

**CODE OF STUDENT CONDUCT  
AT BROWN UNIVERSITY  
2017-2018**

**PRINCIPLES OF THE BROWN UNIVERSITY COMMUNITY**

**STANDARDS OF STUDENT CONDUCT**

**STUDENT CONDUCT PROCEDURES**

October 2017

# **PRINCIPLES OF THE BROWN UNIVERSITY COMMUNITY**

We, as members of the Brown University community – faculty, undergraduates, graduate and medical students, and staff – are dedicated to supporting and maintaining a scholarly community in which all share together in the common enterprise of learning. As a central aim, Brown University promotes intellectual inquiry through vigorous discourse, both oral and written.

The fundamental principles that must necessarily undergird this aim include respect for the integrity of the academic process; individual integrity and self-respect; respect for the freedoms and privileges of others; and respect for University resources. In becoming a part of Brown University, we accept the rights and responsibilities of membership in the University's academic and social community, and assume the responsibility to uphold the University's principles.

## **RESPECT FOR THE INTEGRITY OF THE ACADEMIC PROCESS**

The rights and responsibilities that accompany academic freedom are at the heart of the intellectual purposes of the University. Our conduct as community members should protect and promote the University's pursuit of its academic mission. We are all, therefore, expected to conduct ourselves with integrity in our learning, teaching and research, and in the ways in which we support those endeavors.

## **INDIVIDUAL INTEGRITY**

In order to ensure that the University can dedicate itself fully to its academic and educational vision, it is expected that an individual's personal integrity will be reflected not only in honest and responsible actions but also in a willingness to offer direction to others whose actions may be harmful to themselves or the community. The University expects that members of the Brown community will be truthful and forthright. The University expects that community members will not engage in behavior that endangers their own sustained effectiveness or that has serious ramifications for their own safety, welfare, academic well-being or professional obligations, or for that of others.

## **RESPECT FOR THE FREEDOMS AND PRIVILEGES OF OTHERS**

We strive for a sense of community in which the individual growth of all members is advanced through the cultivation of mutual respect, tolerance, and understanding. Brown University values and encourages individuality while also affirming the community dimensions of academic life. A socially responsible community provides a structure, within which, individual freedoms may flourish without threatening the privileges or freedoms of other individuals or groups.

The University is committed to honest, open, and equitable engagement with racial, religious, gender, ethnic, sexual orientation, and other differences. The University seeks to promote an environment that in its diversity is integral to the academic, educational, and community purposes of the institution.

## RESPECT FOR UNIVERSITY RESOURCES

All community members must respect the general resources and physical property of the University. Such resources are assets in which community members have a vested interest, as these resources specifically support the institutional mission.

## STANDARDS OF CONDUCT

The principles stated above are values that hold for the entire University community. Specific standards of conduct and procedures for redress of violations of those standards for each segment of the community can be found in the following University documents:

The standards and procedures for all students may be found in the [Brown University Code of Conduct](#) administered through the Executive Vice President of Planning & Policy and Executive Vice President of Finance & Administration, the [Academic Code](#), administered through the Office of the Dean of the College, and the [Code of Student Conduct](#), administered through the Office of Student Conduct & Community Standards. All students are expected to have read these Codes to be familiar with their principles.

Medical students should look also to the *Medical Student Standards of Behavior* in the [Medical Student Handbook](#), set forth by the Brown Medical School, for additional information. Graduate students should also look to the [Academic and Student Conduct Codes, Graduate Student Edition](#), published by the Graduate School, for additional information.

For specific information on rights and responsibilities, faculty should consult the [Handbook of Academic Administration](#), which puts into practice the principles outlined in the document [Faculty Rules and Regulations](#).

Policies and procedures guiding staff conduct may be found in the [Employee Responsibilities and Rights Guidebook](#), provided by the Human Resources department.

# CODE OF STUDENT CONDUCT

## POLICIES

All members of the Brown University Community are entitled to the following rights: the rights of peaceful assembly; free exchange of ideas and orderly protest; and 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, color, religion, sex, gender, disability, age, economic status, ethnicity, national origin, sexual orientation, gender identity, gender expression, or status as a veteran. (See also “Principles of the Brown University Community”)

*Comment<sup>1</sup>: These rights may from time to time come into conflict, and it might be difficult to draw a clear and precise line between the reasonable exercise of and the abuse of such rights. The circumstances in each case will vary, but the objective must always be to assure a fair and reasonable balance whenever there is a conflict among the rights mentioned above.*

- a. Occasionally, the rules of the University and the law will overlap, but the University does not attempt to duplicate the law. The University reserves the right to pursue matters through its student conduct procedures that may also be addressed in the legal system.
- b. Serious or persistent minor violations of University rules or regulations may result in suspension or expulsion.
- c. In their off-campus lives students are also expected to conform to the standards of community behavior as expressed in the Principles of the Brown University Community and in this Code of Student Conduct.

## OFFENSES

- I. Behavior that disrupts or materially interferes with the educational functions of the University including, but 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.**

*Comment: Protests or demonstrations that infringe upon the rights of others to peaceful assembly, orderly protest, the free exchange of ideas, or that interfere with the rights of others to make use of or enjoy the facilities or attend the functions of the University cannot be tolerated [See “University Guidelines on Protests and Demonstrations”]. Demonstrations or protests which exceed these limits will result in disciplinary action which may include temporary or permanent separation from the University.*

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<sup>1</sup>The comments contained herein are offered as a guide to understanding the University’s policies, and are not to be confused with the policies themselves. As such these comments are not binding upon the University or its designated representatives.

*Moreover, expression that is dehumanizing, degrading, or grossly offensive on matters such as race, color, religion, sex, gender, disability, age, economic status, ethnicity, national origin, sexual orientation, gender identity, gender expression, or status as a veteran is inappropriate in a university community and the University will act as it deems appropriate to address/educate students violating this principle.*

**II. Actions that are unreasonably disruptive of the University community and/or its neighborhoods.**

**III. 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).**

**IV. Misrepresentation:**

- a. Lying or materially misrepresenting information to an official University body or officer, including a member of the Department of Public Safety.**
- b. Lying in the course of a student conduct hearing.**

*Comment: Offense IV(a) includes the fraudulent use of University identification cards. Lying or misrepresentation that inhibits or interferes with an official University investigation or hearing will be considered a serious offense.*

*University procedures allow a student involved in a student conduct matter to remain silent.*

**V. Failure to comply with the proper directive(s) of a University official, including refusing to identify oneself or refusing to present University identification to a University staff member, including members of the Department of Public Safety.**

*Comment: A University community depends upon the cooperation of all of its members to assure reasonable safety and security. There are many occasions, including emergencies, and cases of suspected unlawful conduct, when it is especially important that authorized personnel be able to identify members of the Brown University community.*

**VI. Alcohol:**

- a. Illegal or unauthorized possession or use of alcohol.**
- b. Manufacture of alcohol.**
- c. Sale or possession with intent to sell/provide alcohol to individuals under 21 years of age.**
- d. Possession of mass consumption paraphernalia on campus.**

*Comment: All students who are party to a student conduct matter involving alcohol and who, in the determination of a hearing officer, misused alcohol or exercised poor judgment due to alcohol or about alcohol, will be required to undergo appropriate alcohol education, evaluation, and/or treatment as determined by appropriate officials.*

*Providence municipal ordinances prohibit the possession of open containers of alcoholic beverages on public ways. Providence Police and, in the case of violations on the streets immediately adjacent to the campus, the Brown University Department of Public Safety, enforce these ordinances. Violations of the open container policy on University property are enforced by the Department of Public Safety and through the University student conduct procedures.*

**VII. Drugs:**

- a. Illegal possession or use of drugs.**
- b. Manufacture of drugs.**
- c. Sale, provision, or possession with intent to sell/provide drugs and/or paraphernalia.**
- d. Possession of drug paraphernalia on campus.**

*Comment: The use of any drug, including alcohol, related to any offense 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 sanction and/or the imposition of terms requiring evaluation or treatment, as determined by appropriate professionals. (See Brown Policy on Drugs.)*

*Drug paraphernalia includes, but is not limited to, all items used for the purpose of preparing, injecting, ingesting, inhaling or otherwise using illegal drugs, or in the illicit use of legal drugs.*

**VIII. Actions that result in or can be reasonably expected to result in damage to property.**

**IX. Theft or attempted theft of property and/or possession of stolen property.**

**X. Possession, use, or distribution of firearms, ammunition, explosives, or other weapons on campus.**

*Comment: The University defines firearms as any projectile-firing device, including conventional firearms (devices using gunpowder); all types of air rifles, guns using BBs, pellets, or darts; or any slingshot device. 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 firearms or knives will result in more severe sanctions from the University, separation being the standard.*

**XI. Actions that result in or can be reasonably expected to result in harm to a person or persons.**

*Comment: Offense XI encompasses a wide range of behavior, including, but not limited to assault, and throwing, hurling or firing projectiles without regard for the safety of others. This offense also encompasses behavior that is intended to or can reasonably be expected to result in significant emotional or psychological harm.*

## **XII. Relationship or Dating Violence.**

*Comment: 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, Relationship and Interpersonal Violence and Stalking 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 & Community Standards may address allegations through the Code of Student Conduct, and students will be afforded all applicable rights required by law.*

## **XIII. Sexual Assault - For information about how the University addresses allegations of sexual assault, please refer to the [Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy](#)**

## **XIV. Harassment:**

- a. Subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating actions.**
- b. Subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating actions, including, but not limited to, those based on race, color, religion, sex, gender, disability, age, economic status, ethnicity, national origin, sexual orientation, gender identity, gender expression, or status as a veteran. (See "Civil Rights & Non-Discrimination")**

*Comment: Whether the alleged conduct constitutes prohibited 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, Relationship and Interpersonal Violence and Stalking Policy. In some cases, gender-based harassment will be addressed by the Office of Student Conduct & 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.*

## **XV. 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.**

*Comment: 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, Relationship and Interpersonal Violence and Stalking 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 & 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.*

**XVI. 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.**

**XVII. Retaliation - Engaging in conduct that may reasonably be perceived to:**

- a. adversely affect a person’s educational, living, or work environment because of their participation in the reporting, investigation, and/or resolution of a report of a violation of University policy.**
- b. discourage a person from making a report or participating in an investigation of a policy violation.**

*Comment: Retaliation is defined as any adverse action or threat taken or made against an individual, including through third parties and/or legal counsel, for making a report of a policy violation or participating in any investigation or proceeding related to any policy. Retaliation includes 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 and/or professional career 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. 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.*

**XVIII. Violation of the terms of any student conduct hearing sanction.**



# STUDENT CONDUCT PROCEDURES

## STUDENT RIGHTS AND RESPONSIBILITIES

The Principles of the Brown University Community call upon community members to act with integrity in all facets of University life, including involvement with matters being addressed by the student conduct procedures. Students and student organizations charged with offenses against the Code of Student Conduct are afforded the following rights in University proceedings:

- A. To be informed in writing of the charge(s) and alleged misconduct.
- B. To not be presumed responsible of any alleged violations unless so found through the appropriate student conduct hearing.
- C. To have an advisor during a formal investigation, a hearing before the Student Conduct Board, an Administrative Hearing, or a student organization hearing. The advisor may be any person of their choice within the University community who is a full time faculty or staff member and is not an attorney.
- D. To have a reasonable length of time to prepare a response to any charges.
- E. To be informed of the evidence upon which a charge is based and accorded an opportunity to offer a relevant response.
- F. To be given an opportunity to articulate relevant concerns and issues, express salient opinions, and offer evidence before the hearing officer(s). (Students have the right to prepare a written statement in matters that may result in separation from the University.)
- G. To be afforded privacy, in accordance with University practices and legal requirements.
- H. To request that a hearing officer or member of a Student Conduct Board be disqualified on the grounds of personal bias.
- I. To have a timely determination of the charges.
- J. To appeal a decision.
- K. To refrain from providing information that is self-incriminating.

## **DISPOSITION OF CASES**

The Associate Vice President for Campus Life/Dean of Students (hereinafter referred to as Dean of Students) or designee<sup>2</sup> may refer allegations of violations of the Code of Student Conduct to one of the following options for resolution:

### **Non-Disciplinary**

- 1. Mediation.** Mediation is a voluntary, confidential means of resolving conflict. It brings the parties together with a trained mediator in an informal, neutral setting to discuss their dispute and to find a lasting solution to it. If a matter is referred to mediation, the timing/deadline requirements outlined in these procedures are suspended. If any party to a conflict is unwilling to engage in mediation or if the parties are unable to resolve the conflict through mediation, the matter may be referred to a student conduct hearing for resolution. When parties successfully resolve their dispute through mediation, the mediator will notify the Dean of Students that the matter has been resolved.
- 2. Warning Letters.** Students will receive an official written notice that specifies that a particular behavior(s) may have violated University community standards and/or Principles and if repeated such behavior may be subject to the disciplinary process.
- 3. Dean's Conferences.** Students will meet with Student Conduct & Community Standards Deans to discuss behavior(s) that is/are of concern to the Brown University should that behavior continue or be repeated. Students will be informed about particular policies in the Code of Student Conduct that may be violated should behavior(s) of concern repeat. Deans may suggest helpful resources for students and address any further concerns.

### **Disciplinary**

Lower-level hearings/resolutions:

- 1. Letter Adjudication.** Students charged with minor offenses will have the option of either accepting responsibility and a standard sanction or going to a Dean's Hearing.
- 2. Dean's Hearing.** A University administrator will hear matters involving offenses that do not involve possible separation from the University. Repeated offenses of any kind, however, may result in a determination that the matter should be resolved through a Student Conduct Board hearing/Administrative Hearing.
- 3. Student Organization Hearing.** Allegations of violations of University policies and regulations by student organizations will be resolved through student organization hearings conducted by the deans and directors of the University.

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<sup>2</sup> Throughout these procedures, all references to "Associate Vice President for Campus Life/Dean of Students" will be understood to include the Dean of Students' designee(s).

Higher-level hearings:

4. **Student Conduct Board Hearing.** The Student Conduct Board, comprised of students, faculty, and deans or administrative officers, will hear matters involving offenses that may involve possible separation from the University and/or a transcript remark.
5. **Administrative Hearing.** An Administrative Hearing will be conducted by a single dean or administrative officer of the University for matters involving offenses that may involve possible separation from the University and/or a transcript remark.

For matters serious enough to warrant a Student Conduct Board hearing, the Dean of Students will determine whether the charged student will be given the option to have the matter resolved through an Administrative Hearing or a Student Conduct Board hearing. For charges involving Offense XIVb, subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating actions, including, but not limited to, those based on race, color, religion, sex, gender, disability, age, economic status, ethnicity, national origin, sexual orientation, gender identity, gender expression, or status as a veteran, students will not be offered a choice, the only option being a Student Conduct Board hearing. In determining whether a student will be offered a choice in other cases, the Dean of Students may take into consideration factors such as the complexity, severity, and community impact of the case. In some cases, the Dean of Students may refer a case directly to an Administrative Hearing if convening a Student Conduct Board hearing would result in a significant delay in the resolution of the matter (e.g., during academic recesses).

For matters in which individuals pose a danger to themselves or the immediate well-being of the University community, the President, the Vice President for Campus Life, the Dean of the College, the Dean of the Graduate School, the Dean of Medicine and Biological Sciences, and the Dean of Students have the authority to separate a student(s) from the University and to impose any additional conditions deemed necessary.

## GENERAL PROVISIONS FOR THE STUDENT CONDUCT PROCEDURES

1. **Closed Hearing.** All hearings will be closed.
2. **Qualification and Responsibilities of Hearing Body Members.** Student members of hearing bodies must be currently enrolled and in good standing, that is, not on academic warning or currently under any University sanction. All administrative and faculty members will be full-time employees of the University. All members will be required to maintain confidentiality related to all aspects of the hearing process. The Dean of Students is responsible for removing any member who violates confidentiality and may refer the matter for disciplinary action. If the specific member(s) of a Student Conduct Board panel cannot be identified, the Dean of Students may recommend to the President that the panel in question be disbanded.<sup>3</sup>
3. **Disqualification and Exclusion.** Any member of a hearing body who believes that they are prejudiced by association with the case, the participants, or by information or belief will disqualify them from hearing the case. A respondent or complainant may request, in writing, that a member of a hearing body be disqualified from hearing a case. The request will be made by 9:00 AM no more than two (2) days after receiving the charge letter and will include an explanation as to why the member is unable to render an impartial decision in the case.
4. **Standard of Evidence.** In determining whether or not an offense has been committed, a hearing officer or body will base its determinations on the standard of preponderance of evidence.
5. **Multiple Students.** Cases in which more than one student is charged with violating the Code of Student Conduct and which depend on common facts or set of evidence may either be considered jointly in a single hearing or be assigned to separate, individual hearings as determined by the Dean of Students.
6. **Case Administrator.** A Case Administrator is a University official designated by the Dean of Students to manage these procedures. Additionally, the Case Administrator will respond to requests from respondents and complainants during the pre-hearing phases of the student conduct procedures and will chair any upper-level hearings.
7. **Investigator.** For cases which are more complex, the University will use an investigator model to conduct the investigation. This will include interviews with the primary parties and any relevant witnesses. These interviews may be conducted by Student Conduct & Community Standards Deans or an appointed investigator as circumstances warrant. Complainant(s) and respondent(s) will have an opportunity to provide information to the investigator and to be kept informed of information used in the investigation to the extent possible, consistent with FERPA and confidentiality constraints.

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<sup>3</sup> A hearing panel is the subset of the hearing body that fulfills the quorum requirement (see “The SCB Hearing Process, Quorum”) and hears a particular case.

- If the complaint is not complex in nature, it will be investigated by collecting statements and/or any relevant documents from complainant(s), respondent(s), and any relevant witnesses. These complaints have the ability to be investigated the same as above; however, that will not always be the case and will be determined based on severity, circumstances, and resources available.
8. **Respondent.** The respondent is the charged student(s) and is entitled to be present during the course of the hearing. The respondent will *not* be present during other meetings designed to gather information from complainants or witnesses. A hearing officer or body may decide to proceed with a hearing if a respondent fails to appear despite proper notification.
  9. **Complainant.** The complainant(s) is the person who has filed a complaint. The complainant is entitled to be present during the course of the hearing concerning their complaint. The complainant will *not* be present during other meetings designed to gather information from respondents or witnesses. For matters heard by the Student Conduct Board or by an Administrative Hearing officer in which there is no complainant, a University official other than the Case Administrator will serve in that capacity.
  10. **Witnesses.** Members of the University community, including respondents, are expected to appear at a hearing if they have knowledge or information regarding the incident in question and they have been notified to appear. Individuals who are not members of the University community will generally be permitted to appear at a hearing only if they have direct knowledge or information regarding an incident that is not otherwise available.
  11. **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.
  12. **Appeals.** Within five (5) days of notification of the hearing outcome, the respondent(s) may appeal, in writing, the decisions in the case, setting out the reason(s) for the appeal. Appeals will be submitted to the Vice President for Campus Life or designee. Appeals will normally be considered only when: (1) there is relevant new evidence that was not reasonably available to be presented to the original hearing authority and that in the judgment of the appeal officer the introduction of the information may have changed the finding by the original hearing authority; or (2) when a substantial procedural error by the University or hearing officer or body is demonstrated and in the reasonable judgment of the appeal officer such error is sufficient enough that it may have affected the decision of the original hearing authority. If it is determined that the appeal has merit, the appeal officer may reduce the severity or terms of a sanction or may remand the matter to an appropriate hearing officer or body.

For hearings involving Title IX-related charges or charges under Offense XIVb, the complainant shall have the right to appeal on the same terms as the respondent. If it is determined that the complainant's appeal has merit, the appeal officer may increase the severity or terms of a sanction or may remand the matter to an appropriate hearing officer or body.

- 13. Timing and Deadlines.** "Days" in these procedures refer to business days, not weekends or University holidays. Any requirement in these procedures must be completed by 3:00 PM on the day specified, unless otherwise noted. A hearing or deliberations may be conducted on a Saturday, Sunday, or University holiday, if necessary.
- 14. Scheduling of a Hearing.** Hearings shall be scheduled to commence within sixty (60) calendar days of the receipt of a complaint or a report of information that forms the basis of the charges against the respondent. However, this time frame may be extended by the Dean of Students upon a written petition by the Case Administrator, the complainant(s), or the respondent. In determining whether to grant an extension, the Dean of Students shall consider the salient factors of the particular case, which may include items such as the complexity and/or severity of the matter to be heard, the number of individuals involved in the particular matter, or whether the academic calendar makes it impractical to commence a hearing within the prescribed sixty (60) calendar days.

## COMPLAINTS/REPORTS OF INFORMATION

**Filing a Complaint.** Written complaints alleging violations of the Code of Student Conduct may be submitted online at [www.CICF.brown.edu](http://www.CICF.brown.edu) (if you are unable to access or use the online form, please contact the Office of Student Conduct & Community Standards at [rights\\_respsibilities@brown.edu](mailto:rights_respsibilities@brown.edu) or 401-863-3145). Complaints must include the name(s) of all witnesses or others who may have information concerning the alleged offense(s). Complaints must be submitted within sixty (60) days of an incident. When a complaint is filed more than sixty (60) days after the alleged incident, the Dean of Students will determine whether circumstances support a late filing of charges.

**Preliminary Review.** Some incidents are not clearly defined when the Office of Student Conduct & Community Standards receives initial reports. For such cases, a Preliminary Review may be conducted to gather more information. This may include meeting with involved parties or witnesses and requesting statements and/or documents that will help determine whether charges, a formal investigation, or no actions are warranted.

**Investigation.** A formal investigation is utilized when the Office of Student Conduct & Community Standards receives allegations that, if substantiated, could warrant a student's (or organization's) separation from the University. The investigation, which includes interviews with the parties and relevant witnesses and a collection of all relevant documents and other evidence, will culminate in a comprehensive investigation report that will be reviewed by the Dean of Students. If the complaint is not complex in nature, it may be investigated by collecting statements and documents from complainant(s), respondent(s), and any relevant witnesses before a summary and packet of information are provided to the Dean of Students for review. After review, the Dean of Students will determine whether there is a basis to file charges against a student (or organization) and at what level, if any, the matter should be resolved. The possible resolution recommendations from the Dean of Students are as follows:

1. **Disciplinary, Higher Level.** Matters that may result in a sanction of suspension or above will be resolved through an Administrative Hearing or a Student Conduct Board Hearing.
2. **Disciplinary, Lower Level.** Matters that will not result in a sanction of suspension or above may be referred to Letter Adjudication, a Dean's Hearing, or a Student Organization Hearing.
3. **Non-disciplinary Actions/Referrals.** If it is determined that a hearing is not necessary, the matter may be addressed with a warning letter or a dean's conference or may be referred to mediation, counseling, alcohol/drug education, or other referrals as appropriate.
4. **No Action.** If there is no basis to file charges and no follow up is warranted, the Dean of Students may recommend that the Office of Student Conduct & Community Standards close the case and take no action.
5. **Withdrawing Charges.** The Dean of Students has the authority to withdraw charges once they have been made.

## **DEAN'S HEARINGS**

The Dean of Students may refer offenses that do not involve possible separation from the University to a University administrator for a hearing. In general, matters involving undergraduates will be heard by designated hearing officers; matters involving graduate students will be heard by deans and directors from the Graduate School; and matters involving medical students will be heard by deans and directors from the Medical School.

**Procedures.** The hearing procedures will be informal, but remain consistent with the basic rights afforded to respondents (see "Student Rights and Responsibilities"). The Case Administrator provides the respondent with written notice of the charge(s) and a summary of the evidence. The student arranges the meeting time and place with the hearing officer. At the meeting, the respondent(s) has an opportunity to be heard, and the hearing officer decides if the respondent is responsible for violation(s) of the Code of Student Conduct.

**Sanctions.** If the respondent is found responsible, the hearing officer will impose a sanction up to deferred suspension for three (3) semesters (see "Sanctions"). The hearing officer may also impose accompanying terms (see "Accompanying Terms for Sanctions"). Within five (5) days of the conclusion of the hearing, the Case Administrator will notify the respondent(s) in writing of the decisions in the case.

## **STUDENT CONDUCT BOARD HEARINGS**

The Dean of Students may refer offenses that involve possible separation from the University to the Student Conduct Board (SCB) for a hearing. The Conduct Board will review the evidence, hear testimony, and receive information. The Conduct Board further determines whether the respondent(s) is responsible for violations of the Code of Student Conduct, and, as appropriate, recommends a sanction.

**SCB Membership.** The membership of the Conduct Board will consist of at least four (4) faculty members selected by the Faculty Nominating Committee; four (4) undergraduate deans selected by the Dean of the College; six (6) undergraduate students selected annually by the undergraduate student government; four (4) graduate students selected annually by the graduate student government; four (4) medical students selected annually by the medical student government; two (2) deans from the Graduate School appointed by the Dean of the Graduate School; and two (2) deans from the School of Medicine appointed by the Dean of Medicine and Biological Sciences. The appropriate student governance bodies will appoint members for the upcoming academic year. If a student governance body fails to appoint members, the Vice President for Campus Life or designee may select students to fill the positions. If there is a vacancy among the members of the SCB, the Vice President for Campus Life or designee may appoint a temporary member. All student members are subject to the approval of the Dean of Students.

**Hearing Panels.** The composition of the hearing panel will correspond, in general, to the University status (undergraduate, graduate, and medical) of the respondent(s). Each panel will consist of three members - one must be a student while the other two panel members may be deans and/or members of the faculty.



## THE SCB HEARING PROCESS

**Quorum.** For SCB hearings, three (3) members of the Conduct Board constitute a quorum. If the Conduct Board is unable to attain a quorum within a reasonable period of time, the President or designee may appoint temporary members as needed.

**The Case Administrator.** The Case Administrator organizes the hearing procedures, including recruiting the panel, communicating to all parties about hearing date and time, and distributing case materials to all parties. The Case administrator also chairs higher-level hearings and is responsible for conducting the hearing and deciding upon matters related to witnesses, evidence, and procedures. The Case Administrator may exclude from a hearing any person in attendance who disrupts a hearing. The Case Administrator may consult with the Student Conduct Board and other University officials as necessary.

### Hearing Participants

- 1. Advisors.** In a SCB hearing, the respondent(s) and complainant(s) may have advisors chosen from within the University community. The advisor may make statements and generally assist the respondent(s) and complainant(s) during the hearing. The advisor must be a full-time Brown faculty or staff member but may not be an attorney. Note that a student may have an attorney as an advisor for any Title IX-related allegations.
- 2. Attorneys.** If a SCB hearing involves Title IX-related allegations or allegations that could constitute a capital/life offense under Rhode Island criminal law, the respondent may be accompanied by an attorney. The attorney may not participate in the hearing. The attorney is present to safeguard the respondent's rights at any subsequent criminal proceeding and may advise the respondent only with respect to their testimony. Any attorney in attendance will comply with all guidelines for the SCB hearing process.

If the respondent desires to be accompanied by an attorney, the respondent will provide the Case Administrator with the attorney's name, address, and phone number at least four (4) days prior to the date of the hearing.

If an attorney is to accompany the respondent, the complainant may request to have an attorney present as an observer, and, if so, will provide the Case Administrator with the attorney's name, address, and phone number at least two (2) days prior to the date of the hearing.

- 3. President's Designee(s).** The President may designate University officials to attend a hearing consistent with their duties and responsibilities to the University.

## SCB PRE-HEARING PROCEDURES

### Notice Requirements

**Notice.** At least seven (7) days before the hearing, the Case Administrator will provide the respondent(s) with written notification of the charges, the time and place of the hearing, and a copy of the case materials. The complainant(s) also receives the case materials.

**Expedited Hearing(s).** If the Dean of Students determines that an expedited hearing is necessary (e.g., end of the academic year), the notice may be provided fewer than seven (7) days before the hearing.

**Requests for Witnesses.** The respondent(s) and complainant(s) will provide the Case Administrator with a written list of witnesses they would like to appear at the hearing at least four (4) days prior to the hearing by 9:00 AM. For cases in which an investigator is *not* used, all witnesses will provide a written statement and/or any relevant documents at least four (4) days prior to the hearing by 9:00 AM. If, after the four-day deadline, either party believes that there is new information which may substantially influence the outcome of the hearing, they will request of the Case Administrator that the information be admitted to the hearing. The Case Administrator will also notify the parties of any other witnesses who have been called to appear at the hearing. The Case Administrator will make all decisions about witnesses appearing at the hearing.

**Advisors.** The respondent(s) and complainant(s) will also specify whether an advisor will be assisting him or her, and if so, the name of the person chosen.

## SCB HEARING PROCEDURES

SCB hearings proceed as follows:

1. The Case Administrator (and chair of the SCB panel) reads the charge(s) and informs the respondent(s) of the right to remain silent.
2. The Case Administrator is available to answer questions about the case materials.
3. The respondent or their advisor may make an opening statement.
4. The complainant or their advisor may make an opening statement.
5. The Conduct Board examines the evidence and the testimony of any witnesses, including the respondent and complainant. The respondent(s) and the complainant(s) may ask questions of all witnesses who are called to the hearing. It may be required that all questions be directed through the Case Administrator. At the discretion of the Case Administrator, witnesses may be recalled.
6. The complainant or their advisor may make a closing statement.
7. The respondent or their advisor may make a closing statement.

**Deliberations.** Following the closing statements, the Conduct Board adjourns into closed session (1) to determine if the respondent(s) is responsible for violation(s) of the Code of Student Conduct and, if so, (2) to recommend an appropriate sanction up to Expulsion from the University; including any accompanying terms (see “Sanctions” and “Accompanying Terms for Sanctions”) to the Dean of Students. After a determination of responsibility but prior to the recommendation of a sanction, the Case Administrator informs the SCB of any prior disciplinary finding(s) against the respondent. The decision(s) of the Conduct Board will be made by majority vote and will be forwarded to the Dean of Students. Within five (5) days of the conclusion of the hearing, the Dean of Students will notify the respondent(s), and the complainant(s) as permitted by applicable regulations, of the outcome of the case.

**Appeals.** Please see General Provisions for the Student Conduct Procedures, number 11.

**Power of Review in the President.** After the appeal process has concluded, the President may review at their own initiative the decisions of the SCB. The President has the authority to affirm, reverse, or modify the decisions and/or change the sanction. If the President decides to review the case, notification will be sent to the respondent(s), the complainant(s), the Dean of Students, and the Case Administrator of the intent to review and any final determinations in the case. There will be no appeal from a decision rendered by the President.

## **ADMINISTRATIVE HEARINGS**

In some cases, a charged student may choose an Administrative Hearing in lieu of a SCB hearing. Based on a preliminary review of the case, the Dean of Students will determine if the charged student will be offered a choice between an Administrative Hearing and a Student Conduct Board hearing. For charges referred to a hearing involving Offense XIVb, students will not be offered a choice but will be heard by the SCB. In determining whether a student will be offered a choice in other cases, the Dean of Students may take into consideration factors such as the complexity, severity, and community impact of the case. In some cases, occasionally even with Offense XIVb, the Dean of Students may refer a case directly to an Administrative Hearing if convening a Student Conduct Board hearing would result in a significant delay in the resolution of the matter (e.g., during academic recesses).

An Administrative Hearing will be conducted by a dean or administrative officer of the University. In general, matters involving undergraduates will be heard by hearing officers from Campus Life & Student Services and/or the Office of the Dean of the College; matters involving graduate students will be heard by deans from the Graduate School; matters involving medical students will be heard by deans from the Medical School.

**Procedure.** The hearing procedures will be informal, but they will be consistent with the basic rights afforded to respondents (see “Student Rights and Responsibilities”). At least seven (7) days before the hearing, the Case Administrator will provide the respondent(s) with written notice of the charge(s), the time and location of the hearing, and a copy of the

case materials. The hearing will be conducted by the hearing officer along with the Case Administrator, who will decide upon matters related to witnesses, evidence, and procedures. The Case Administrator may exclude from a hearing any person in attendance who disrupts the hearing. The Case Administrator may consult with the hearing officer and other University officials as necessary. At the hearing, the respondent(s) has an opportunity to be heard, and the hearing officer decides if the respondent is responsible for violation(s) of the Code of Student Conduct.

**Sanctions.** If the respondent is found responsible, the hearing officer will recommend a sanction up to expulsion from the University, including any accompanying terms (see “Sanctions” and “Accompanying Terms for Sanctions”), to the Dean of Students. After a determination of responsibility and prior to the recommendation of a sanction, the Case Administrator will inform the hearing officer of any prior disciplinary findings against the respondent. Within five (5) days of the conclusion of the hearing, the Dean of Students will notify the respondent(s), and the complainant(s) as permitted by applicable regulations, of the outcome of the case.

## STUDENT ORGANIZATION HEARINGS

The Dean of Students may refer matters involving allegations of violations of the Code of Student Conduct by student organizations to a designated hearing officer or to a panel of the Student Conduct Board for a hearing. Additionally, allegations made against individual members of a student organization may be referred to a hearing officer or body.

**Procedure.** The Case Administrator will notify, in writing, the president (or other responsible student) of the student organization of the allegation(s). The student organization has the opportunity to prepare a response and to be heard regarding the allegations. The Dean of Students or the Case Administrator will determine the structure of the hearing, in accordance with the basic rights afforded to students (see “Student Rights and Responsibilities”), and a hearing officer or body will decide if the student organization is responsible for violation(s) of the Code of Student Conduct.

**Sanctions.** Violations of the Code of Student Conduct may result in the following sanctions, in order of increasing severity. When determining an appropriate sanction, hearing officers and members of the Student Conduct Board will consider the nature of the incident and its context as well as any prior disciplinary findings and sanctions. All sanctions may include accompanying terms as appropriate. Violation of any sanction will warrant a review by the Dean of Students and may result in forwarding the matter to the Student Conduct Board.

1. **Reprimand.** A reprimand is a written notice that a student organization has violated the Code of Student Conduct and that another violation will likely result in a more severe sanction.
2. **Probation.** Probation is a designated period of time during which the student organization is given the opportunity to demonstrate the ability to abide by the community’s expectations of behavior articulated in the Code of Student Conduct. Suspension of social privileges, including the ability to host social functions, may accompany this sanction.
3. **Deferred Suspension.** Deferred suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student organization is given the opportunity to demonstrate the ability to abide by the community’s expectations of behavior articulated in the Code of Student Conduct. A student organization on deferred suspension shall not represent the University in any official capacity or participate in University-sponsored travel. If the student organization is found responsible for violating any additional University code or regulation during the period of deferred suspension, the organization may be immediately suspended from the University and may be subject to additional sanctions for the subsequent violation. During the period of deferred suspension, the organization may have its

social, housing, funding, or other privileges suspended, including the ability to host social functions.

4. **Suspension.** Suspension is a designated period of time during which a student organization loses recognition by the University and access to University services. A suspended student organization must cease all organizational activities. In addition, the members of the student organization may be removed from program housing space. After the designated period of suspension, the organization may petition the Dean of Students for approval to submit an application for recognition through usual channels. The petition must demonstrate that the student organization has abided by the terms of the suspension and satisfied any accompanying terms of the suspension.
5. **Expulsion.** Expulsion is permanent loss of recognition by the University. A student organization that has been expelled must cease all organizational activities and vacate program housing space. The name of the organization and all symbols associated with Brown's chapter shall be removed from all Brown University property, including websites. An expelled organization must surrender balances of all organizational funds to appropriate parties.

**Accompanying Terms for Sanctions.** A hearing officer or body may impose accompanying terms to any sanction designed to ensure responsible behavior and the well-being of the University community, help the responsible student(s) or student organization learn from the experience, and ameliorate the effects of the conduct on the aggrieved student(s). The following terms may accompany any of the sanctions described above, except when noted.

1. **Suspension of Social Privileges.** Suspension of social privileges is the loss of all social function privileges for a defined or indefinite period of time. A social function shall be defined as ANY event where alcohol will be served, OR any event that has the primary characteristics of a "party." These characteristics include: socialization as the primary purpose and activity, dancing, and/or music (DJ, band, etc.).
2. **Loss of University Privileges and Services.** Loss of University privileges and services includes, but is not limited to, loss of space reservation privileges and the ability to receive or retain University funds.
3. **Restitution.** Restitution is the repayment to the University or to an affected party for damages to property or person resulting from a violation of the Code of Student Conduct.

4. **Loss of Membership Recruitment.** Loss of membership recruitment is the prohibition of any event or activity with the goal of increasing student membership or interest in joining the organization.
5. **Removal from University Housing.** Removal from University housing is the separation of a student organization from University-owned housing (residence halls and rental properties). This will be for a specified period of time, and conditions for readmission to University housing may be specified.
6. **Loss of Use of Common Spaces.** Loss of common spaces is the prohibition against using any organizationally-appointed common spaces in the residence halls by any students affiliated with the student organization. This may include, but is not limited to, lounges, kitchens, and basement spaces.
7. **Organizational Learning and Engagement.** Organizational Learning and Engagement accompanying terms provide a student organization the opportunity to review conduct expectations, understand how behavior can contribute to a positive and beneficial University experience and learn of campus resources which support academic and non-academic success. This may include, but is not limited to, writing a research paper or reflective paper, attending a seminar, reestablishing organizational mission/values, meeting with members of various offices, or giving a presentation on an assigned topic.
8. **Other Accompanying Terms.** Other terms designed to ensure responsible behavior may accompany the sanction of any student conduct hearing. These terms may include, but are not limited to, educational projects, meetings with educators/counselors, and other assignments as warranted.

## **SANCTIONS FOR INDIVIDUAL RESPONDENTS**

Violations of the Code of Student Conduct may result in the following sanctions, in order of increasing severity. When determining an appropriate sanction, hearing officers and members of the Student Conduct Board will consider the nature of the incident and its context as well as any prior disciplinary findings. All sanctions may include accompanying terms as appropriate. Violation of any sanction will warrant a review by the Dean of Students and may result in forwarding the matter to the Student Conduct Board or an Administrative Hearing.

- 1. Reprimand.** A reprimand is a written notice that a student has violated the Code of Student Conduct and that another violation will likely result in a more severe sanction.
- 2. Probation.** Probation is a designated period of time during which the student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code of Student Conduct. Restrictions and/or conditions regarding participation in University-sponsored activities may be imposed.
- 3. Deferred Suspension.** Deferred suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code of Student Conduct. A student on deferred suspension shall not represent the University as an official delegate or representative, hold an office (elected or appointed) in University groups of any kind, or participate in University-sponsored travel or study abroad. If the student is found responsible for violating any additional University code or regulation during the period of deferred suspension, the student may be immediately suspended from the University and may be subject to additional sanctions for the subsequent violation. A deferred suspension may be accompanied by a transcript remark (See "Accompanying Terms for Sanctions").
- 4. Suspension.** Suspension is separation from the University for a designated period of time, after which the suspended student may petition the Dean of Students for readmission to the University. The petition must demonstrate that the student has satisfied any accompanying terms of the suspension. A student who has been suspended may not be on University property without the prior approval of the Dean of Students. A suspended student is prohibited from participating in any University activity or program. Suspensions result in a permanent entry on the internal academic record and official transcript maintained by the Registrar. These entries cannot be removed once applied.
- 5. Expulsion.** Expulsion is permanent separation from the University. A student who has been expelled is prohibited from entering any University premises and



participating in any University activity or program without explicit permission. Expulsions result in a permanent entry on the internal academic record and official transcript maintained by the Registrar. These entries cannot be removed once applied.

## **ACCOMPANYING TERMS FOR SANCTIONS**

In addition to imposing a formal sanction, a hearing officer or body may assign accompanying terms designed to ensure responsible behavior and the well-being of the University community, help the responsible student learn from the experience, and ameliorate the effects of the conduct on the aggrieved student(s). The following terms may accompany any of the sanctions described above, except when noted.

- 1. Parent/Guardian Notification.** Parents/guardians may be notified, in accordance with applicable regulations, of the outcome of any student conduct hearing.
- 2. University File Entry.** A University file entry is a non-permanent entry into a student's official University file. A copy of the written notification to the student of the outcome of the hearing is placed in the student's official University file. A University file entry will be removed no later than at the student's graduation from the University.
- 3. Restitution.** Restitution is the repayment to the University or to an affected party for damages to property resulting from a violation of the Code of Student Conduct.
- 4. Removal from University Housing.** Separation of a student from University-owned housing (residence halls and rental properties) may accompany the sanction of any student conduct hearing. The separation from University housing must be for a designated period of time. Conditions for readmission to University housing may be specified.
- 5. Transcript Remark.** A transcript remark is a notation on a student's official University transcript. A transcript remark may accompany a deferred suspension, suspension or expulsion. Following a deferred suspension, a student may petition to have a transcript remark removed after one full semester. Undergraduate students must petition the Dean of Students; graduate student must petition the Dean of the Graduate School; medical students must petition the Dean of Medicine and Biological Sciences. For suspensions and expulsions a permanent entry by the Registrar's Office will appear on a student's transcript.
- 6. Other Accompanying Terms.** Other terms designed to ensure responsible behavior may accompany the sanction of any student conduct hearing. These terms may include, but are not limited to, educational projects, meetings with educators/counselors, community restitution, housing relocation, and other assignments as warranted.

## **RECOMMENDATIONS AND CHANGES**

Hearing officers, members of the Student Conduct Board, and senior staff of the University may recommend to the President any changes to these procedures. The President will forward to the Corporation any substantive recommended changes. The Corporation expressly reserves the right at any time to alter, modify, or revoke the provisions herein, in whole or in part, without prior notice. At least once every five (5) years, these procedures will be reviewed.