



BROWN

Office of Institutional
Equity and Diversity

Title IX and Gender Equity Office

Annual Outcome Report

Academic Year 2019-20

December 2020

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Each year, the Title IX and Gender Equity Office at Brown University issues a report that presents data on sexual misconduct involving members of the Brown Community. The data reflects reports of conduct prohibited by Brown's Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence, and Stalking Policy (hereafter referred to as the "Policy"), as well as the disposition of formal and informal complaint resolutions. The purpose of reporting these statistics and outcomes is to increase awareness and promote transparency. The information in this document reflects reports received between July 1, 2019 through June 30, 2020.

The report highlights campus-wide training efforts to prevent sexual and gender-based harassment, including sexual violence. This year's report also outlines Title IX and Gender Equity Office initiatives focused on training and policy and procedure updates.

A. Training

Providing training for members of the Brown community remains a priority with the goal of reducing incidents of sexual and gender-based harassment, including sexual violence. The Title IX and Gender Equity Office trained responsible employees on their obligations under Title IX of the Education Amendments of 1972 and hosted sessions to increase awareness of the Policy and the conduct it prohibits. In response to the feedback provided through the Three-Year Review conducted in 2019 to assess progress on the Title IX effort at Brown, the content of the training expanded to include awareness on commonly reported allegations of misconduct and bystander intervention strategies. Over the period of this report, the Title IX Program Officer facilitated 29 training sessions and workshops reaching approximately 1,600 faculty, staff, and student participants.

In addition to the training provided by the Title IX and Gender Equity Office, colleagues in the BWell Health Promotion Office (BWell) provided comprehensive and diverse educational interventions on proactive prevention and response across the spectrum of interpersonal violence, covering topics including consent, bystander intervention, and survivor support. These programs reach a large portion of the campus community. In the 2019-20 academic year, BWell delivered approximately 130 workshops and training sessions, reaching more than 5,000 new and returning undergraduate, graduate, and medical school students. One of the more widespread initiatives, the Sexual Assault Peer Education program, reached 743 participants in 63 workshops last year.

Across all training efforts by the Title IX and Gender Equity Office and its partners, the goal is to educate students, faculty, and staff on reporting options, ways to prevent sexual and gender-based harassment including sexual violence, and how to seek assistance.

B. Policy and Procedure

While the data included in this annual report covers the 2019-20 timeframe and was governed by the policy and complaint processes in effect at that time, it's important to note that Brown made significant revisions to its policy and complaint processes for faculty, staff and student respondents that are provisionally approved and published and pending final approval in Spring 2021.

The prior policy and complaint processes were an outcome of the Sexual Assault Task Force recommendations that were implemented during the 2015-2016 academic year. The process of revision took

place in Summer 2020 to comply with the new regulations issued by the U.S. Department of Education governing how institutions must respond to reports of sexual harassment, including sexual assault. The revisions incorporated the changes mandated by the new regulations as well as feedback received from those who have participated in the complaint process, recent climate surveys, and the University's 2019 Title IX Three-Year Review.

The Title IX Program Officer led the change-making process in consultation with students and student governance bodies, as well as colleagues in the Office of Campus Life, the Graduate School, University Human Resources, the Dean of Faculty Office, and the Office of General Counsel.

The revised Sexual and Gender-based Harassment, Sexual Assault, Interpersonal Violence and Stalking Policy ("Title IX Policy") and Title IX Grievance Procedure are available at <https://www.brown.edu/about/administration/title-ix/home>. Following are examples of some of the changes that are required by the new regulations:

- **There is a new jurisdiction and scope for conduct prohibited under Title IX.** Title IX now covers behavior that occurs in University programs and activities in the United States only.
- **The conduct prohibited under Title IX has changed.** The U.S. Department of Education also recognized sexual assault, dating violence, domestic violence, and stalking as defined by the Violence Against Women Act of 1990 as conduct prohibited under Title IX. The definition of sexual harassment has also changed. An individual must experience behavior that is "severe, pervasive, and objectively offensive" to constitute sexual harassment under Title IX.
- **The parties must participate in a hearing.** In order to have their respective statements considered by a hearing panel, a complainant, respondent, and witnesses must participate in the hearing in order for their statements to an investigator to be included in the evidence reviewed by the hearing panel.
- **Cross-examination is required during a live hearing.** At the live hearing, each party's advisor must be allowed to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

Many aspects of the Title IX Policy and Title IX Grievance Procedures remain unchanged from the prior policy and complaint processes, as they are rooted in our values and best practices. Below is a list of elements that continue or were strengthened in the Title IX Policy and Title IX Grievance Procedures.

- **Brown's evidentiary standard remains the same.** Brown continues to use the Preponderance of the Evidence standard (more likely than not) when determining if the policy has been violated.
- **Informal resolution remains available.** The informal resolution process remains an alternative for community members who are seeking accountability without an investigation and hearing.
- **A formal complaint is not required to access support measures.** A complainant or third party reporter can also access available support measures (such as a No-Contact Order or academic extension) without making a formal complaint.

To continue its commitment to a comprehensive response to sexual and gender-based harassment and sexual violence, the University is drafting a new policy to address sexual misconduct that no longer falls under Title IX. The Title IX and Gender Equity Office will also oversee the Sexual and Gender-Based Misconduct Policy which addresses certain prohibited conduct occurring off campus and outside the United States as well as outside of the context of a Brown University program or activity that has a continuing discriminatory effect at Brown.

The two policies and related procedures will look very similar in structure to avoid artificial hierarchies between behavior that falls under the purview of Title IX and behavior that does not. Core differences include locations and contexts in which the policies apply and the manner in which direct questioning (i.e. cross-examination) occurs.

C. Summary of Reports and Complaints

Reducing incidents of sexual and gender-based harassment and sexual violence—which are challenges for communities on every college campus across the nation—remains a priority for Brown. While the Title IX and Gender Equity Office continues to see increases in individuals seeking support, this increase may not directly correlate to an increase in incidents of sexual and gender-based harassment and sexual violence. Instead, the increased number of reports¹ may be an indicator that community members are becoming increasingly aware of available campus resources and making use of support services across campus as a result of the office’s outreach efforts. The results of a major survey of Brown students released in October 2019 showed that compared to four years ago, students are reporting increased trust in the University and knowledge of resources related to sexual and gender-based harassment and sexual violence.

It is important to note that the data for reports found in the charts on the following pages does not align with those found in the Annual Security Report issued by Brown’s Department of Public Safety in accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). The Clery Act requires reporting for specific categories of crimes that occur within the University’s Clery geography. The data contained in this Annual Outcome Report reflect allegations of conduct prohibited by Brown’s Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence, and Stalking Policy. This report includes conduct reported to have occurred on- or off-campus, including during University-sanctioned activities or programs abroad. This report also includes allegations against individuals not affiliated with the University. As such, some but not all of these data are embedded within the University’s Annual Security Report, which has a different scope. The Annual Security Report and this Annual Outcome report provide a different context and way in which the University seeks to learn what is occurring within the Brown community.

Incidents Reported to the Title IX Office

The Title IX and Gender Equity Office received 103 reports between July 1, 2019, and June 30, 2020. The 103 reports involved 109 allegations of prohibited conduct or inappropriate behavior. The incidents reported represent conduct alleged to have occurred between 2014 and 2020, but were first reported to Brown between July 2019 and June 2020. The information came from self-reports and mandatory reporters. Mandatory reporters are designated individuals across campus who are required to share information directly with the Title IX and Gender Equity Office regarding alleged incidents of prohibited conduct.

These reports are categorized using the language of the reporting party. The Title IX and Gender Equity Office aligned the reported information to the prohibited conduct within the Policy. In certain circumstances, the office did not receive enough information to determine whether an incident constituted prohibited conduct as defined in the Policy. This may have been because the reporting party did not have the information available or chose not to share certain details. Six of the 109 allegations reported fell into the category of “unable to categorize.” Twelve of the 103 reports involved respondents who were not affiliated with the University. In eight of the 103 reports, the name of the respondent(s) or affiliation with the University was not disclosed. Eight of the 103 referrals involved an anonymous or unknown respondent. Table 1 represents allegations reported to the Title IX and Gender Equity Office. The Title IX Program Officer engaged in an initial assessment for each reported incident to evaluate any ongoing risk to the community and to implement

¹ For the purpose of this document, “report” means any notification or information submitted to the Title IX and Gender Equity Office.

intervention and interim and support measures as needed. Allegations reported to the Title IX and Gender Equity Office were not resolved through the formal or informal Complaint Process unless a complaint resolution procedure was requested or the office identified a pattern of prohibited conduct involving the same respondent.

Table 1. Incidents Reported to the Title IX and Gender Equity Office from July 2019 to June 2020

Prohibited Conduct Reported	2019-20
Sexual and Gender-Based Harassment	36
Sexual Assault (including non-consensual touching, non-consensual penetration, and sexual assault undefined by the reporting party)	23
Sexual Exploitation and Sexual Coercion	3
Relationship and Interpersonal Violence	5
Stalking	7
Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct (This figure does not indicate whether alcohol or drugs were used by individuals involved in an incident, but whether such substances were used as a means to engage in prohibited conduct.)	5
Retaliation	2
Prohibited Consensual Sexual or Intimate Relationship with a Student	3
Unable to Categorize	6
Conduct outside of the scope of the Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence, and Stalking Policy	19
Total	109*

* Does not equal 103 as a report may include more than one type of prohibited conduct.

Complaint Process

Ten complaints (nine formal complaints and two informal complaints)² were processed through the University’s complaint procedures. Eight complaints were brought forward by community members and two complaints were initiated by the Title IX Program Officer. Table 2 displays the allegations contained within the complaints submitted during the reporting period.

Table 2. Overview of Allegations Associated with the Complaints July 2019 to June 2020

Prohibited Conduct	2019-20
Sexual and Gender-Based Harassment	4
Sexual Assault (as defined in Table 1)	6
Sexual Exploitation and Sexual Coercion	1
Relationship and Interpersonal Violence	1
Stalking	0
Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct (as defined in Table 1)	0
Retaliation	1
Prohibited Consensual Sexual or Intimate Relationship with a Student	1
Total	14*

² The complaint types total more than ten because one of the complaints started with the formal process and moved to an informal process.

* Does not total ten as multiple allegations may be included within a complaint.

Formal Complaints

Tables 3 and 4 provide an overview of the prohibited conduct alleged in the nine formal complaints, along with data on case outcomes. As in previous charts, complaints that include multiple allegations of prohibited conduct are counted individually.

Table 3. Formal Complaint Allegations Outcomes

Formal Complaint Outcome	2019-20
Not Responsible	5
Responsible	5
Complaint Withdrawn	2
Referred to another process	2
Total	9

Table 4. Sanctions for Responsible Findings

Sanctions	2019-20
Reprimand	1
Probation	1
Suspension or Administrative Leave	2
Expulsion or Termination	1
Accompanying Terms*	6
Total	11[†]

* Does not total five as a Hearing Panel can impose one or more sanctions to a charge.

† Accompanying terms include a range of additional requirements imposed by the hearing panel. The accompanying terms can include actions such as restitution, required training and education, loss of privilege or restricted access to campus, safety assessment, monitoring, etc.

Appeals

The Policy allows complainants and respondents to appeal an outcome based on the following grounds:

- substantial procedural error that materially affected the outcome;
- material, new evidence not reasonably available at the time of the hearing; and/or
- a decision and/or sanction is clearly contrary to the weight of the evidence, when cases involve a student respondent

Two appeals were submitted in the 2019-2020 academic year³.

Informal Resolution

The informal resolution procedure is a process that allows parties to propose their own resolution or terms as an appropriate outcome to a complaint. This process does not require the parties to communicate directly

³ The outcome associated with the appeals is not disclosed to uphold the privacy of the complainant and respondent as the number of appeals submitted is less than five.

with each other, nor does it involve an investigation, hearing or finding. In two cases, the complainants and respondents agreed to resolve their complaint through the informal resolution process.

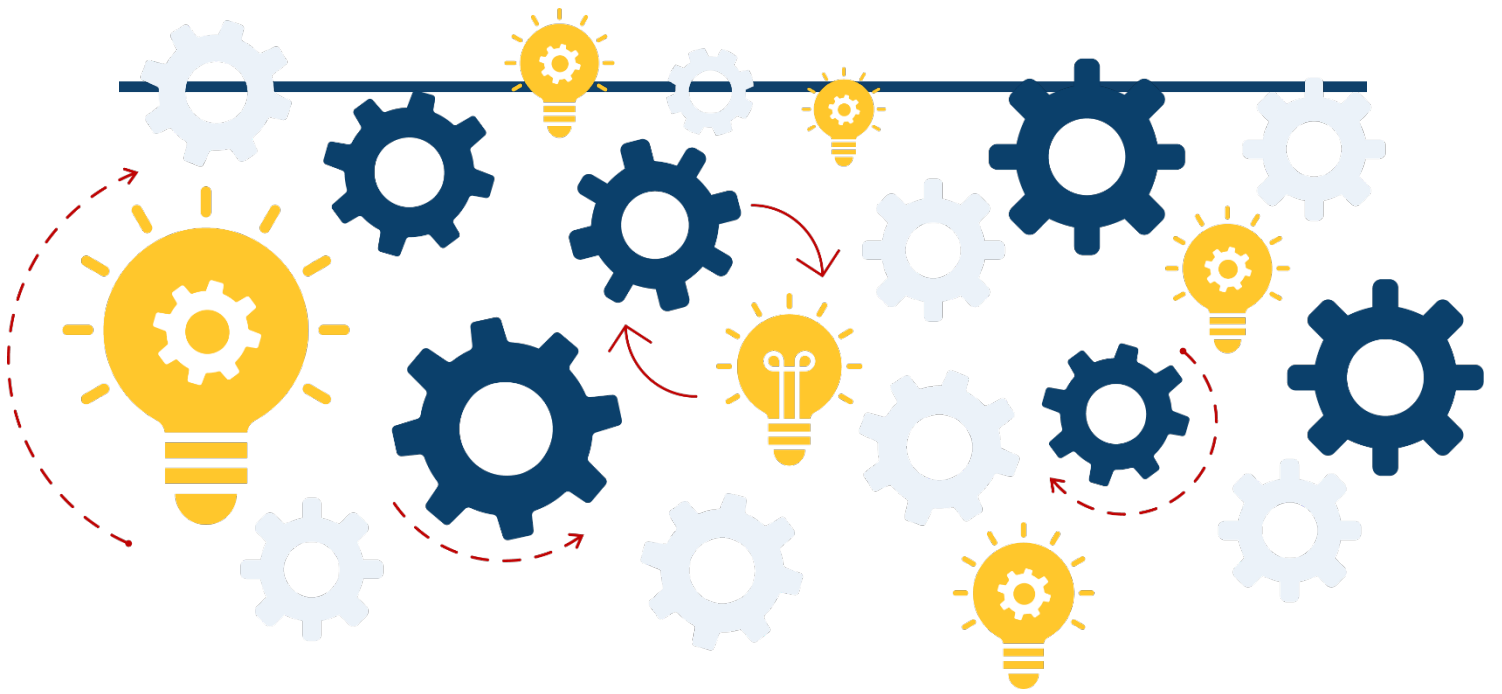
Case outcomes from informal resolutions are varied and can include resolutions such as training on the concepts of implicit bias, consent, and inclusive teaching practices; reflective conversations or clinical assessments to reduce repeated behavior; changes in academic program or concentration; letters of acknowledgement sent to the complainant; and restrictions on participation in leadership roles on campus.

D. Conclusion

An equitable and unbiased approach to preventing and responding to instances of sexual and gender-based harassment and sexual violence remains a priority for Brown. This Annual Outcome Report is not an exhaustive account of the full work of the Title IX and Gender Equity Office, but rather a reflection of the University's approach to realizing its priorities to address the national challenge of sexual and gender-based harassment and misconduct.

In assessing this year's data, sexual and gender-based harassment and non-consensual sexual contact continue to be the predominant forms of prohibited conduct reported. The 2019-2020 data also showed an increase in the number of individuals who reported behavior outside of the scope of the Policy. These reports were addressed (after consultation with the reporting party) through feedback or referral to the appropriate office to address the matter.

The Title IX and Gender Equity Office continues its efforts to heighten awareness, prevention effort, and increasing reporting of sexual violence and sexual and gender-based harassment as a method to reduce incidents. This approach has resulted in a steady number of community members giving voice to their experiences as they seek support from the Title IX and Gender Equity Office.



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