

BROWN

**BROWN UNIVERSITY**  
**DISCRIMINATION AND HARASSMENT POLICY**  
**(2016)**

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**I. POLICY**

Brown University's mission "to serve the community, the nation, and the world by discovering, communicating, and preserving knowledge and understanding in a spirit of free inquiry, and by educating and preparing students to discharge the offices of life with usefulness and reputation" makes it incumbent on the university to create and maintain an educational, working, and living environment that is free of any form of unlawful discrimination and harassment. Unlawful discrimination and harassment cannot be tolerated in a community aspiring to achieve this mission.

**Definition of Unlawful Discrimination**

Unlawful discrimination is defined by federal and/or state statutes (see Appendix A) to include unfavorable or unfair treatment of a person or class of persons because of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, and gender expression.

**Definition of Unlawful Harassment**

Unlawful harassment is harassment that refers to or is based upon the protected status of the person or persons being harassed, as defined by relevant federal and/or state statutes (see Appendix A). Unlawful harassment in the work and educational environment is created if conduct of another person is sufficiently serious that it interferes with an employee's ability to perform their job or denies or limits a student's ability to participate in or benefit from the University's programs and thus creates a hostile work or learning environment.

This policy is intended for individuals in the protected status (as described above), but if individuals who are not in a protected status have concerns regarding harassment, they should contact University Human Resources (staff), the Office of Institutional Equity and Diversity (faculty) and the Student Conduct Office (students).

### **Determining Violation(s) of the Policy**

Factors to be considered in determining whether and the extent to which behavior(s) could be construed as unlawful discrimination or harassment (i.e., violation of policy) may include, but are not limited to:

- Frequency
- Severity and pervasiveness of the conduct
- Whether it is physically threatening
- Degree to which the conduct interfered with an employee's work performance or a student's academic performance and/or full enjoyment of the academic/campus programs and services
- The relationship between the alleged harasser and the subject or subjects of the harassment

The severity and pervasiveness of the conduct is considered from both subjective and objective perspectives (the conduct is viewed as hostile and abusive by both a "reasonable person" and the person who is subjected to the conduct).

This policy complies with all relevant federal and state laws (see Appendix A) and Brown University statements and policies (see Appendix B).

## **II. PERSONS COVERED BY THIS POLICY**

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; 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 individuals 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 any of Brown's educational programs and schools; contractors, vendors, or other third parties contractually obligated to Brown University; and visitors or guests of Brown University. All designated individuals above are collectively known as "Covered Persons".

This policy applies to acts committed by or against Covered Persons when the conduct occurs under the following conditions:

- On Brown University premises
- 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
- The conduct occurs outside the context of a Brown University employment, education, or research program or activity, but has continuing adverse effects on Brown University premises or in any Brown University employment, education, or research program or activity or occurs in close proximity to Brown University premises and is connected to hostile conduct on Brown University premises.

### **Complainant and Respondent Designations**

The “Complainant” is the individual who brings forward the complaint about an alleged violation of the policy. The “Respondent” is the individual who is the alleged perpetrator as identified by the complainant.

The appropriate procedural mechanism and relevant office(s) which should be engaged in filing a complaint is determined by the Respondent’s University status (i.e, student, faculty, staff, etc.).

### **III. MAKING A REPORT AND/OR FILING A COMPLAINT**

Brown University provides Covered Persons, whether as complainants or respondents, with support and guidance throughout the initiation, investigation, and resolution of a complaint. For general information on resources pertaining to alleged discrimination and/or harassment violations, individuals should contact the Office of Institutional Equity and Diversity at (401) 863-2216 or email [institutional\\_diversity@brown.edu](mailto:institutional_diversity@brown.edu) . Additional information regarding reporting can be found at the following link: <https://www.brown.edu/about/administration/institutional-diversity/>.

Brown University recognizes that deciding whether to make a report or file a complaint is a personal decision, and the complainant’s autonomy is to be respected to the extent possible. However, when there is a risk of imminent harm to an individual or others, or if there is a threat to the safety of the campus, Brown University may be required to take immediate action upon receipt of a report and/or complaint. In such circumstances, the reasons and steps the University will take will always be explained to the individual(s) making the report.

### **IV. PROCEDURES**

The University has created procedures for the resolution of complaints alleging violation of its discrimination and harassment policy. While these procedures provide sanctions for behaviors that violate state and federal law and University conduct standards, more importantly, they also describe ways of resolving informally the various conflicts and disagreements that inevitably arise in a community distinguished by its diversity. These procedures are intended to provide fair, prompt, and consistent mechanisms for determining whether Brown University’s discrimination and harassment policy has been violated and, if so, to provide appropriate resolution. The availability of these procedures to all individuals does not limit the responsibility of the University to ensure that the protections of this policy prevail throughout the University community and these procedures are not intended to impair or limit the right of any individual to seek a remedy available under state or federal law (See Appendix C for a listing of federal and state offices).

#### **Academic Freedom Considerations**

These procedures are not intended to inhibit or restrict free expression or exchange of ideas. The faculty and Corporation, in 1966, adopted the following statement of principles regarding academic freedom and freedom of expression:

“Academic freedom is essential to the function of education and the pursuit of scholarship in universities. Therefore, Brown University, mindful of its historic commitment to scholarship and to the free exchange of ideas, affirms that faculty and students alike shall enjoy full freedom in their teaching, learning, and research. Brown University also affirms that faculty and students shall have

freedom of religious belief, of speech, of press, of association and assembly, of political activity inside and outside the University, the right to petition authorities, public and university, to invite speakers of their choice to the campus and that students and faculty as such should not be required to take any oath not required of other citizens. The time, place and manner of exercising these rights on campus shall be subject to reasonable regulation only to prevent interference with the normal functions of the University.”

In an academic community, the response to ideas believed to be distasteful or offensive should be other ideas and relevant evidence rather than administrative sanctions. Speech or expression protected by the University’s statement on academic freedom and freedom of expression, as well as speech protected by state and federal laws are not subject to sanction under these procedures.

### **Seeking Procedural Information and Guidance on Complaint Process**

Anyone may seek advice, information or counseling on matters related to discrimination and harassment without having to report or file a complaint. Persons who feel they have been discriminated against or harassed, and or are uncertain as to whether what they experienced is discrimination or harassment, and/or desire information as to their options in dealing with harassment and discrimination are encouraged to talk with any one of the resource persons as described below.

**If “Respondent” is a:**

**Seek assistance from:**

Student

Associate Dean and Director of Student Conduct (401) 863-3145

Faculty Member

Vice President for Equity and Diversity (401) 863-2216

Staff Member

University Human Resources  
(401) 863-3175  
Senior Director of Diversity and Inclusion  
(401) 863-1787  
Biomedical Area HR Consultant  
(401) 863-1621

For Pre-College Students:

Complainants and Respondents who are students enrolled in University pre-college programs at the time of the alleged violation, should follow processes outlined in "Non-Academic Offenses" available on the Pre-College website (<http://www.brown.edu/academics/pre-college/policies.php#procedures>).

These persons are trained to assist the individual in assessing the incident and/or to explain the options and resources available. Questions are encouraged; merely discussing an incident in this way does not commit an individual to making a complaint. These individuals can also assist a complainant in accessing a University official who may be able to mediate the conflict by discussing the allegation informally with relevant parties in an attempt to end the alleged discrimination or harassment and resolve the issue.

The complainant may request to have her or his name kept confidential at this informal stage. If there is a resolution acceptable to both parties, the matter will not proceed further.

Records will be kept of materials generated by such informal mediation along with an informal written agreement which will be reviewed and signed by both parties and kept in the appropriate office where the complaint is filed. All cases will also be reported and tracked by the Office of Institutional Equity and Diversity.

### **Informal Resolution Procedures for Alleged Policy Violation**

In a diverse academic community, disagreements and conflicts of various degrees of seriousness are inevitable, which may or may not rise to the level of a violation of the discrimination and harassment policy. Many issues, whether they arise to a policy violation or not, are often best resolved informally, by direct communication between the individuals involved, or with the help of mediation by a third party. Often, the most effective avenue for informal resolution of complaints is direct conversation with the person or persons alleged to have caused the offense; reasoned discussion of the issue will often bring about a resolution and new understanding.

### **Formal Complaint Procedures**

An individual who chooses to pursue formal resolution of a complaint alleging violations of the University's Discrimination and Harassment Policy must begin by filing a formal complaint with the appropriate officer of the University, based on the status of the Respondent.

A formal complaint may be filed immediately after an alleged act of discrimination or harassment has taken place or after any efforts that may have been undertaken to reach an informal settlement has proven unsuccessful.

The filing of a written complaint is required for the matter to be formally investigated. A formal complaint must be filed on a standard form obtained from the office where the complaint is to be filed and must present clearly and concisely the complainant's description of the incident(s), including names of all participants and known observers of the offensive conduct (See Appendix D). The complainant may also indicate any remedy desired. The complaint must be signed by the complainant.

The procedure and person handling formal grievances will depend on the University community status of the Respondent. "University community status" refers to whether a person is a student, faculty member, or staff member. Accordingly, formal grievances are filed as follows:

<b>If “Respondent” is a:</b>	<b>File complaint with:</b>
Student	Associate Dean and Director of Student Conduct (401) 863-3145
Faculty Member	Vice President for Equity and Diversity (401) 863-2216
Staff Member	Senior Director of Equity and Diversity (401) 863-1787

Specific procedures followed in the handling of complaints filed against students, faculty or staff members are from the Office of Student Life for students, the Office of Institutional Equity and Diversity for faculty and University Human Resources (as well as the Office of Institutional Equity Diversity) for Staff. Members of the community should refer to those policies and procedures for full and complete information regarding how individual complaints will be investigated and handled.

The description of the processes and procedures in this document are intended to be general in nature and do not substitute for or replace the established policies and procedures maintained in each of the offices mentioned above.

Once a complaint is filed, the appropriate official will determine whether the complaint merits formal review. A formal complaint may be dismissed at this stage if the complaint is deemed groundless for such reasons as the following:

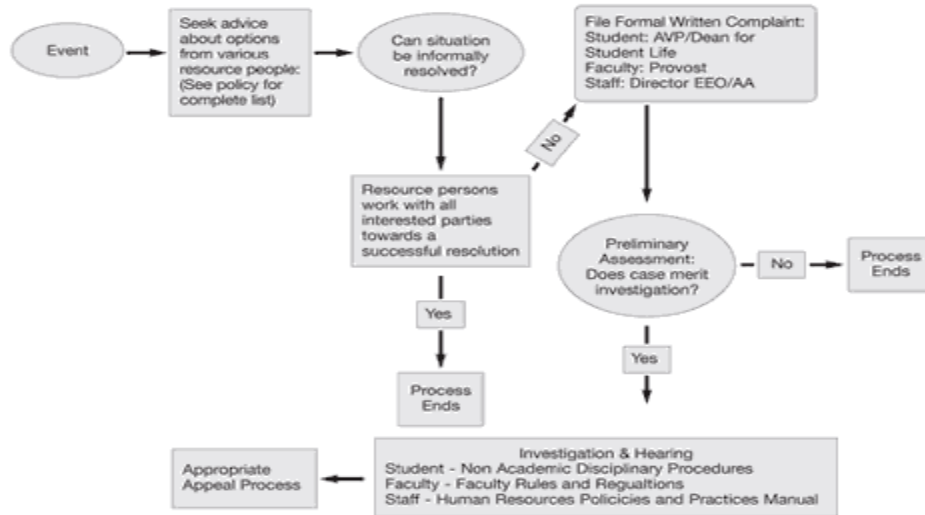
- Because it is not filed in a timely fashion.
- Because the alleged behavior does not constitute a violation of the University’s discrimination and harassment policy.
- Because the speech or expression complained of is protected and/or does not violate the law.

In instances where free speech and freedom of expression in the academic context may be of issue, the investigator will seek agreement from the Dean of the Faculty (or as relevant with the Deans of the Medical School, School of Public Health or School of Professional Studies) that the speech in question is not protected. Similarly, in instances where free speech and freedom of expression in the student-life context may be of issue, the investigator will seek agreement from the Vice President for Campus Life and Student Services that the speech involved is not protected. If these parties agree that the speech or expression in question is not protected, the complaint is returned for further action under these procedures. If these parties conclude that the speech or expression in question is protected under the University Statement of Academic Freedom, Standards of Student Conduct and/or other federal and state laws, the complaint will be dismissed. The complainant will be informed of the reasons for the decision and where appropriate suggest other ways of addressing the conflict. In the event that there is disagreement about whether the complaint involves protected speech or expression, the question will be referred to the Provost, whose determination on the question will be final.

A decision to proceed does not preclude a Respondent's raising the issue of academic freedom or freedom of expression at a later stage in the proceedings.

All of the formal complaint procedures (regardless of the procedural mechanisms used, depending on whether the Respondent is a student, faculty or staff) provide for investigations, hearings, sanctioning and appeals.

**Process Summary**



**V. GENERAL CONSIDERATIONS**

Complaints of discrimination or harassment filed under the procedures established by the University will be investigated and resolved as promptly as possible.

**A. Deadlines**

A complainant will have 30 days (60 days for students) following the alleged discrimination or harassment to file a complaint unless she or he has good reason (as determined by the formal investigation official) for having this period extended. Prompt reporting is strongly urged; the longer the delay between the incident(s) and the report, the more difficult it is to investigate and evaluate a complaint.

In special circumstances, at the request of a complainant and at the discretion of the formal investigation official, the processing of a formal complaint that has been filed within the time allowed may be deferred until a specified date (e.g., after completion of a course or other academic exercise). Usually such deferral will be for no more than one semester.



## **B. Failure to Cooperate**

Failure to cooperate in the investigation of a formal complaint will be considered a breach of responsibility. If a Respondent fails to cooperate, her or his department head, immediate supervisor, or dean will be notified of the fact by the formal investigation official. Furthermore a respondent's silence or lack of cooperation will not prevent a complaint from going forward.

Failure to cooperate in a formal review proceeding may result in the investigation proceeding solely on the basis of the available evidence.

## **C. Confidentiality**

Situations involving alleged discrimination or harassment demand special attention to issues of confidentiality. Confidentiality will be maintained in informal and formal proceedings to the extent that it is legally and practically possible to do so. All documents should be marked confidential and all testimony and discussion should be considered confidential as well.

## **D. Protection Against Retaliation**

No individual who seeks information about the University's discrimination and harassment policy or who files a complaint against another member of the University community in good faith shall be subject to restraints, interference, coercion, or reprisal. University resource persons will advise the complainant of her or his rights in this matter, and, where warranted, will investigate a complaint of alleged retaliation in the same manner as is described herein for other discrimination complaints.

## **E. Deliberate Fabrication of Evidence**

If, at the conclusion of an investigation, it is determined that a complainant, respondent, or witness knowingly gave false or misleading information, it may be recommended that the individual be subjected to disciplinary action which may include, but is not limited to, written warning, demotion, transfer, suspension, dismissal, expulsion, or termination.

## **F. Record Keeping and Report Tracking**

The formal investigation official will maintain records of all formal complaints received. Such records will contain the Complainant's and Respondent's names, the outcome of the proceedings, and any sanctions imposed. To the extent allowed by law, every member of the community will have the right to examine the files and records of any complaints, informal or formal, in which they are a Complainant or a Respondent.

Reports and formal complaints received by university officials will also be reported to the Office of Institutional Equity and Diversity. At the end of every academic year, the Office of Institutional Equity and Diversity and Inclusion will prepare for the President an annual report of the data concerning formal discrimination and harassment complaints. As far as possible, the report will contain no information that could lead to identification of the individual parties. The annual report will be available to the Brown Community.

## **G. Education**

Educational efforts are essential to the establishment of a campus environment that is as free as possible of discrimination and harassment. There are at least four goals to be achieved through education: (a) educating individuals about the conduct that is prohibited; (b) ensuring that all faculty, staff, students and other covered persons are aware of their rights; (c) informing administrators about the appropriate way to address complaints of violations of this policy; and (d) helping educate the faculty, staff and students about the issues addressed by this policy. Educational and Training Modules for faculty, staff, students and other covered persons will be available through the Office of Institutional Equity and Diversity, University Human Resources and Campus Life and Student Services.

## **H. Preparation and Dissemination of Information**

The Vice President for Institutional Equity and Diversity is charged with developing, coordinating and disseminating the discrimination and harassment policy and procedures for the University.

Accordingly, the Office of Institutional Equity and Diversity will provide summaries of this publication to all current members of the University community and to all those who join the community in the future.

A summary of this publication will be included in student orientation materials, and handbooks, including those distributed to students in the graduate and medical schools. In addition, copies of this publication will be made available on the Web, at appropriate campus centers, offices, and will be distributed in diversity and bias incident training sessions.

## **Appendix A: Federal and State Laws**

In addition to the policy statements set forth in Appendix A, which reflect the University's commitment to creating and maintaining an educational, working, living environment that is free of any unlawful discrimination, Brown University recognizes its legal obligations to pursue that same goal under applicable Federal and State statutes, which include:

- Title VI of the Civil Rights Act of 1964
- Title VII of the Civil Rights Act of 1964
- Equal Pay Act of 1963
- Vietnam Era Veteran's Readjustment Assistance Act of 1974
- Age Discrimination in Employment Act of 1967
- Age Discrimination Act 1975
- Title IX of the Education Amendments of 1972
- The Rehabilitation Act of 1973
- The Americans with Disabilities Act
- The Older Workers' Benefit Protection Act

## **Appendix B: Brown University Statements and Policies**

The Corporation Statement of Non-Discrimination states:

“Brown University does not discriminate against any person because of race, color, religion, age, national or ethnic origin, disability, status as a veteran, sexual orientation, gender identity, gender expression, or sex, except where sex is a bona fide occupational qualification.”

This sentiment is also echoed in the Brown University policy on Standards of Student Conduct. The policy states:

“All members of the Brown community are entitled to the following rights: the rights of peaceful assembly, free exchange of ideas and orderly protest, and the right to attend, make use of or enjoy the facilities and functions of the University subject to prescribed rules. All members of the Brown University community are also entitled to live in an environment free from harassment on the basis of such characteristics as race, religion, gender disability, age, economic status, ethnicity, national origin, sexual orientation, gender identity, or gender expression.”

Further, the University abides by the policy of equal employment opportunity and affirmative action. The policy states:

“Brown University has been and will continue to be committed to a policy of equal employment opportunity and to the principles of affirmative action. The University endorses the goals of equal employment opportunity and affirmative action as supportive of the University’s values. This commitment extends beyond ensuring neutrality in employment opportunities with regard to race, color, sex, age, religion, national origin, veteran status, disability, sexual orientation, gender identity and gender expression.

These policies and sentiments are also reflected in the following University publications:

- Faculty Rules and Regulations
- Student Rights and Responsibilities
- Human Resources Policies and Practices

## **Appendix C: Federal and State Offices**

Rhode Island Commission of Human Rights	Phone (401) 222-2661
Equal Employment Opportunity Commission Boston Office	Phone (617) 565-3200
Office of Civil Rights, Region 1 U.S. Department of Education	Phone (617) 223-9662
Providence Police Department	Phone (401) 272-1111
Rhode Island Attorney General	Phone (401) 274-4400