



BROWN

SEXUAL AND GENDER-BASED HARASSMENT, SEXUAL VIOLENCE, RELATIONSHIP AND INTERPERSONAL VIOLENCE AND STALKING POLICY*

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.

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,

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

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”).[†]

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.

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.

[†] 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.

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.

This list is not exhaustive; any questions about the status of an employee as a 'Responsible Employee' should be addressed to the Title IX Program Officer and/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: www.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 512; (401) 863-3476

<http://www.brown.edu/caps/>

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; (401) 863-2794

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

(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, titleixoffice@brown.edu
Deputy Title IX Coordinators for Faculty, Staff, Undergraduate, Graduate and Medical Students: http://www.brown.edu/about/administration/title-ix/coordinators
Office of Student Life: http://www.brown.edu/osl/
Human Resources: http://www.brown.edu/hr/
Department of Public Safety: http://www.brown.edu/publicsafety/

(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.

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.