Assault Resources and Bystander Intervention
- Sexual Assault and Greek Culture
- Sexual Assault Peer Education (SAPE)
- Sexual Assault Peer Education (SAPE) Presentation to staff
- Responding to Sexual Assault
- Sexual Assault and Study Abroad
- Supporting students who have been sexually assaulted
- Self-Care and Supporting Survivors
- Bringing in the Bystander
- Be Safe Brown! Campus Safety Resource Fair (*held every October*)
- Step in and Take a Stand
- Understanding the Dynamics of domestic violence, dating violence, sexual assault and stalking – Workshop for Residence Peer and Student Organizations.
- Rape Aggression Defense (RAD) Women's Self Defense Program (*held minimally twice a semester*)
- Resisting Aggression Defense (RAD) for Men Program (*held once a semester*)

Above programs are held upon request unless noted otherwise.

R.A.D. Systems Self-Defense Programs Available at DPS

RAD is a nationally-known self defense program. RAD's program objective is to develop and enhance the options of self defense so they may become viable considerations to the woman who is attacked. This program has the ability to empower ANY woman by providing her with the skills necessary to avoid, resist and defend against an attack if she so chooses. This program is offered at least twice a semester and more if needed. For more information about the RAD programs please call (401)863-2542.

Understanding the Dynamics of Domestic Violence and Stalking on a College Campus, Workshop for Residence Peer Leaders

Views about healthy and unhealthy relationships are shaped by our experiences, values, and culture, so we all don't see relationships through the same lens. However, it is important to be able to recognize and understand the subtle and not-so-subtle dynamics of domestic violence and stalking among peers in a campus environment. This workshop covers topics to include IPV prevalence information, domestic violence and stalking defined, victim/offender characteristics and dynamics, transitions in relationships, warning signs and barriers to reporting.

"Be Safe Brown!" Campus Safety Resource Fair

Annual Campus Safety Resource Fair featuring a wide range of offices/resources that promote campus, physical, personal and environmental safety. Offered annually in October to kick off Crime Prevention Month activities.

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 to include:

Brown Building Security Initiative: Safety in the Workplace: The Brown Building Initiative (BBSI) is a campus security program that seeks to promote voluntary efforts to enhance workplace security by sharing awareness and prevention information, as well as 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 Brown community and our facilities. The BBSI program has two components: Security Assessments and Outreach (workshops). Both are offered through Workday Learning. A minimum of two sessions per semester and are often customized programs for departments upon request.

Emergency Preparedness Training: Hostile Intruder Awareness: Customized programs for departments across campus focusing on emergency preparedness, response, and hostile intruder awareness. This program is a partnership between the Department of Public Safety and the Office of Environmental Health and Safety. This program is offered upon request by calling 401-863-2542.

Personal Safety Sessions for Women: This short program offers an introduction and conversation about the practical aspects of personal safety and the continuum of self-defense options available to women. Customize your approach to personal safety while learning about factors that contribute to making a decision to employ resistance, compliance and assertiveness in a variety of situations. This program is offered a minimum of twice per semester and upon request by any student or staff group.

Safewalk Program: Safe walk is a program staffed by student employees who provide point to point walking escorts for their fellow community members on the Brown campus. Employees travel in pairs and are equipped with two-way radios. All Safewalk employees wear reflective, yellow vests and employee I.Ds. The service is available Sunday through Thursday from 9 p.m. until 2:15 a.m. during the academic year. To request Safewalk Services, call 401-863-1079.

All staff Campus and Personal Safety Sessions: A general session that provides a full overview of Public Safety programs, services and crime reporting options available to community members. Offered and promoted through Workday Learning. Provides further explanation of programs listed below as well. Offered a minimum of two sessions per semester.

- Campus and Personal Safety Awareness with DPS
- Understanding the Dynamics of Domestic Violence & Stalking on a College Campus
- “What’s Love Got to Do With It?” Stalking Awareness session with DPS
- Silent Storm: Workplace Violence Prevention Program
- “Be the Help until Help Arrives” Personal Safety Sessions for Staff

Bear Tips Program

Brown Computer and Information Services (CIS) has partnered with the Department of Public Safety (DPS) to offer Bear Tips, a new and innovative media project that seeks to engage the community in safety awareness through short, fun safety videos. Each video module highlights a relevant safety message and resource that Public Safety would like to reinforce among community members. With Bruno’s help, students, faculty and staff are reminded to stop, think and bear in mind safe behaviors and safety resources that are readily available to them at Brown.

Bear Tips Coins are Great to Get and Good to Give!

In an effort to make the virtual Bear Tips learning experience applicable to everyday life here at Brown, we have created Bear Tips coins for distribution to incentivize the behaviors promoted in the video series. Coins are also

useful outreach incentives that members of DPS will distribute to students and staff. There are a number of ways a student or staff member can earn Bear Tips Coins to include, but not limited to:

- Attend a Public Safety sponsored event/program
- Stop by a DPS resource table and connect with our staff
- Register property with the Crime Prevention Unit's Operation ID Program
- A Brown DPS Officer spots you making a 'street smart' choice (i.e. securing your bicycle with a U-shaped lock, paying attention to your surroundings, etc.)

Visit the Brown Safety Portal at brown.edu/safety to view our new Bear Tips Safety Videos and to learn how you can cash in your Bear Tips Coins for select Brown Bookstore products and more!

Shuttle Service

Brown University Shuttle is a cooperative transportation service offered by Brown for the students, staff and faculty of Brown University and the Rhode Island School of Design. The services offered through shuttle service are as follows:

- Brown Evening shuttle is scheduled evening service on fixed rounds around the Brown and RISD campuses. The shuttles circle the routes stopping at prescribed locations. A red and white 18" X 24" shuttle sign is posted at each stop. Reservations are not required. A valid Brown or RISD I.D. must be shown before boarding the shuttle. The shuttle service operates daily when school is in session. For hours of operation, please visit Brown shuttle [schedule](#).
- Brown onCall is available only to Brown community members who live on and off campus within the onCall coverage area. OnCall provides rides within the onCall coverage area on campus to off campus locations and vice versa. For use of onCall and to request a ride via phone please call 401-863-1778. For hours of operation, please visit Brown onCall schedule. More detailed information regarding onCall, including wait times and call backs, guest policies, and rules and regulations can be found at [Brown onCall](#).
- Brown Daytime Shuttle is a daytime shuttle service that provides transportation year round between Brown/RISD, Brown Medical School and the hospitals via downtown and the "Knowledge District". This service is available for students, faculty and staff members of Brown and RISD. Passengers must show a Brown or RISD I.D. when boarding the vehicle. For further information regarding the shuttle stops, schedules, and policies, please visit [Brown Daytime Shuttle](#).
- SEAS onCALL (seas-shuttle@brown.edu) service is a reservation-based transport for members of the Brown community who have disabilities and need assistance getting around campus. SEAS onCall is available for students, faculty and staff members of Brown with a permanent or temporary disability. SEAS onCall riders must register with the Disability Support Service office (401) 863-9588 and provide documentation of their disability and need for the service. For further information regarding SEAS onCall, including use of the service, hours of operations and registration, please visit [SEAS onCall](#).

Emergency Blue Light Phones

There are approximately 160 safety pro out door Emergency Blue Light phones located on or near the exterior of residence halls and University buildings. They are also located on the campus walkways and at the parking garage. Additionally there are approximately 55 elevator phones (equipped for emergency calls) in various campus buildings. Outdoor emergency phones are housed in gray or yellow 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) that will connect you directly with a DPS Communication Control Officer. In an emergency, calls made through the direct speed button also contain a feature that will identify your location to the Communication Officer answering the call. *When getting acquainted with the campus, please take the time to note the locations of these phones.* The phones also provide Brown students, faculty, and staff with the option to request an escort or Safewalk services, and these calls receive priority assistance.

Brown Building Security

Access to most University facilities is intended to be restricted to student, 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 persons 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 card access system has been installed in all residential dorms and in several administrative building 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: 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. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Arson: 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, etc.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Dating Violence: Violence by a person who is or has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Domestic Violence: Violence that has been committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and the existence of such a relationship shall be determined based on the reporting party's statement with consideration of: the length of the relationship; the type of relationship; the frequency of interaction between the persons involved in the relationship. Domestic violence is not limited to sexual or physical abuse or the threat of such abuse.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joy riding).

Murder and Non-negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

Robbery: 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, violence, and/or causing the victim fear.

Stalking (RIGL § 11-59-2): Any person who (1) harasses another person; or (2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury, is guilty of the crime of stalking. "Harasses" means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

Cyberstalking and Cyberharassment (RIGL § 11-52-4.2): Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Public drunkenness and driving under the influence are not included in this definition.)

Hate Crimes: includes any of the below crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's actual or perceived bias regarding: race, religion, gender identity, ethnicity, national origin and or disability: Murder, Manslaughter (non-negligent/negligent), Sex Offenses (forcible/non-forcible), Robbery, Aggravated assault, Burglary, Motor vehicle theft, Arson, Larceny-theft, Simple assault, Intimidation, Destruction, damage or vandalism of property, Any other crime causing bodily injury.

Sex Offenses-Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly and/or against the person's will where the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to influence of drugs or alcohol). Physical resistance is not required on the part of the victim to demonstrate lack of consent. 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. Includes any gender of the victim or perpetrator.

First Degree Sexual Assault (RIGL § 11-37-2): A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist: (1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused, through concealment or by the element of surprise, is able to overcome the victim. (4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

Second Degree Sexual Assault (RIGL § 11-37-4): A person is guilty of second degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist: (1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless. (2) The accused uses force or coercion. (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

Third Degree Sexual Assault (RIGL § 11-37-6): A person is guilty of third degree sexual assault if he or she is over the age of 18 years and engages in sexual penetration with another person over the age of 14 years and under the age of consent, 16 years of age.

Sex Offense-non forcible: Any sexual act directed against another person, by coercion or incapacitation where the victim is incapable of giving consent. (Include only incest and statutory rape).

Clery Geographic Definitions

On-campus: Any building or property owned or controlled by the University 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 or property owned by the University but controlled by another person and is used by students, and supports institutional purposes (ex: retail vendors).

Residence Halls: subset of On-Campus – any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the University.

Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities that is within the campus or immediately adjacent to and accessible from the campus. Private homes and businesses located within the University's geographical area are not considered public property.

Non-campus: Any building or property owned or controlled by a student organization that is officially recognized by the University or any building or property owned or controlled by the University, used in direct support of, or in relations to, the University's education purposes. Must be frequently used by students and not within the same reasonably contiguous geographic area of University.



BROWN UNIVERSITY CRIMINAL OFFENSE STATISTICS
January 1, 2015 to December 31, 2017

Criminal Offenses	2017				2016				2015				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	2017	2016	2015
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	23	0	1	24	41	0	0	41	15	1	0	16	18	22	9
Fondling	4	0	1	5	6	1	0	7	7	0	1	8	2	3	6
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	2	2	0	0	4	4	0	0	4	4	0	0	0
Aggravated Assault	0	0	0	0	1	0	1	2	0	0	4	4	0	1	0
Burglary	16	0	0	16	10	0	0	10	13	0	0	13	10	5	7
Motor Vehicle Theft	1	0	0	1	3	0	0	3	3	0	0	3	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	1	1	0	0	1	3	0	1	4	1	1	2
Dating Violence	1	0	0	1	7	0	0	7	1	0	0	1	0	2	1
Stalking	5	0	0	5	8	0	0	8	13	0	0	13	3	1	5

The above statistics do not include categories of crimes reported outside the Clery reporting guidelines. For offenses counted as rape, Brown takes a more expansive approach than is required by the Clery Act. Under Clery, confidential sources are not mandatory reporters, but they are encouraged to report on a voluntary, confidential basis at Brown, and those reports are included. For that reason, Brown's numbers may exceed those of other institutions. For 2017, of the 24 total reportable rape incidents, 7 were reported in 2017 but occurred in a previous calendar year.

UNFOUNDED REPORTS

2017 - zero
 2016 - zero
 2015 - zero

Brown's Approach to Reporting Rape Statistics

Brown University takes a more expansive approach than is required by the Clery Act for reports of criminal offenses categorized as Rape, Fondling, Incest, Statutory Rape, Domestic Violence, Dating Violence and Stalking. Under Clery, confidential sources are not mandatory reporters, but at Brown they are encouraged to report on a voluntary, confidential basis, and those reports are included in Brown's data. Confidential sources include SHARE (Sexual Harassment & Assault Resources & Education) Advocates and staff in such areas as Counseling and Psychological Services (CAPS) who may learn of incidents.

Brown's approach reflects a commitment to transparency in confronting and addressing the issue of gender-based violence and harassment, which independent studies have demonstrated are a reality for every college campus.

In preparing the Annual Security Report, the Department of Public Safety proactively seeks information — all non-identifying and protective of confidentiality — from a network of approximately 400 Campus Security Authorities, who represent Campus Life and Student Services, Athletics, Human Resources, Institutional Diversity and many other departments. Confidential student resources, such as CAPS or the SHARE advocates, are not required to report incidents, but often contribute non-identifying information in a way that helps the University to compile a comprehensive set of statistics on the types of incidents reported on campus.

Brown has taken a lead role in addressing the serious national issue of sexual and gender-based harassment and violence. In recent years, Brown has 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 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. Brown provides statistics on reported incidents through both an annual Title IX Office report and through the Annual Security Report.

As noted on the previous page, Brown expects that its number of reports of sex offenses may exceed those of other institutions, given encouragement of reporting of sexual assault incidents. For the period of this report — January 1, 2017, to December 31, 2017 — of the 24 total reportable rape incidents, 7 were reported in 2017 but occurred in a previous calendar year. For the previous year — January 1, 2016, to December 31, 2016 — of the 41 total reportable rape incidents, 12 were reported in 2016 but occurred in a previous calendar year. Regulations require that they be recorded in the year that they are reported. Also, regulations require that all reportable incidents are included, not simply those that involve students or Brown community members exclusively.

BROWN UNIVERSITY HATE CRIME STATISTICS

2017	1 – public property/Intimidation/Ethnicity 1 – on campus/Vandalism/Religion 1 – public property/Simple Assault/Race 1 – on campus residence/Vandalism/Religion 1 – on campus/Intimidation/Ethnicity 1 – on-campus/Fondling/Gender Identity	2016	1 – on campus residence/Vandalism/Religion 2 – on campus/Vandalism/Religion 1 – on campus residence/Vandalism/Race 1 – on campus/Intimidation/Ethnicity 2 – on campus/Intimidation/Religion 1 – on campus/Intimidation/Race 1 – on campus residence/Larceny/ Sexual-Orientation
		2015	2 - on campus residence/Vandalism/Race 1 - on campus residence/ Vandalism/ Sexual Orientation

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

The categories are: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability

ARRESTS FOR WEAPONS, DRUG ABUSE, AND LIQUOR LAW VIOLATIONS

January 1, 2015 to December 31, 2017

	2017				2016				2015				Campus Residence Included in On Campus		
	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	2017	2016	2015
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, 2015 to December 31, 2017

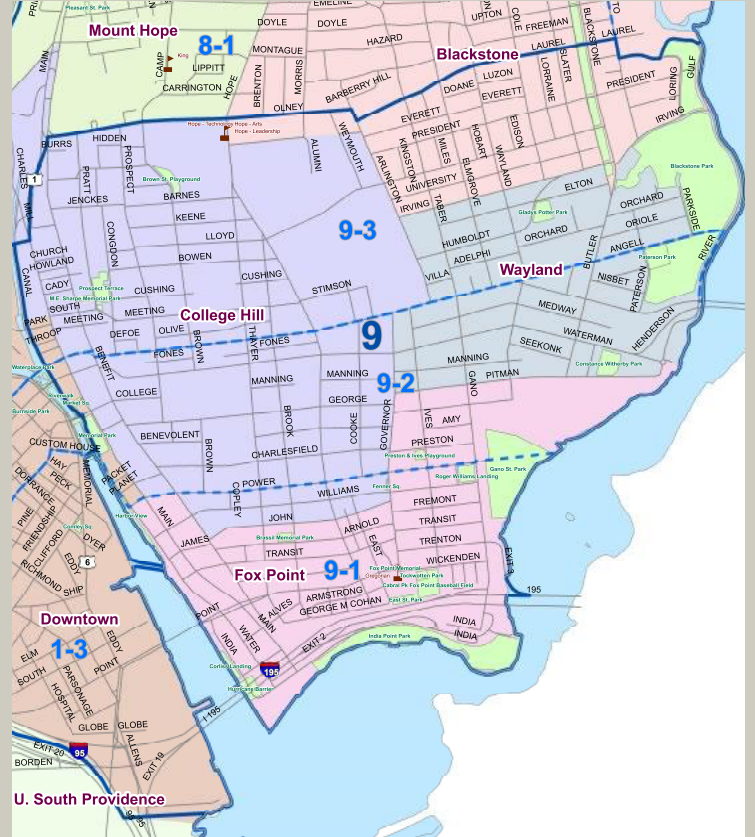
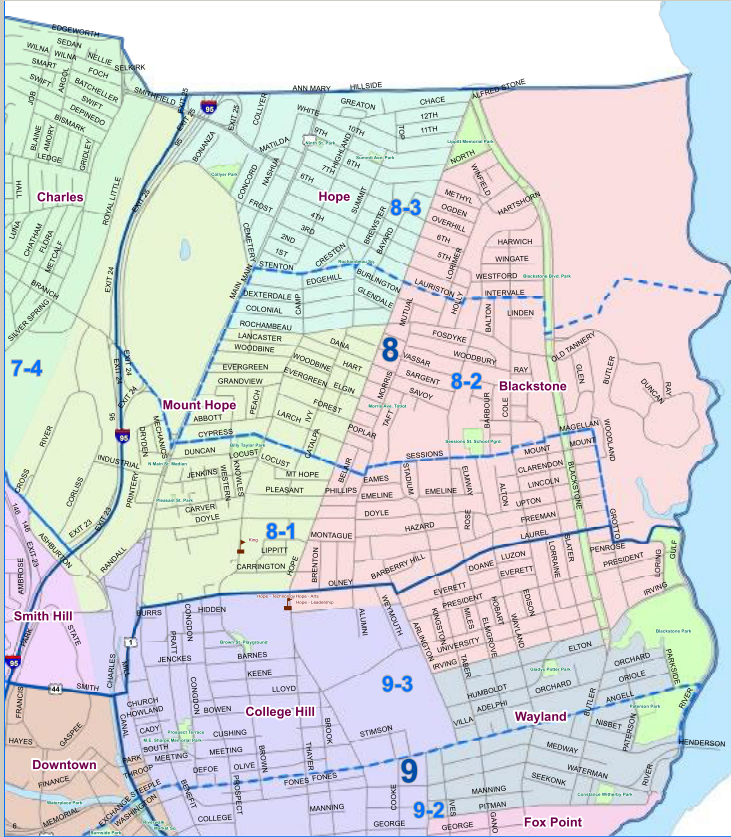
	2017				2016				2015				Campus Residence Included in On Campus		
	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	On Campus	Non Campus	Public Property	Total	2017	2016	2015
Weapons	1	0	0	1	2	0	0	2	3	0	0	3	1	2	3
Drug Abuse	18	0	0	18	28	0	0	28	21	1	0	22	15	26	20
Liquor Law	89	0	3	92	136	0	6	142	69	0	0	69	81	115	69

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		
	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015
Homicide	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	1
Rape	3	2	4	0	2	0	3	1	0	1	1	0	1	0	0	2	1	3
Fondling	1	1	0	0	1	0	0	0	0	2	0	0	0	1	0	3	1	0
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	0	1	5	1	0	6	0	1	3	5	6	4	3	5	6	3	4	4
Aggravated Assault	10	13	11	2	4	4	0	6	5	5	6	10	2	1	3	1	2	1
Burglary	43	39	73	39	37	65	15	21	45	31	42	32	27	23	24	10	36	81
Motor Vehicle Theft	12	22	18	8	12	13	6	9	8	14	9	9	4	7	6	12	16	15
Arson	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	1	0
Weapons Violation	0	0	3	0	0	2	0	0	0	0	0	3	0	0	0	0	0	3
Drug Abuse Violation	0	0	2	0	0	2	0	0	2	0	0	4	0	0	0	0	0	1
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	20	0	0	1	0	0	5
Hate Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	23	23	48	12	25	12	13	9	11	15	10	11	8	8	6	8	4	3
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	1	0	0

see map on page46 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)			Pawtucket Memorial Hospital (Pawtucket)			Miriam Hospital (Providence)			Butler Hospital (Providence)		
	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015	2017	2016	2015
Homicide	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	*4	*7	7	**1	**1	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	2	1	1	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	2	9	12	7	4	4	0	0	0	0	0	0	0	1	0	2	0	0
Burglary	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	3	2	2	0	1	4	0	0	0	0	0	0	1	0	0	1	1	0
Arson	0	0	0	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	0	0	0
Drug Abuse Violation	0	0	0	0	0	0	0	0	0	1	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	0	0	0	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	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

2017: *includes 2 rape and 2 fondling offenses ** rape offense

2016: *includes on 5 rape offenses and 2 fondling offenses **fondling offense

APPENDIX A

COMPLAINT PROCESS

Pursuant To The University Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy*

Brown University is committed to providing an adequate, impartial, and reliable response to Complaints pursuant to the University Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy. The University's process for addressing Prohibited Conduct are grounded in fairness and support for all parties, include procedural protections that ensure notice and meaningful opportunities to participate, and recognize the dynamics involved in Prohibited Conduct. For additional information, including Prohibited Conduct and related definitions, click [here](#).

I. To Whom This Process Applies

This process pertains to alleged acts of Prohibited Conduct committed by any Brown University students, including students in the College, the Graduate School, the Alpert Medical School, the School of Public Health, the School of Engineering, and the School of Professional Studies (all collectively known together as "Students") when:

- (1) the conduct occurs on Brown University premises; and/or
- (2) the conduct occurs in the context of a Brown University employment, education, or research program or activity, including but not limited to Brown University-sponsored study abroad, research, internship, mentorship, summer session, or other affiliated programs or premises; and/or
- (3) the conduct occurs outside the context of a Brown University employment, education, or research program or activity, but (i) has adverse effects on Brown University premises or in any Brown University employment, education, or research program or activity or (ii) occurs in close proximity to Brown University premises and is connected to hostile conduct on Brown University premises.

Any individual, regardless of affiliation with Brown University, may file a Complaint.

II. Initial Assessment

When the Title IX Office becomes aware directly by a potential complainant or a third party of an incident which may involve gender-based misconduct, an Initial Assessment will be conducted to gain a basic understanding of the nature and circumstances of the report. The potential complainant and/or third party will be provided with information about resources, procedural options, and remedial measures and an opportunity to discuss the University's policies.

III. Threat Assessment

Following the Initial Assessment, the Threat Assessment Team will review and assess whether there is reasonable cause to believe that a student poses a significant threat of harm to the health, safety, and welfare of others or the Brown community, and whether interim measures are necessary to alleviate or mitigate that risk. The Team will identify factors that may increase, influence, or mitigate the risk of harm or significant disruption to the educational or residential environment, and make appropriate recommendations to the Vice President for Campus Life and Student Services to avert the potential threat and maintain the safety of the University community.

*Throughout this process, the pronouns "they," "them" "their" are being used intentionally to be inclusive of all genders.
Complaint Process updated on September 2, 2016.

IV. Filing A Complaint

If the potential complainant wishes to proceed with a resolution process, they will submit a written Complaint to the Title IX Office. Upon receipt of a Complaint, the Title IX Officer or Deputy Title IX coordinator will be responsible for making the following determinations:

- (1) Is the respondent a covered person as defined in Section I (To Whom This Process Applies)?; and
- (2) Could the facts set forth by the potential complainant, if substantiated, constitute a violation of the University's Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy?

If the answer to either question is no, the Title IX Office does not have the authority to resolve the Complaint and the potential complainant will be referred to the appropriate resources.

If the answer to both questions is affirmative, the Title IX Office has the authority to investigate and resolve the Complaint. The Title IX Office may also investigate and resolve possible or alleged violations of the Code of Student Conduct that are ancillary and related to the Complaint under the Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy.

V. Standard Of Evidence

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

VI. Advisers

Complainants and respondents are entitled to be accompanied and assisted by an adviser of their choosing at both formal and informal meetings, investigation interviews and, if applicable, a subsequent Title IX Council panel hearing. A pool of trained advisers is available to the parties, subject to their availability. There is no requirement that the adviser be chosen from this pool or be an individual from the Brown community. Advisers may not participate in the process or speak on behalf of the complainant or respondent, although they may ask to suspend any meetings, interviews, or hearings briefly to provide consultation. Complainants and respondents may choose to have an attorney serve as their adviser, but accommodations, including scheduling of interviews or hearings will not be made for any advisers, including attorneys, if they unduly delay the process.

VII. Informal Resolution Process

In recognition that a wide spectrum of behaviors can constitute violations of University policies, the Title IX Office may resolve reports informally and appropriately, based on the circumstances. Informal resolutions generally are pursued when the complainant, having been fully informed of all available options, has explicitly made that choice. An informal resolution process is voluntary, and a complainant can ask to end the informal resolution process at any time before its completion. If an informal resolution process is ended by request, any information obtained may be used in a subsequent formal resolution process and hearing. Once a Complaint has been resolved through an informal resolution process, the matter will be closed.

For some limited types of alleged violations of the University policy an informal resolution may include mediation. Mediation is not an appropriate option for cases involving a Complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct behavior.

In all cases, the Title IX Program Officer will have discretion to determine whether or not informal resolution or mediation is appropriate to the circumstances.

VIII. Formal Resolution Process

A formal resolution process will occur when (a) a report of a violation of the policy is made and the complainant seeks a formal resolution; or (b) the Threat Assessment Team recommends that the University proceed with a formal resolution because there is reasonable cause to believe that the respondent poses a significant threat of harm to the health, safety, and welfare of the complaining student or others. In such case and if the potential complainant cannot or does not wish to file a Complaint and proceed with the formal process, the Title IX Program Officer or their designee shall draft a statement with all known information in lieu of a Complaint, and the formal resolution process shall proceed as indicated below.

A. Formal Resolution Process Brief Overview (See Sections B and C for additional information.)

1. A written Complaint is submitted to the Title IX Office and the respondent receives notice of the allegations and the potential policy and/or code violations at issue.
2. If the respondent chooses to submit a response to the Complaint, it must be submitted in writing within five (5) business days following receipt of the Complaint.
3. An investigator is appointed by the Title IX Program Officer or a designee.
4. The investigation is conducted, witnesses are interviewed (including the parties), information is gathered, and an initial investigation report is prepared and shared with both parties.
5. Within three (3) business days following receipt of the investigation report, both parties may provide a written response.
6. The investigation report is finalized and shared with the parties and the Chair of the Title IX Council.
7. The Title IX Program Officer and Chair of the Title IX Council appoint a three (3) member hearing panel from the Title IX Council.
8. The parties may submit a written statement to be considered by the hearing panel. The written statement must be submitted twenty-four (24) hours before the scheduled hearing.
9. The Chair of the Title IX Council provides hearing panelists with the investigation report and any written statements from the parties.
10. The hearing panel convenes with the investigator, if necessary, to ask questions related to the investigation report.
11. Parties may appear before the panel to make an oral statement.
12. The panel will convene to deliberate and render a decision, by majority vote, regarding whether the respondent has violated the University policy.
13. If there is a finding of responsibility for any violations, the panel will deliberate as to an appropriate sanction.
14. The Chair will prepare a written decision and rationale within five (5) business days, which will be shared simultaneously with the parties.

B. Investigation

The Title IX Office will notify the respondent of the Complaint in writing and, based on the allegations contained in the Complaint, identify the potential policy and/or code violations at issue. If the respondent chooses to submit a response to the Complaint, it must be submitted in writing within five (5) business days following receipt of the Complaint. Any response submitted will be provided to the Complainant.

Following receipt of a response statement, the Title IX Program Officer or designee will appoint an investigator to the matter. The Title IX Office will have the discretion to determine whether the investigator will be internal (an employee at Brown) or external (an individual outside of the Brown community), or a combination of both internal and external investigators. The role of the investigator will be to gather additional information through interviews of the complainant, respondent, and witnesses and synthesize the information in a report that will be provided to the Title IX Council. 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.

Throughout the investigation, parties should only share documentation and information they receive from the Title IX Office, including an investigator, for the purpose of advice and counsel. For example, parties may choose to provide copies of statements to family members, advisers, and/or support persons. Information shared, posted, or distributed for other purposes may be considered retaliation under Brown's policy.

i. Witnesses

Both the complainant and respondent 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 information about the alleged conduct and may request statements, either orally or in writing. Witnesses may include individuals outside the Brown community.

Witness statements should not be character evaluations, as all parties will be presumed to have good character. In addition, how individuals present themselves in other contexts (e.g., friendly, kind, and well-liked) has little probative value in evaluating whether particular conduct occurred. Moreover, the sexual history of the parties will not generally be deemed relevant, as described below.

ii. Additional Evidence

Complainants, respondents, and witnesses are permitted to provide other relevant evidence to the investigator. Evidence includes any facts or information presented in support of an assertion and may include text messages, email exchanges, timelines, receipts, photographs, etc. The investigator may also consider additional documents, items or other relevant information. Any documentation shared with or considered by the investigator will be provided to the parties.

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 is not relevant to the determination of whether there is a policy violation.

Pattern Evidence: Evidence of an occurrence or occurrences of prohibited conduct so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact may be considered. Where there is evidence of a pattern of similar prohibited conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation, this information may be deemed relevant to the determination of policy violation or assigning of a sanction. Instances will be rare and the determination of relevance will be based on an assessment of whether the previous or subsequent

incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern.

Prior Sexual History of the Parties: An individual's character or reputation with respect to other sexual activity is not relevant and will not be considered as evidence. Similarly, an individual's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence under limited circumstances. 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 report. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

Prior Sexual History Between the Parties: 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 prior sexual relationship, 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.

iii. Investigation Report

The investigator will produce a written report that contains the relevant information and facts learned during the investigation, and may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information. The investigator may exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not make a finding or recommended finding of responsibility. The investigator's report will include credibility assessments, where appropriate, based on their experience with the complainant, respondent, and witnesses, as well as the basis of those assessments. The report will, based on the information obtained during the investigation, identify the potential policy and/or code violations at issue. Complainants and respondents should be aware that the potential policy and/or code violations identified by the investigator may be different than the potential policy and/or code violations identified by the Title IX Office prior to the commencement of the investigation. To ensure that the investigator is complying with their role as outlined in Brown's policies and procedures, the Title IX Program Officer will review the report in advance of the parties.

The investigation report will be shared with the complainant and the respondent to review before it is finalized. Within three (3) business days, the complainant and respondent may offer additional comment, clarify information previously shared, suggest additional witnesses, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation. When the report is finalized, it will be delivered to both parties, the Title IX Program Officer and the Chair of the University Title IX Council. The complainant and respondent may only share the investigation report for the purpose of receiving counsel or advice related to the University process. If the investigation report clearly shows no offense was committed, the Title IX Program Officer will send the investigation report to the Chair of the Title IX Council for summary disposition. Otherwise, the case will proceed to a Title IX Council hearing.

C. The University Title IX Council: Role, Procedure and Responsibility

The role of the University Title IX Council is to review the information presented in the investigation report and to determine if an individual or individuals violated the University policy (and, if yes, to determine an appropriate sanction). An appropriate hearing panel of three (3) members from the Council will be formed for each case.

i. Role of the Chair

The Chair of the Council presides over the hearing panel as a non-voting member. The Chair is responsible for the administration of the hearing process, including procedural matters and decisions leading up to the hearing, determinations about information that will be considered or not, appropriate and inappropriate lines of questioning, and the overall decorum and conduct of the proceedings.

ii. Hearing Process and Deliberations

The panel will receive the investigation report at least five (5) days in advance of the hearing. Complainants and respondents may submit a written statement to the panel, which must be submitted to the Chair of the Council twenty-four (24) hours before the hearing.

The hearing panel will convene with the investigator (although the Chair has the discretion to determine if a meeting with the investigator is not necessary). The complainant and respondent will not be present in the hearing room. The hearing panel may ask the investigator questions related to the investigation report. The hearing panel may also request to hear from one or more of the witnesses. The Chair has complete discretion to approve or deny those requests. 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. If any additional relevant information is gathered after the investigation report is finalized, that information will be shared with both parties and each may submit a written response to the Chair within three (3) days of the date the information is received.

The complainant and respondent will be granted the opportunity to appear before the hearing panel if they wish and make an oral statement regarding the facts. If both the complainant and respondent appear before the hearing panel, the complainant shall appear first, and the respondent shall appear second. The complainant and respondent will not be in the hearing room together, unless both parties agree in writing. The party who is not before the Council may have audio access to the hearing via telephone when the other party appears. The hearing panel may ask questions. Again, the presumption is that the information necessary to render a decision and arrive at an appropriate sanction is in the investigation report, so extended statements or questioning is unnecessary.

The hearing panel will convene to deliberate and render a decision, by majority vote, regarding whether or not the respondent has violated the University policy by a preponderance of the evidence. No member may abstain.

iii. The Sanction and Decision

If the hearing panel determines that the respondent is responsible for one or more violations of the University Policy, it will then deliberate as to an appropriate sanction. The hearing panel will be permitted to consider prior policy violations in determining an appropriate sanction.

The hearing panel shall consider all of the following factors in determining an appropriate sanction.

- (1) 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);

- (2) Whether or not the circumstances suggest there is an increased risk of future acts of sexual violence 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);
- (3) Whether or not the sexual violence was perpetrated with a weapon or had other aggravating considerations;
- (4) 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 community generally and, if so, the nature and extent of the threat and steps to effectively mitigate the impact;
- (5) The impact of the conduct on the complainant;
- (6) The impact of the conduct on the University community, and the need for any sanctions or remedies to eliminate, prevent, or address the existence of any hostile environment caused in the University community or to maintain a safe and respectful environment conducive to learning, working and living; and
- (7) Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in the case.

The Chair prepares the hearing panel's written decision and rationale, including a finding of responsibility or non-responsibility, and, if applicable, the sanction and rationale. Within five (5) business days, the report of the hearing panel will be provided simultaneously to the complainant and the respondent.

If a respondent is found responsible and the sanction includes separation, the hearing panel may recommend that the respondent be immediately removed from campus residentially, severely restricted in their movements on campus (e.g., only able to attend classes and labs), or barred completely during the entirety of the appeal process. Such removal or restriction will only occur if the Threat Assessment Team reviews the recommendation of the hearing panel and determines that there is reasonable cause to believe that the respondent poses a significant threat of harm to the health, safety, and welfare of the complaining student or others.

D. The Appeals Process

The complainant and respondent have the right to appeal final determination of responsibility and/or the resulting sanction based on the limited grounds of (1) substantial procedural error that materially affected the outcome; (2) material, new evidence not reasonably available at the time of the hearing; and/or (3) a decision and/or sanction that is clearly contrary to the weight of the evidence. Written requests for appeal must be submitted within three (3) business days following delivery of the notice of the outcome. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

Appeals are heard by a three (3) member appeal panel drawn from the membership of the University Title IX Council. The appeal panel's responsibility will be strictly limited to determining if there was substantial procedural error that materially affected the outcome, new evidence not reasonably available at the time of the hearing, and/or a decision and/or sanction that is clearly contrary to the weight of the evidence. If any or all are found by the appeal panel, the appeal will be granted. If the appeal is denied, the matter is closed, and the hearing panel's decision stands.

There are two (2) possibilities in the event that an appeal is granted. The appeal panel may, in its discretion:

- (1) Remand the case to a 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.
- (2) Modify the decision and/or sanction consistent with its decision.

IX. WITHDRAWAL OF A COMPLAINT

The complainant may request to withdraw a Complaint at any time. The University reserves the right to make a determination whether to approve or deny this request, but will strongly consider the complainant's wishes.

X. TIMEFRAME FOR COMPLETION OF INVESTIGATION AND DISCIPLINARY PROCESS

The University cannot promise a definitive timeframe of this process, but ordinarily will seek to complete its investigation and disciplinary process, if any, within sixty (60) days. This time period does not include the time for an appeal. The U.S. Department of Education has made clear that the length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable or if law enforcement requests the University temporarily halt its investigation for a brief period of time. Accordingly, all timeframes set forth in this policy may be altered by the Title IX Program Officer for good cause. The University's overarching goal is that all Complaints be investigated in a prompt, fair, and impartial manner.

APPENDIX B

COMPLAINT PROCESS AGAINST FACULTY RESPONDENTS

Pursuant to The University Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy*

Brown University provides impartial and reliable processes to address Complaints of alleged violation of the University Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy (“the University policy”). This is the University’s process for addressing Prohibited Conduct (as defined in the University policy) alleged to have been committed by members of the faculty. The process is grounded in fairness and support for all parties, and includes procedural protections that ensure notice and meaningful opportunities to participate, and recognizes the dynamics involved in Prohibited Conduct. Prohibited Conduct is defined as Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Relationship and Interpersonal Violence, Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct, Stalking (all defined terms), and Retaliation. For additional information, including definitions, see the University Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy.

I. To Whom This Process Applies

This process applies to alleged acts of Prohibited Conduct committed by any Brown faculty member or other person with a teaching or research appointment at Brown University whether or not employed directly by the University (“faculty”)¹ when:

- (1) the conduct occurs on Brown University premises; and/or
- (2) the conduct occurs in the context of a Brown University employment, education, or research program or activity, including but not limited to Brown University-sponsored study abroad, research, internship, mentorship, summer session, or other affiliated programs or premises; and/or
- (3) the conduct occurs outside the context of a Brown University employment, education, or research program or activity, but has a direct adverse effect on a Brown University employment, education, or research program or activity.

This process governs when the alleged Prohibited Conduct by a faculty member arguably violates either Title IX of the Education Amendments of 1972 or Title VII of the Civil Rights Act of 1964.

II. Initial Assessment

When the Vice President for Academic Development, Diversity and Inclusion² (“the VP for Inclusion”) becomes aware directly by a potential complainant or a third party of an incident which may involve a violation of the

*Throughout this policy the pronouns “they,” “them” “their” are being used intentionally to be inclusive of all genders.

1. Alleged acts of Prohibited Conduct committed by scholarly visitors and/or guests of academic departments, who do not have appointments with Brown University, will be handled by the Vice President for Academic Development, Diversity and Inclusion on an expedited basis through the informal resolution process described herein.

2. Who is also the Title IX Deputy Coordinator for Faculty

University policy by a faculty member, an Initial Assessment meeting will be conducted by the VP for Inclusion (or her/his designee) together with the Senior Dean³ (or her/his designee⁴) to whom the faculty member reports to gain a basic understanding of the nature and circumstances of the report. At this meeting, the potential complainant and/or third party will be provided with information about resources, procedural options, and remedial measures and an opportunity to discuss the University's policies.

A reasonable assessment of the safety of the individual and of the campus community will be made by a small interdepartmental team which will include the appropriate Senior Dean or designee. The team will consider the interest of the complainant and the complainant's expressed preference for the manner of resolution. Where possible and as warranted by the facts and circumstances, the University will seek action consistent with the complainant's request.

III. Filing a Complaint

If the potential complainant wishes to proceed with a resolution process, the potential complainant ("they"⁵) will submit a written Complaint to the VP for Inclusion. Upon receipt of a Complaint, the VP for Inclusion or her/his designee will be responsible for making the following determinations in consultation with the appropriate Senior Dean or her/his designee:

- (1) Is the respondent a covered person as defined in Section I (To Whom This Process Applies)?; and
- (2) Do the facts set forth by the potential complainant, if substantiated, constitute a violation of the University's Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy?

If the answer to either question is no, the VP for Inclusion does not have the authority to resolve the Complaint and the potential complainant will be referred to the appropriate resources.

If the answer to both questions is affirmative, the VP for Inclusion or his/her designee has the authority to investigate in consultation with either the appropriate Senior Dean or her/his designee, the Complaint and to make a recommendation to the Provost concerning the respondent's responsibility and a proposed sanction.

IV. Standard of Evidence

In all stages of the process, Brown will apply the preponderance of the evidence standard (more likely than not)⁶ when determining whether the University policy has been violated.

V. Advisers

Complainants and respondents are entitled to be accompanied and assisted by an adviser of their choosing at both formal and informal meetings, investigation interviews and, if applicable, a subsequent hearing. The University maintains a pool of trained advisers, but there is no requirement that the adviser be chosen from this pool or be

³ The Senior Deans for purposes of this process are the Dean of the Faculty, the Dean of Medicine and Biological Sciences, the Dean of Public Health, the Dean of Professional Studies, and the Dean of Engineering.

⁴ In the case of the VP for Inclusion, her/his designee would be a member of the VP's office and in the case of a Senior Dean, her/his designee would be an associate or assistant dean reporting to the Senior Dean.

⁵ Throughout this policy, the pronouns "they," "them" "their" are being used intentionally to be inclusive of all genders.

⁶ Use of the preponderance of the evidence standard is consistent with guidance promulgated by the Office for Civil Rights of the United States Department of Education.

an individual from the Brown community. Advisers may not participate in the process or speak on behalf of the complainant or respondent, although they may ask to suspend any meetings, interviews, or hearings briefly to provide consultation. Complainants and respondents may choose to have an attorney serve as their adviser, but accommodations, including scheduling of interviews or hearings will not be made for any advisers, including attorneys, if they unduly delay the process. No party in a hearing may engage in any behavior which has a disruptive or deterrent effect on the hearing proceedings. The Chair shall have the authority to dismiss any such persons from the hearing.

VI. Informal Resolution Process

In recognition that a wide spectrum of behaviors can constitute violations of University policies, the VP for Inclusion or his/her designee in consultation with the appropriate Senior Dean may resolve reports informally and appropriately, based on the circumstances. Informal resolutions generally are pursued when the complainant, having been fully informed of all available options, has explicitly made that choice. An informal resolution process is voluntary, and a complainant can ask to end the informal resolution process at any time before its completion. If an informal resolution process is ended by request, any information obtained may be used in a subsequent formal resolution process and hearing. Once a Complaint has been resolved through an informal resolution process, the matter will be closed.

For some limited types of alleged violations of the University policy an informal resolution may include mediation. Mediation is not an appropriate option for cases involving a Complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct.

In all cases, the VP for Inclusion or her/his designee in consultation with the appropriate Senior Dean or her/his designee will have discretion to determine whether or not informal resolution or mediation is appropriate to the circumstances.

VII. Formal Resolution Process

A formal resolution process will occur when (a) a report of a violation of the policy is made and the complainant seeks a formal resolution; or (b) the VP for Inclusion or her/his designee, after consultation with the appropriate Senior Dean or her/his designee, determines that a formal resolution process is necessary after considering the safety of the broader campus community. In the situation when there is a serious threat to the University community, but the potential complainant cannot or does not wish to proceed with the formal process, the VP for Inclusion or her/his designee may assume the role of a complainant.⁷

A. Formal Resolution Process Brief Overview (See Sections B and C for additional information.)

1. A written Complaint is submitted to the VP for Inclusion or her/his designee and the respondent faculty member receives notice of the allegations and a copy of the written Complaint at a meeting with the appropriate Senior Dean or her/his designee and the VP for Inclusion or her/his designee.
2. The respondent faculty member has ten (10) business days, from the date of receiving notice of the allegations and a copy of the written Complaint, to submit a statement.
3. An investigator is appointed by the VP for Inclusion or her/his designee in consultation with the appropriate Senior Dean or her/his designee.

7. If at any time during the course of the proceedings the appropriate Senior Dean or her/his designee comes to believe that the alleged violation of the University policy, if true, may be adequate cause for the dismissal of the faculty member then the faculty member respondent will be put on notice in a meeting with the Senior Dean that dismissal is being considered.

4. The investigation is conducted, witnesses are interviewed, information is gathered, and an initial investigation report is prepared and shared with both the complainant and the respondent faculty member as well as the VP for Inclusion or her/his designee and the appropriate Senior Dean or her/his designee.
5. Within five (5) business days following receipt of the investigation report, both the complainant and the respondent faculty member may provide a written response to the investigator.
6. The investigation report is finalized and shared with both the complainant and the respondent faculty member, as well as the Chair of the Title IX Council, the VP for Inclusion or her/his designee and the appropriate Senior Dean or her/his designee.
7. If the complainant is a faculty or staff member the Faculty Executive Committee (“FEC”) or the Medical Faculty Executive Committee (“Medical FEC”), as appropriate, after consultation with the VP for Inclusion and the Chair of the Title IX Council, will appoint an Ad Hoc Hearing Committee (“AHHC”) consisting of three (3) members of the Faculty who have been trained in resolution of disputes under the University policy⁸. Members of the AHHC shall have had no involvement with or relationship to the complainant or respondent or the circumstances under review.
8. If the complainant is a student (undergraduate, graduate or medical) the FEC or the MFEC, as appropriate, after consultation with the VP for Inclusion and the Chair of the Title IX Council, will appoint an Ad Hoc Hearing Committee (“AHHC”) consisting of four (4) members of the Faculty and one (1) student who have been trained in resolution of disputes under the University policy. Members of the AHHC, including the student member, shall have had no involvement with or relationship to the complainant or respondent or the circumstances under review.
9. The complainant and the respondent faculty member may submit a written statement to be considered by the AHHC. The appropriate Senior Dean or her/his designee may submit a statement if the Senior Dean, based on the investigative report, believes that the alleged violation of the University policy provides adequate cause for the dismissal of the respondent faculty member. Written statements must be submitted twenty-four (24) hours before the scheduled hearing.
10. The Chair of the Title IX Council provides AHHC members with the investigation report and any written statements from the parties and/or the Senior Dean or her/his designee.
11. The AHHC will convene a hearing with the investigator present to answer questions related to the investigation report.
12. Parties may appear before the AHHC to make an oral statement and present evidence. The appropriate Senior Dean or her/his designee may attend the hearing and present evidence if the Senior Dean or her/his designee, based on the investigative report, has come to believe that the alleged violation of the University policy provides adequate cause for the dismissal of the respondent faculty member.

8. The FEC and the MFEC in consultation with the VP for Inclusion and the Chair of the Title IX Council will appoint faculty to the Title IX Council who will be trained to hear matters arising under the policy. The FEC and the MFEC, as appropriate, can appoint additional faculty to the Title IX Council or to an individual AHHC as needed.

13. The AHHC will convene to deliberate and render a recommendation to the Provost, by majority vote, regarding whether the respondent faculty member has violated the University policy. If there is a recommended finding of responsibility for any violations, the AHHC will also deliberate and make a recommendation to the Provost as to an appropriate sanction.
14. The Chair will prepare a written recommendation and rationale within five (5) business days, from the date the AHHC made its recommendation(s), which will be forwarded to the Provost for consideration and shared simultaneously with the parties.
15. The Provost, after reviewing the AHHC's recommendation and rationale, and after reviewing any part of the record before the AHHC that the Provost deems appropriate, and after meeting with the members of the AHHC to discuss their recommendation and rationale, will render a decision on whether the respondent has violated the University policy and if so what the sanction shall be. If the Provost determines that there is adequate cause for the termination of a term appointment or revocation of tenure and that such should be the sanction then such a determination will be a recommendation to the President that such sanction be imposed.
16. Any recommendation by the Provost to terminate a respondent's term appointment or to revoke a respondent's tenure will be considered by the President along with the report of the AHHC. If the President determines that the circumstances require a recommendation to the Corporation that the member of the faculty be dismissed during either a term appointment or tenure, the President shall so recommend in writing to the Corporation.

B. Meeting with Faculty Respondent; Investigation

The Faculty respondent shall receive notice of the allegations and a copy of the written Complaint. The member of the faculty shall be asked to meet with the appropriate Senior Dean or her/his designee and the VP for Inclusion or her/his designee to respond to the allegations.

The respondent faculty member will have ten (10) business days, from the date of receiving notice of the allegations and a copy of the written Complaint, to submit a written statement. Following receipt of a response statement, the VP for Inclusion or her/his designee, after consulting with the appropriate Senior Dean or her/his designee, will appoint an investigator to the matter. The VP for Inclusion or her/his designee will have the discretion to determine whether the investigator will be internal (an employee at Brown) or external (an individual outside of the Brown community), or a combination of both internal and external investigators. The role of the investigator will be to gather additional information through interviews of the complainant, respondent, and witnesses and synthesize the information in a report that will be provided to the complainant, the respondent, the Chair of the Title IX Council, the VP for Inclusion or her/his designee, and the appropriate Senior Dean or her/his designee. The investigator has the discretion to determine the relevance of any witness or other evidence and may exclude information from the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative.

i. Witnesses

Both the complainant and respondent faculty member 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 information about the alleged conduct and may request statements, either orally or in writing. Witnesses may include individuals outside the Brown community. Witness statements should not be character evaluations, as all parties will be presumed to have good character. In addition, how individuals present themselves in other contexts (e.g., friendly, kind, and well-liked) has little probative value in evaluating whether particular conduct occurred. Moreover, the sexual history of the parties will not generally be deemed relevant, as described below.

ii. Additional Evidence

Both the complainant and the respondent faculty member are permitted to provide other relevant evidence to the investigator. Evidence includes any facts or information presented in support of an assertion and may include but is not limited to text messages, email exchanges, timelines, receipts, and photographs. Any documentation shared by the complainant or the respondent faculty member with the investigator will be provided to the other party. The investigator may also consider additional documents, items or other relevant information.

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 is not relevant to the determination of whether there is a policy violation.

Pattern Evidence: Evidence of an occurrence or occurrences of Prohibited Conduct so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact may be considered. Where there is evidence of a pattern of similar Prohibited Conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation, this information may be deemed relevant to the determination of policy violation or assigning of a sanction. Instances will be rare and the determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern.

Prior Sexual History of the Parties: An individual's character or reputation with respect to other sexual activity is not relevant and will not be considered as evidence. Similarly, an individual's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence under limited circumstances. 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 report. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

Prior Sexual History Between the Parties: 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 prior sexual relationship, 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.

iii. Investigation Report

The investigator will produce a written report that contains the relevant information and facts learned during the investigation, and may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information. The investigator may exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not make a finding or recommended finding of responsibility. The investigator's report will include credibility assessments based on their experience with the complainant, respondent, and witnesses, as well as the evidence provided.

The investigation report will be shared with the VP for Inclusion or her/his designee and the appropriate Senior Dean or her/his designee as well as the complainant and the respondent faculty member to review before it is finalized. Within three (3) business days, from the date of receiving the investigation report, the

complainant and respondent faculty member may offer additional comment, clarify information previously shared, suggest additional witnesses, or identify any other relevant information or evidence to assure the thoroughness and sufficiency of the investigation. When the report is finalized, it will be delivered to both parties, the VP for Inclusion or her/his designee, the appropriate Senior Dean or her/his designee, the Chair of the University Title IX Council, and the Chair of the FEC or the Medical FEC, as appropriate. The complainant and respondent may only share the investigation report for the purpose of receiving counsel or advice related to the University process.

C. Title IX Council and Ad Hoc Hearing Committee: Role, Procedure and Responsibility

If the complainant is a faculty or staff member the FEC or the Medical FEC, as appropriate, will appoint, after consultation with the VP for Inclusion or her/his designee and the Chair of the Title IX Council, an Ad Hoc Hearing Committee (“AHHC” or “the Committee”) consisting of three (3) members of the faculty drawn from the Title IX Council or who have been trained in resolution of disputes under the University policy to review the information presented in the investigation report and to conduct a hearing and to make a recommendation to the Provost, by majority vote, regarding whether the respondent has violated the University policy. If there is a recommended finding of responsibility for any violations, the AHHC will deliberate and make a recommendation to the Provost as to an appropriate sanction. Members of the AHHC shall have had no involvement with or relationship to the complainant or respondent or the circumstances under review.

If the complainant is a student (undergraduate, graduate or medical) the FEC or the MFEC, as appropriate, after consultation with the VP for Inclusion and the Chair of the Title IX Council, will appoint an Ad Hoc Hearing Committee (“AHHC”) consisting of four (4) members of the Faculty and one (1) student who have been trained in resolution of disputes under the University policy. Members of the AHHC, including the student member, shall have had no involvement with or relationship to the complainant or respondent or the circumstances under review.

i. Role of the Chair

The Chair of the Council (who is a tenured member of the faculty) will serve as Chair of the AHHC (“the Chair”) as a non-voting member. The Chair is responsible for the administration of the hearing process, including procedural matters and decisions leading up to the hearing, determinations about information that will be considered or not, appropriate and inappropriate lines of questioning, and the overall decorum and conduct of the proceedings.

The Chair of the AHHC shall:

- a. confirm that the complainant and the respondent have received written notification and supportive information regarding the alleged conduct/misconduct including the investigator’s report
- b. provide the complainant and the respondent with a copy of these procedures;
- c. determine, in consideration of the evidence to be presented and the witnesses to be heard, the schedule and location of hearings and notify all parties promptly of them. Hearings shall be scheduled not less than twenty-one (21) days after the respondent faculty member receives notice of the charges, unless an earlier date is agreed upon by all concerned.

ii. Hearing Process and Deliberations

The AHHC will receive the investigation report ten (10) days in advance of the hearing. Complainants and respondents may submit a written statement to the AHHC. The appropriate Senior Dean or her/his designee may submit a statement if, based on the investigative report, the Senior Dean or her/his designee believes

that the alleged violation of the University policy provides adequate cause for the dismissal of the respondent faculty member. Statements must be submitted to the Chair twenty-four (24) hours before the hearing. The AHHC shall not be bound by rules of legal evidence, and it may elect to admit any evidence that it deems of probative value in determining the issues, making every effort to consider any information which it deems to be both reliable and relevant in order to safeguard the rights of the parties to a fair adjudication. All proceedings, deliberations, records and documents reviewed and generated by the AHHC, shall be maintained as confidentially as possible.

The AHHC will convene the hearing with the investigator present for the panel to ask any questions they may have related to the investigation report. The complainant, the respondent faculty member and the appropriate Senior Dean or her/his designee will not be present in the hearing room during the panel's examination of witnesses but will have audio access to the hearing via telephone. The AHHC may also request to hear from one or more of the witnesses, although the presumption is that the investigator has identified and interviewed all relevant witnesses and supplied the information necessary for the AHHC to make its recommendation to the Provost concerning responsibility and sanctions. It is rare for witnesses other than the investigator to appear before the AHHC. If any additional relevant information is gathered after the investigation report is finalized, that information will be shared with both parties and where applicable the appropriate Senior Dean or her/his designee and each may submit a written response to the Chair within five (5) days of the date the information is received.

The complainant and the respondent may appear before the AHHC to present information orally and/or through written materials. When the Senior Dean or her/his designee, based on the investigative report, believes that there is adequate cause for dismissal of the respondent faculty member, the Senior Dean or her/his designee may make the first presentation to the Committee concerning the allegations of the Complaint and the reasons why the Senior Dean or her/his designee is recommending termination.. Following the Senior Dean or her/his designee's presentation, the complainant and then the respondent faculty member shall have the opportunity to make a presentation to the Committee of information orally and/or through written materials. Any party intending to include written materials in their presentation should submit the materials to the Chair at least five (5) business days in advance of the hearing. When not making a presentation to the Committee, a party may have audio access to the hearing via telephone. The AHHC may ask questions. Again, the presumption is that the information necessary to make a recommendation to the Provost concerning responsibility and an appropriate sanction is in the investigation report, so extended presentations by the parties or questioning by the AHHC is usually unnecessary.

The AHHC will convene to deliberate and render a recommendation to the Provost, by majority vote, regarding whether or not the respondent has violated the University policy by a preponderance of the evidence. No member may abstain.

iii. Recommendation Regarding Responsibility and Sanction

If the AHHC recommends to the Provost that the respondent is responsible for one or more violations of the University Policy, it will then deliberate as to an appropriate sanction to recommend to the Provost. The AHHC will be permitted to consider prior policy violations in determining an appropriate sanction. The Chair prepares the AHHC's written recommendation and rationale, including a finding of responsibility or non-responsibility, and, if applicable, the recommended sanction and rationale. Within five (5) business days, from the date the AHHC made its recommendation(s), the report of the AHHC will be forwarded to the Provost and will be provided simultaneously to the complainant and the respondent. The report of the AHHC will also be provided to the VP for Inclusion or her/his designee, the appropriate Senior Dean or her/his designee, as well as the Chair of the FEC or the Chair of the Medical FEC, as appropriate.

D. The Provost's Determination Concerning Responsibility and The Provost's Determination or Recommendation Concerning Sanction

The Provost shall consider the report of the AHHC setting out its recommendation and rationale, and consider any part of the record before the AHHC that the Provost deems appropriate. The Provost shall meet with the members of the AHHC, in person, to discuss their recommendation and rationale. The Provost may afford the complainant and the respondent the opportunity to discuss the recommendation with the Provost, in person. The Provost will render a decision on whether the respondent has violated the University policy and will also make a determination or recommendation concerning an appropriate sanction.

The Provost's determination of responsibility for violation of the University policy will be final unless either the complainant or the respondent appeals.

If the Provost determines that termination of a term appointment or revocation of tenure is the appropriate sanction for the violation of the University policy then such a determination will be a recommendation to the President that such sanction be imposed and will be forwarded to the President for consideration⁹.

If the Provost determines that a lesser sanction is appropriate (other than termination) then that sanction will be final unless either the complainant or the respondent appeals.

The Provost's determination and/or recommendation will be communicated in writing to the complainant and the respondent, as well as the President, the VP for Inclusion or her/his designee, the appropriate Senior Dean or her/his designee, and the Chair of the FEC or the Chair of the Medical FEC, as appropriate.

E. The Appeals Process/President's Consideration of Recommendation of Termination

The complainant and respondent have the right to appeal the Provost's final determination of responsibility for violation of the University policy and/or the Provost's final determination of a lesser sanction (other than termination) based on the limited grounds of substantial procedural error that materially affected the outcome and/or material, new evidence not reasonably available at the time of the hearing. Written requests for appeal must be submitted within three (3) business days following delivery of the notice of the outcome. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

Appeals are heard by the President, who will determine if there was substantial procedural error that materially affected the outcome and/or new evidence not reasonably available at the time of the hearing. If the President finds either or both grounds then the appeal will be granted. If the appeal is denied, the matter is closed.

If the President grants the appeal:

- (1) due to a substantial procedural error, the matter will be heard by a new AHHC.

9. As noted in Part 5 section 11.I.B.1 of the Faculty Rules, the dismissal of a member of the faculty during either a term appointment or tenure is a rare event. When circumstances arise that might lead to such an action, they must be handled fairly and expeditiously. It is essential to have a process that protects the rights of a complainant, the member of the faculty and the University. Adequate cause for dismissal of an individual during either a term appointment or tenure refers to: demonstrated incompetence which substantially impairs the individual's fulfillment of institutional responsibilities; dishonesty in teaching, research, scholarship, or other academic responsibilities; substantial and manifest neglect of duty; personal conduct which substantially impairs the individual's fulfillment of institutional responsibilities; or illegal activities which have a substantial negative impact on the University's operations or obligations. The responsibility for establishing cause for dismissal of a member of the faculty with tenure or a member of the faculty during a term appointment rests upon the University administration.

- (2) due to the discovery of new evidence not reasonably available at the time of the initial hearing, the matter will be returned to the same AHHC which originally heard the matter for reconsideration in light of the new evidence.

In the event of a reconsideration, the President will give the AHHC instructions regarding the nature and extent of its reconsideration. The AHHC will act promptly to reconsider the matter consistent with those instructions and will expeditiously make a revised report to the Provost following its reconsideration. Post appeal, the Provost's determination of responsibility for violation of the University policy and the Provost's determination that a lesser sanction is appropriate (other than termination) will be final and not subject to further appeal.

The President will consider any recommendation by the Provost to terminate a respondent's term appointment or to revoke a respondent's tenure. In considering the Provost's recommendation, the President may also review the recommendation report of the AHHC and any part of the record before the AHHC that the President deems appropriate. The President may afford the complainant and the respondent the opportunity to discuss the recommendation with the President, in person. If the President determines that the circumstances require a recommendation to the Corporation that the member of the faculty be dismissed during either a term appointment or tenure, the President shall so recommend in writing to the Corporation. The Corporation's decision on the President's recommendation will be final.

VIII. Withdrawal of a Complaint

The complainant may request to withdraw a Complaint at any time. The University reserves the right to make a determination whether to approve or deny this request, but will strongly consider the complainant's wishes.

IX. Timeframe For Completion of Investigation and Disciplinary Process

The University cannot promise the definitive timeframe of this process, but ordinarily will complete its investigation and disciplinary process, if any, within sixty (60) days. This time period does not include the time for an appeal. The U.S. Department of Education has made clear that the length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable or if law enforcement requests the University temporarily halt its investigation for a brief period of time. Accordingly, all timeframes set forth in this policy may be altered by the VP for Inclusion or her/his designee for good cause. The University's overarching goal is that all Complaints be investigated in a prompt, fair, and impartial manner.

X. Suspension of Faculty Member Pending Determination

The President shall have the power to suspend a member of the faculty accused of any conduct which could warrant dismissal if there is a threat of immediate harm to the member or others or sustained harm to the University by his/her continued active employment during the intervening period. During the period of this suspension, the regular salary and benefits of the member of the faculty shall be continued.

APPENDIX C

COMPLAINT PROCESS AGAINST STAFF RESPONDENTS

Pursuant to The University Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy*

Brown University provides impartial and reliable processes to address Complaints of alleged violation of the University Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy (“the University policy”). This is the University’s process for addressing Prohibited Conduct (as defined in the University policy) alleged to have been committed by those employed by Brown University (other than faculty and student employees), including all exempt and non-exempt, bargaining unit, and senior administrative employees (“Staff”). The process is grounded in fairness and support for all parties, and includes procedural protections that ensure notice and meaningful opportunities to participate, and recognizes the dynamics involved in Prohibited Conduct. Prohibited Conduct is defined as Sexual and Gender-Based Harassment, Sexual Assault, Sexual Exploitation, Relationship and Interpersonal Violence, Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct, Stalking (all defined terms), and retaliation. For additional information, including definitions, see: <https://www.brown.edu/about/administration/title-ix/policy>

I. To Whom This Process Applies

This process applies to alleged acts of Prohibited Conduct committed by those employed by Brown University (other than faculty and student employees), including all exempt and nonexempt, bargaining unit, and senior administrative employees (“Staff”) when:

- (1) the conduct occurs on Brown University premises; and/or
- (2) the conduct occurs in the context of a Brown University employment, education, or research program or activity, including but not limited to Brown University-sponsored study abroad, research, internship, mentorship, summer session, or other affiliated programs or premises; and/or
- (3) the conduct occurs outside the context of a Brown University employment, education, or research program or activity, but has a direct adverse effect on a Brown University employment, education, or research program or activity.

This process governs when the alleged Prohibited Conduct by a Staff member arguably violates either Title IX of the Education Amendments of 1972 or Title VII of the Civil Rights Act of 1964. Alleged misconduct which does not meet the definition of Prohibited Conduct will not be handled under this complaint process, but will be handled under appropriate Human Resources

II. Initial Assessment

When the Director of Diversity and Inclusion, University EEO/AA Officer, and Deputy Title IX Coordinator for Staff (“Director of Inclusion”) becomes aware directly by a potential complainant or a third party of an incident which may involve a violation of the University policy by a Staff member, an Initial Assessment meeting will be conducted by the Director of Inclusion (or her/his designee) to gain a basic understanding of the nature and circumstances of the report. The Director of Inclusion may invite to the meeting representatives from Human Resources and/or supervisory personnel, as appropriate. At this meeting, the potential complainant and/or third party will be provided with information about resources, procedural options, and remedial measures and an opportunity to discuss the University’s policies.

*Throughout this policy the pronouns “they,” “them” “their” are being used intentionally to be inclusive of all genders.

A reasonable assessment of the safety of the individual and of the campus community will be made by the Director of Inclusion, who will consider the interest of the complainant and the complainant's expressed preference for the manner of resolution. In making the safety assessment the Director of Inclusion may consult with other University officials, as appropriate. Where possible and as warranted by the facts and circumstances, the University will seek action consistent with the complainant's request.

III. Filing a Complaint

If the potential complainant wishes to proceed with a resolution process, they will submit a written Complaint to the Director of Inclusion. Upon receipt of a Complaint, the Director of Inclusion or her/his designee will be responsible for making the following determinations:

- (1) Is the respondent a covered person as defined in Section I (To Whom This Process Applies)?; and
- (2) Do the facts set forth by the potential complainant, if substantiated, constitute a violation of the University's Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy?

If the answer to either question is no, the Director of Inclusion does not have the authority to resolve the Complaint and the potential complainant will be referred to the appropriate resources.

If the answer to both questions is affirmative, the Director of Inclusion or her/his designee has the authority to investigate and resolve the Complaint.

IV. Standard Of Evidence

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

V. Advisers

Complainants and respondents are entitled to be accompanied and assisted by an adviser of their choosing at both formal and informal meetings, investigation interviews and, if applicable, a subsequent hearing. A pool of trained advisers is available to the parties, subject to their availability. There is no requirement that the adviser be chosen from this pool or be an individual from the Brown community. Advisers may not participate in the process or speak on behalf of the complainant or respondent, although they may ask to suspend any meetings, interviews, or hearings briefly to provide consultation. Complainants and respondents may choose to have an attorney serve as their adviser, but accommodations, including scheduling of interviews or hearings will not be made for any advisers, including attorneys, if they unduly delay the process. Persons assisting the complainant or the respondent during a hearing may not engage in any behavior which has a disruptive or deterrent effect on the hearing proceedings. The Chair shall have the authority to dismiss any such persons from the hearing. Nothing contained herein will alter the right of those Staff who are represented by a collective bargaining agent to have the contractually mandated assistance of a representative of the collective bargaining agent as their advisor.

VI. Informal Resolution Process

In recognition that a wide spectrum of behaviors can constitute violations of University policies, in all cases, the Director of Inclusion or her/his designee will have discretion to determine whether or not informal resolution or mediation is appropriate to the circumstances. Generally, informal resolutions are pursued when the complainant, having been fully informed of all available options, has explicitly made that choice. An informal resolution process is voluntary, and a complainant can ask to end the informal resolution process at any time before its completion. If an informal resolution process is ended by request, any information obtained may be used in a subsequent formal

resolution process and hearing. Once a Complaint has been resolved through an informal resolution process, the matter will be closed.

For some limited types of alleged violations of the University policy an informal resolution may include mediation by the Director of Inclusion or her/his designee between the Parties. Mediation is not an appropriate option for cases involving a Complaint of sexual assault and/or relationship and interpersonal violence, nor for circumstances involving severe misconduct.

In cases where the Director of Inclusion or her/his designee determines that an informal process should be pursued, the Director of Inclusion or her/his designee will take the following steps:

1. Meet with the complainant to learn about the alleged misconduct;
2. Meet with the respondent Staff member to gain the respondent's perspective on the alleged misconduct;
3. Meet with the Staff member's supervisor and/or others to gain necessary information about the alleged misconduct;
4. If appropriate, convene and conduct mediation sessions between the Parties;
5. Seek to find a resolution of the complaint that is acceptable to the complainant, the respondent and the respondent's supervisor;
6. Prepare a written statement of the resolution.

VII. Formal Resolution Process

A formal resolution process will occur when (a) a report of a violation of the policy is made and the complainant seeks a formal resolution; or (b) the Director of Inclusion or her/his designee determines that a formal resolution process is necessary after considering the safety of the broader campus community. In the situation when there is a serious threat to the University community, but the potential complainant cannot or does not wish to proceed with the formal process, the Director of Inclusion or her/his designee may assume the role of a complainant.

A. Formal Resolution Process Brief Overview (See Sections B and C for additional information.)

1. A written Complaint is submitted to the Director of Inclusion or her/his designee and the respondent Staff member receives notice of the allegations and a copy of the written Complaint from the Director of Inclusion.
2. The respondent Staff member has five (5) business days to submit a statement to the Director of Inclusion.
3. The Director of Inclusion or her/his designee will conduct the investigation
4. The investigation is conducted, witnesses are interviewed, information is gathered, and an initial investigation report is prepared.
5. A summary of the investigation report is shared with both the complainant and the respondent Staff member (except when there is a student complainant and in such case the investigation report is shared with both parties).

6. The Director of Inclusion or her/his designee will appoint a three (3) member hearing panel of Human Resources Professionals (“HR panelists”) drawn from the Title IX Council or who have been trained in resolution of disputes under the University policy.
7. The complainant and the respondent Staff member may submit a written statement to be considered by the hearing panel. Written statements must be submitted twenty-four (24) hours before the scheduled hearing.
8. The Director of Inclusion or her/his designee provides the hearing panel members with the investigation report and any written statements from the parties.
9. The hearing panel convenes with the investigator, if necessary, to ask questions related to the investigation report.
10. The hearing panel will convene to deliberate, by majority vote, regarding whether the respondent staff member has violated the University policy.
11. If there is a finding of responsibility for any violations, the panel will deliberate as to an appropriate sanction and will make a recommendation to the Director of Labor and Employee Relations.
12. The hearing panel will prepare a written decision and rationale within five (5) business days, including a recommendation on an appropriate sanction, if any, and will forward its report to the Director of Labor and Employee Relations for a final decision.

B. Investigation

The Staff respondent shall receive notice of the allegations and a copy of the written Complaint from the Director of Inclusion or her/his designee. The respondent Staff member will have five (5) business days to submit a written statement to the Director of Inclusion or her/his designee. Following receipt of a response statement, the Director of Inclusion or her/his designee will conduct the investigation. The role of the investigator will be to gather additional information through interviews of the complainant, respondent, and witnesses and synthesize the information in a report. 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.

i. Witnesses

Both the complainant and respondent Staff member 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 information about the alleged conduct and may request statements, either orally or in writing. Witnesses may include individuals outside the Brown community. Witness statements should not be character evaluations, as all parties will be presumed to have good character. In addition, how individuals present themselves in other contexts (e.g., friendly, kind, and well-liked) has little probative value in evaluating whether particular conduct occurred. Moreover, the sexual history of the parties will not generally be deemed relevant, as described below.

ii. Additional Evidence

Both the complainant and the respondent Staff member are permitted to provide other relevant evidence to the investigator. Evidence includes any facts or information presented in support of an assertion and may include but is not limited to text messages, email exchanges, timelines, receipts, and photographs. Any

documentation shared by the complainant or the respondent Staff member with the investigator will be provided to the other party. The investigator may also consider additional documents, items or other relevant information.

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 is not relevant to the determination of whether there is a policy violation.

Pattern Evidence: Evidence of an occurrence or occurrences of Prohibited Conduct so distinctive and so closely resembling either party's version of the alleged encounter as to tend to prove a material fact may be considered. Where there is evidence of a pattern of similar Prohibited Conduct, either before or after the conduct in question, regardless of whether there has been a prior finding of a policy violation, this information may be deemed relevant to the determination of policy violation or assigning of a sanction. Instances will be rare and the determination of relevance will be based on an assessment of whether the previous or subsequent incident was substantially similar to the conduct cited in the report or indicates a pattern of behavior and substantial conformity with that pattern.

Prior Sexual History of the Parties: An individual's character or reputation with respect to other sexual activity is not relevant and will not be considered as evidence. Similarly, an individual's prior or subsequent sexual activity is typically not relevant and will only be considered as evidence under limited circumstances. 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 report. The investigator will determine the relevance of this information and both parties will be informed if evidence of prior sexual history is deemed relevant.

Prior Sexual History Between the Parties: 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 prior sexual relationship, 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.

iii. Investigation Report

The investigator will produce a written report that contains the relevant information and facts learned during the investigation, and may include direct observations and reasonable inferences drawn from the facts and any consistencies or inconsistencies between the various sources of information. The investigator may exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. The investigator will not make a finding or recommended finding of responsibility. The investigator's report will include credibility assessments based on their experience with the complainant, respondent, and witnesses, as well as the evidence provided.

A summary of the investigation report is finalized and shared with both the complainant and the respondent Staff member, (except when there is a student complainant and in such case the investigation report is shared with both parties). The complainant and respondent may only share the investigation report for the purpose of receiving counsel or advice related to the University process.

C. Title IX Council and Hearing Panel: Role, Procedure and Responsibility

The Director of Inclusion or her/his designee will appoint a three (3) member hearing panel of Human Resources Professionals (“HR panelists”) drawn from the Title IX Council or who have been trained in resolution of disputes under the University policy to review the information presented in the investigation report and to determine whether the respondent has violated the University policy. If there is a finding of responsibility for any violations, the hearing panel will recommend to the Director of Labor and Employee Relations an appropriate sanction.

i. Role of the Chair

The hearing panel will elect one of its members as Chair. The Chair is responsible for the administration of the hearing process, including procedural matters and decisions leading up to the hearing, determinations about information that will be considered or not, appropriate and inappropriate lines of questioning, and the overall decorum and conduct of the proceedings.

ii. Hearing Process and Deliberations

The hearing panel will receive the investigation report five (5) days in advance of the hearing. Complainants and respondents may submit a written statement to the panel which must be submitted to the Chair twenty-four (24) hours before the hearing.

The hearing panel will convene with the investigator if the panel believes an interview of the investigator is necessary. The complainant and respondent will not be present for the interview of the investigator, if any. The panel may ask the investigator questions related to the investigation report. The panel may also request to hear from one or more witnesses. 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 make a recommendation regarding sanctions. It is rare for witnesses to appear before the hearing panel.

The hearing panel may grant the complainant and the respondent the opportunity to appear before the hearing panel, separately, to make an oral statement regarding the facts. The hearing panel may ask questions. Again, the presumption is that the information necessary to render a decision and arrive at an appropriate sanction is in the investigation report, so extended statements or questioning is unnecessary.

The hearing panel will convene to deliberate and render a decision, by majority vote, regarding whether or not the respondent has violated the University policy by a preponderance of the evidence. No member may abstain.

iii. The Sanction and Decision by the Director of Labor and Employee Relations

If the hearing panel determines that the respondent is responsible for one or more violations of the University policy, it will then deliberate as to an appropriate sanction and will make a recommendation to the Director of Labor and Employee Relations. The hearing panel will be permitted to consider prior policy violations in determining an appropriate sanction. The Chair prepares the hearing panel’s written decision and rationale, including a finding of responsibility or non-responsibility, and, if applicable, the recommended sanction and rationale. Within five (5) business days, the report of the hearing panel will be provided to the Director of Labor and Employee Relations so that s/he can make a decision. The decision will be shared simultaneously to the complainant and the respondent as well as appropriate Human Resources and supervisory personnel.

D. The Appeals Process

The complainant and respondent have the right to appeal a final determination of responsibility and/or the resulting sanction based on the limited grounds of substantial procedural error that materially affected the outcome and/or material, new evidence not reasonably available at the time of the hearing. Written requests for appeal must be submitted within three (3) business days following delivery of the notice of the outcome. Each party may respond in writing to any appeal submitted by the other party. Written responses must be submitted within three (3) business days following delivery of the notice of the written appeal. Written requests for appeal submitted by one party will be shared with the other party.

Appeals will be considered by a three (3) member appeal panel of HR Professionals drawn from the Title IX Council or who have been trained in resolution of disputes under the University policy and shall include the Vice President for Human Resources. The appeal panel's responsibility will be to determine if there was substantial procedural error that materially affected the outcome and/or new evidence not reasonably available at the time of the hearing. If either or both are found by the appeal panel, the appeal panel may modify the finding of responsibility and/or the sanction.

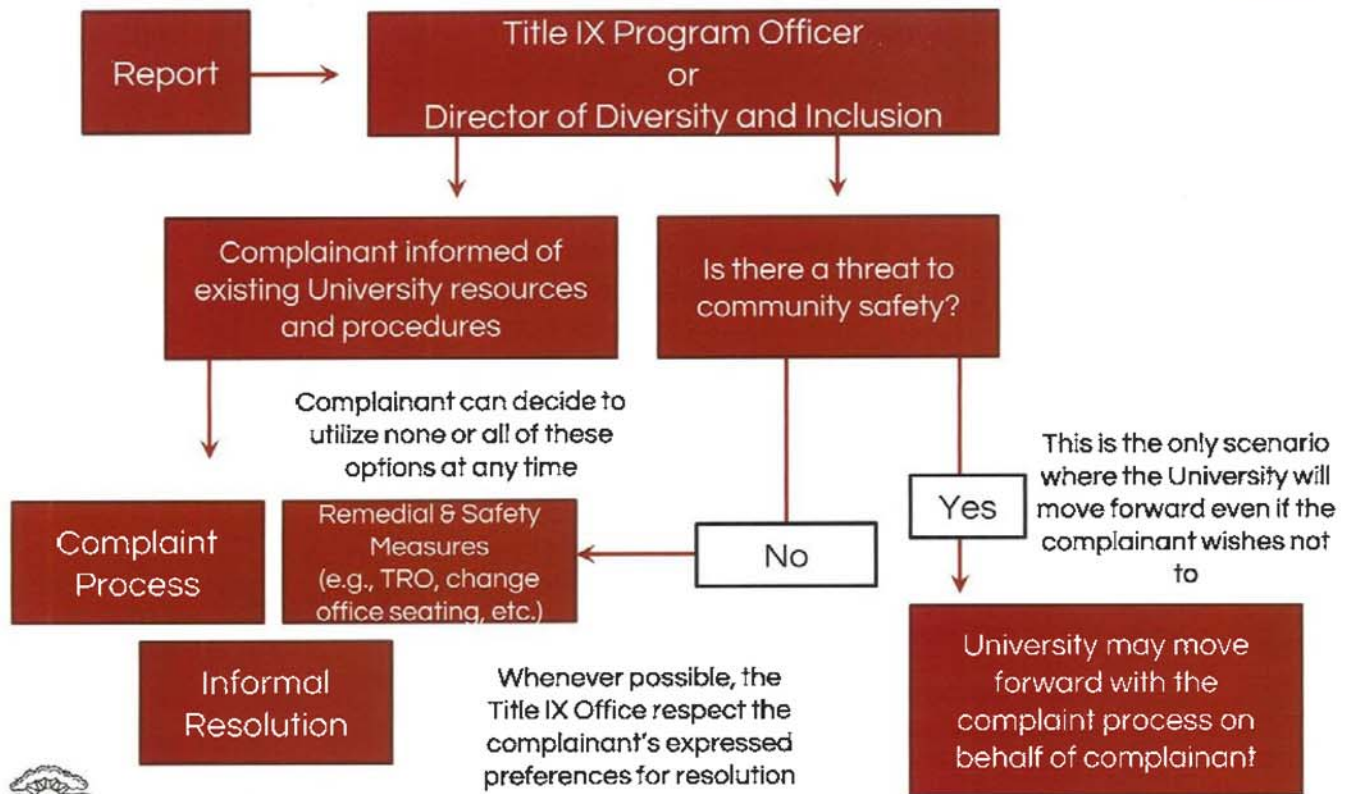
VIII. Withdrawal of a Complaint

The complainant may request to withdraw a Complaint at any time. The University reserves the right to make a determination whether to approve or deny this request, but will strongly consider the complainant's wishes.

IX. Timeframe For Completion of Investigation and Disciplinary Process

The University cannot promise the definitive timeframe of this process, but ordinarily will complete its investigation and disciplinary process, if any, within sixty (60) days. This time period does not include the time for an appeal. The U.S. Department of Education has made clear that the length of investigations may vary with the complexity and unique factors in each case. Examples of such factors include, without limitation, circumstances in which critical witnesses are unavailable or if law enforcement requests the University temporarily halt its investigation for a brief period of time. Accordingly, all timeframes set forth in this policy may be altered by the VP for Inclusion or her/his designee for good cause. The University's overarching goal is that all Complaints be investigated in a prompt, fair, and impartial manner.

Title IX Procedures—Reporting



DEPARTMENT OF PUBLIC SAFETY HEADQUARTERS
75 Charlesfield Street
Providence, Rhode Island 02912

Hours: Monday - Friday, 8:30 a.m. – 5 p.m.
Summer Hours: 8 a.m. – 4 p.m.