

# Code of Student Conduct

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2022 – 2023 Academic Year



BROWN

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## **Section A: Introduction**

Brown University (“Brown” or “the University”) has developed this Code of Student Conduct (“the Code”) as a set of standards of student behavior and conduct that help maintain a campus environment where ideas are freely exchanged, University property and processes are respected, and conflicts are peacefully resolved. These objectives are further outlined in the [Principles of the Brown University Community](#). The Code is intended to provide an educational and socially just framework to address allegations of prohibited conduct. When students at the University fail to uphold these standards by engaging in prohibited conduct, Student Conduct Procedures (“the Procedures”) are used to uphold the Code. The Code is administered by the Office of Student Conduct & Community Standards.

The [Academic Code](#), administered through the Office of the Dean of the College, is separate from the Code of Student Conduct and governs the academic conduct of undergraduate students. The [Academic Code, Graduate Student Edition](#), administered through the Graduate School, is likewise separate from the Code of Student Conduct and governs the academic conduct of graduate students. The academic conduct of medical students is governed by the Academic Code with additional expectations outlined in the [Medical Student Handbook](#). Behavioral conduct of medical students is likewise governed by the Code of Student Conduct with additional expectations outlined in the Medical Student Handbook. Cases involving alleged violations of the Academic Code are heard by the Standing Committee on the Academic Code, a standing committee of the faculty, administered by the Dean of the College, the Dean of the Graduate School and, for purpose of appeals, the Medical Committee on Academic Standing."

## **Section B: Definitions**

The following definitions apply to the Code.

**B.1** The term "*campus*" means property owned, leased, used, or controlled by Brown University, and also includes streets, sidewalks, and pathways adjacent to or in the immediate vicinity of the campus.

**B.2** The term "*University*" means Brown University, as well as any affiliated programs or virtual spaces including, but not limited to, University programs located outside of the state of Rhode Island.

**B.3** The term "*student*" refers to the following individuals:

- Undergraduate students begin their student status when they first engage in official University activities (e.g., taking an online course, arriving to campus for Orientation or athletic participation, etc.) and end their student status when they withdraw from the University or their enrollment is terminated with all requirements complete.
- Graduate and medical students begin their student status when they accept an offer of admission and end their student status when they withdraw from the University or their enrollment is terminated with all requirements complete.
- Students enrolled in executive and professional education programs through the School of Professional Studies are considered to be students from the time they accept an offer of admission into their programs until they withdraw from the University or their enrollment is terminated with all requirements complete.

- Students enrolled in the IE Executive MBA program will be subject to IE's policies and procedures when the behavior occurs in Madrid but will be subject to this Code if the behavior occurs on Brown's campus. Administrators on both campuses will collaborate to determine which institution's policy and procedures will govern incidents that occur elsewhere.
- Pre-College students are generally subject to the jurisdiction of this Code, though modifications have been made to account for developmental maturity and their short time on campus. For more information about the policies and procedures governing students enrolled in Pre-College programs, please refer to [the Pre-College Code of Conduct](#).

## **Section C: Scope**

The Code covers behaviors by all Brown University students or student organizations, no matter where the behavior occurs. This includes, but is not limited to, behaviors that occur off campus but cause potential or actual harm to individuals (whether or not those individuals are affiliated with the University), the University community, or to institutional reputation, or that suggest a student's presence on campus may pose a safety risk. Students are responsible for the behavior of their guests on campus. The determination of whether behavior is subject to this Code will be made by the Dean of Students or their designee. Online behaviors are also subject to the jurisdiction of the Code. The Code applies whether or not the University is in session.

Students who have taken a leave of absence from their studies or who have completed their residency requirement but have not yet fulfilled all degree requirements and have not graduated are considered students under this definition. If a student withdraws or takes a leave of absence from the University with an investigation or resolution process pending, the University reserves the right to proceed with the investigation and resolution to the extent possible and reserves the right to make an entry on the student's academic transcript indicating that the student withdrew or is on a leave of absence with a non-academic disciplinary matter pending. The University reserves the right to place a hold on the student's official and unofficial academic transcripts for up to 3 years until the matter is resolved. Students may petition the Dean of Students to have this hold removed before 3 years have passed.

For incidents in which the reporting party is not an enrolled Brown University student, the University may go forward as the complainant. Complaints filed against a student after their graduation will not be subject to the procedures outlined in this Code unless that student enrolls at Brown University again. There shall be no established time limit for reporting an incident, though a delay in reporting will limit the ability of the Office of Student Conduct and Community Standards to investigate and resolve a complaint.

Allegations of sexual and gender-based harassment, sexual violence, relationship and interpersonal violence, and gender-based stalking will generally be subject to the procedures outlined in the [Sexual and Gender-based Harassment, Sexual Violence, Intimate Partner Violence, and Stalking Policy](#), the [Sexual and Gender-based Misconduct Policy](#), and the applicable Complaint Process administered by the Title IX and Gender Equity Office. Cases for which these allegations are ancillary to other allegations of violations of the Code are subject to the procedures outlined in the Student Conduct Procedures.

The University reserves the right to pursue matters through the Student Conduct Procedures that may also be addressed in the civil or criminal legal system. Proceedings under the Code

may be carried out prior to, simultaneously with or following civil or criminal proceedings. Decisions about the timing of University proceedings will be at the sole discretion of the Dean of Students or designee.

## **Section D: Prohibited Conduct**

Prohibited behaviors are defined below:

### **D.1 Alcohol**

**D.1.a Alcohol:** Illegal or unauthorized possession or use of alcohol. This includes possession of alcohol under the legal drinking age, possession of open containers of alcohol in unauthorized spaces, regardless of age, and operating a motor vehicle under the influence of alcohol.

**D.1.b Alcohol:** Manufacture of alcohol.

**D.1.c Alcohol:** Sale, provision, or possession with intent to sell or provide alcohol in violation of law.

**D.1.d Alcohol:** Possession of mass alcohol consumption paraphernalia on campus. Mass consumption paraphernalia includes, but is not limited to, kegs, drinking funnels, ice luges, and other implements used to facilitate the consumption of large quantities of alcohol.

All students who are party to a student conduct matter involving alcohol and who, in the determination of a University official, misused alcohol or exercised poor judgment due to alcohol or about alcohol, will be required to undergo appropriate alcohol education, evaluation, and/or treatment.

Please see the University's [Alcohol and Other Drugs Policy](#) for more information about prohibited alcohol-related behaviors and information about medical amnesty.

### **D.2 Bribery**

Offering or causing to be offered any bribe or favor to any University employee in an attempt to influence a decision or action. This includes attempting to unduly influence a University proceeding, including a disciplinary proceeding outcome or appeal process.

### **D.3 Collusion**

Knowingly or recklessly aiding, abetting, assisting, or attempting to aid or assist another individual to commit a violation of the Code.

### **D.4 Disruption of Community**

Actions that are unreasonably disruptive to the University community and/or its neighborhoods. "Unreasonably disruptive" will be determined by a number of factors including those that inform local noise ordinances (time of day, decibels, duration) and established quiet hours and the magnitude of response necessary to address the disruption. Examples of this conduct include, but are not limited to, off-campus disturbances in residential and commercial areas surrounding campus and off-campus programs.

## **D.5 Disruption of Safety**

**D.5.a Disruption of Fire Safety.** Examples of this conduct include, but are not limited to, tampering with or improper activation of a fire alarm, covering or otherwise compromising the proper functioning of a smoke detector or fire sprinkler, deliberately or recklessly igniting or attempting to ignite an unauthorized fire on campus, and failure to evacuate during a fire alarm or fire drill.

**D.5.b Disruption of General Safety.** Examples of this conduct include, but are not limited to, false reporting of an emergency or terroristic threat in any form and using or threatening to use a bomb or a chemical or biological agent.

## **D.6 Disruption of University Activities**

Behavior that disrupts or materially interferes with the educational functions of the University. Examples of this conduct include, but are not limited to, halting a lecture, debate, or any public forum, obstructing the passage of others, or creating an imminent threat of such disruption or obstruction. "Halting" means directly or indirectly preventing a speaker from speaking - even for a brief period of time - or seizing control of a public forum for one's own purposes. Please see the [Protest and Demonstration Policy](#) for more information about what actions are allowed.

## **D.7 Drugs**

**D.7.a Drugs:** Illegal or unauthorized possession or use of drugs. This includes, but is not limited to, prescription medications that are not prescribed to the user. Marijuana is not allowed on campus, regardless of whether an individual is permitted by a governmental authority to use marijuana due to a medical condition.

**D.7.b Drugs:** Manufacture of drugs.

**D.7.c Drugs:** Sale, provision, or possession with intent to sell or provide drugs or drug paraphernalia to others.

**D.7.d Drugs:** Possession of drug paraphernalia on campus. Drug paraphernalia includes, but is not limited to, bongs, bowls, grinders, syringes, pipes and other implements used for the purpose of preparing, injecting, ingesting, inhaling, or otherwise using illegal drugs.

The use of any drug, including alcohol, related to any prohibited behavior will be considered an aggravating circumstance independently of whether the drug was used legally or illegally by the offending party. This factor in a case may result in a more severe status outcome and/or the imposition of terms requiring evaluation or treatment.

Please see the University's [Alcohol and Other Drugs Policy](#) for more information about prohibited drug-related behaviors and information about medical amnesty.

## **D.8 Failure to Comply**

Failure to comply with the proper directive(s) of a University official. Examples of this conduct include, but are not limited to, refusing to identify oneself or refusing to present University identification to a University staff member, failing to submit immunization records to Health Services, and failing to attend mandatory meetings or trainings.

### **D.9 Harassment**

Subjecting another person or group to uninvited or unwelcome behaviors that are abusive, threatening, intimidating, or humiliating. This includes, but is not limited to, those based on race, color, religion, sex, disability, age, national or ethnic origin, sexual orientation, gender identity, gender expression, or status as a veteran.

Whether the alleged conduct constitutes harassment depends on the totality of the particular circumstances, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals involved. For information specific to sexual or gender-based harassment, please refer to the [Sexual and Gender-based Harassment, Sexual Violence, Intimate Partner Violence, and Stalking Policy](#) and the [Sexual and Gender-based Misconduct Policy](#). In some cases, gender-based harassment will be addressed by the Office of Student Conduct and Community Standards when ancillary to other allegations of violations of the Code of Student Conduct, and students will be afforded all applicable rights required by law.

### **D.10 Harm to Person(s)**

Actions that result in or can be reasonably expected to result in harm to a person or persons. Examples of this conduct include, but are not limited to, the throwing, hurling, or firing of projectiles without regard for the safety of others, and physical assault. Assault is defined as any unwelcome physical contact that is intentional or reckless including, but not limited to, striking, slapping, hitting, biting, punching, shoving, or kicking another person.

This offense also encompasses behavior that is intended to or can reasonably be expected to result in significant emotional or psychological harm. Examples of this include, but are not limited to, subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating actions.

### **D.11 Hazing**

Method of initiation into or conduct of any student organization or group, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Officers and members of a student organization who knowingly permit such prohibited activity to occur without taking reasonable preventative measures are subject to the Code as an individual, even if they did not administer the hazing activity. Examples of hazing include, but are not limited to, compulsory alcohol or drug consumption, physical brutality, psychological cruelty, public humiliation, morally degrading activities, forced confinement, creation of excessive fatigue, required removal or destruction of public or private property, or any other activity that endangers the physical, mental, or academic well-being and/or safety of an individual. Please see the University's [Hazing Policy](#) for more information about prohibited behaviors and information about the Organizational Amnesty provision.

### **D.12 Invasion of Privacy**

Intrusion into the personal life of another, in ways that are reasonably likely to cause injury or distress, in places where one would have a reasonable expectation of privacy. Amnesty may be granted to individuals who use recording devices to document abuse against themselves or

others, provided those recordings are not distributed. A determination of someone's reasonable expectation of privacy will be at the discretion of the Office of Student Conduct and Community Standards. Examples of this conduct include, but are not limited to, making, viewing, listening to, or distributing secret recordings or installing the equipment for such recordings, secretly monitoring others in their living quarters or bathrooms either in person (e.g., window peeping) or digitally (e.g., drones, pen cameras), intrusion on a person's property or communications, and the appropriation or use of someone's likeness, identifying personal data, or documents.

#### **D.13 Misrepresentation**

Lying or materially misrepresenting information to an official University body or officer, including a member of the Department of Public Safety. Examples of this conduct include, but are not limited to, providing false identification of oneself or others and lying in the course of a student conduct investigation or hearing.

#### **D.14 Noncompliance with Terms**

Noncompliance with the terms of any student conduct hearing sanction. Examples of this conduct include, but are not limited to, engaging in prohibited behavior(s) while on an official disciplinary status (e.g., probation, deferred suspension) or a failure to complete assigned educational or restorative terms assigned as outcomes to a disciplinary proceeding.

#### **D.15 Participation in Derecognized Student Groups**

It is a violation of University policy for students to knowingly affiliate with groups, teams, or organizations that have had their University recognition suspended or permanently revoked by the University for disciplinary reasons. The definition of affiliation includes joining, rushing, pledging or being involved in any activity that would normally be associated with being a member of such an organization. This applies to organizations that were created by members of a derecognized organization in an attempt to continue its presence on campus.

This prohibited conduct does not apply to unrecognized student groups who have never had University recognition or who are currently not recognized by the University because of non-disciplinary disbandment. However, known members of unrecognized student groups may be held accountable for any prohibited conduct by these groups.

#### **D.16 Property Damage**

Actions that result in or can be reasonably expected to result in damage to property. This includes, but is not limited to, property owned by the University, property owned by individuals affiliated with the University, and property owned by individuals or entities not affiliated with the University.

#### **D.17 Relationship or Dating Violence**

The University defines relationship or dating violence as 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 or dating violence will be addressed under the [Sexual and Gender-based Harassment, Sexual Violence, Intimate Partner Violence, and Stalking Policy](#) and the [Sexual and Gender-based Misconduct Policy](#) except under circumstances when the



allegations are ancillary to other allegations of violations of the Code. In such cases, the Office of Student Conduct & Community Standards may address allegations through the Code and the Student Conduct Procedures.

#### **D.18 Retaliation**

Retaliation is defined as any adverse action or threat taken or made against an individual, including through third parties, for making a report of a policy violation or participating in any investigation or proceeding related to any policy. 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. Examples of this conduct include, but are not limited to, threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from seeking services, receiving protective measures and accommodations, and/or reporting policy violations. Retaliation also includes maliciously and purposefully interfering with, threatening, or damaging the academic, professional, or living environment of another individual before, during, or after the investigation and resolution of a report of a policy violation in response to and/or on account of the report of the policy violation.

#### **D.19 Sexual Assault**

Sexual assault is defined as having or attempting to have sexual contact with another individual without consent. Sexual contact includes:

**D.19.a** 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 himself or herself with a body part or an object, however slight; or

**D.19.b** Sexual touching, including, but not limited to, intentional contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body.

For information about how the University addresses allegations of sexual assault, please refer to the [Sexual and Gender-based Harassment, Sexual Violence, Intimate Partner Violence, and Stalking Policy](#) and the [Sexual and Gender-based Misconduct Policy](#).

#### **D.20 Stalking**

Engaging 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. Gender-based stalking will be addressed under the [Sexual and Gender-based Harassment, Sexual Violence, Intimate Partner Violence, and Stalking Policy](#) and the [Sexual and Gender-based Misconduct Policy](#) except under circumstances when the allegations are ancillary to other allegations of violations of the Code of Student Conduct. In such cases, the Office of Student Conduct and Community Standards may

address the gender-based stalking through the Code of Student Conduct, and students will be afforded all applicable rights required by law.

#### **D.21 Theft**

Theft or attempted theft of property and/or possession of stolen property. Examples of this conduct include, but are not limited to, attempted or actual unauthorized use of a credit card, debit card, student identification card, cell phone, personal identification number, University account, or personal check.

#### **D.22 Unauthorized Entry or Use of Space.**

Examples of this conduct include, but are not limited to, the unauthorized entry into or occupation of any University room, building, or area of the campus, including such entry or occupation at any unauthorized time, or any unauthorized or improper use of any University property, equipment, or facilities. Refusal to leave a space at the request of a University official is considered prohibited conduct. Assisting another individual to enter a restricted area without authorization is prohibited, as is the unauthorized possession, use, or duplication of University keys, cards, codes, or other methods of access. A student's University residence hall room is considered a restricted area where permission to enter must be obtained on every occasion, even if the resident's door is not closed.

#### **D.23 Violations of Law**

Violation of any federal, state, or local law, regulation, or ordinance.

#### **D.24 Violation of Operational Rules**

Violation of operational rules governing various offices, departments, and facilities of the University (e.g., Residential Life, Student Activities Office, Dining Services, Computing and Information Services, the Libraries). This applies to any policy, rule, or standard operating procedure published in hard copy or available electronically on the University website. Examples of this conduct include, but are not limited to, illegally downloading copyrighted material on the University's network, possessing prohibited items in residence hall rooms, and failing to register a group event with the Student Activities Office.

#### **D.25 Weapons**

Possession, use, or distribution of firearms, ammunition, explosives, or other weapons on campus. The University defines a weapon as an object or implement designed or used for inflicting bodily harm or physical damage. The University defines a firearm as any projectile-firing device including, but not limited to, conventional firearms (devices using gunpowder); all types of air rifles; any slingshot device; or any device firing BBs, pellets, darts, bolts, arrows or other hard or sharp objects. All fireworks are prohibited. Chemicals used or intended to cause harm to others will be considered weapons. Knives are prohibited, except those that are designed and used for food preparation. Possession, use, or distribution of weapons will result in more severe outcomes from the University. This prohibition on weapons, explosives, and firearms extends even to those licensed to carry such weapons.

## **Section E: Recommendations and Changes**

The Code will be reviewed every five (5) years.