

Student Conduct Proceedings

July 2022 through June 2023

Introduction

Violations of the Code of Student Conduct are handled through the Student Conduct Procedures, which are designed to ensure 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. Most charges against students stem from Department of Public Safety reports or Campus Incident Complaint Forms regarding on-campus incidents. Sometimes, however, the Office of Student Conduct & Community Standards adjudicates cases that arise from off-campus incidents, especially in cases where there has been harm to individuals or the community. The Student Conduct Procedures often involve a response at one of several levels, depending on the severity of the charges and a student’s individual student conduct history, before a matter is resolved. Individuals involved in determining a student’s responsibility are drawn from the student body (undergraduate, graduate, medical school), deans and administrators of the University, and faculty members.

In addition to providing information about the prohibited conduct that makes up the Code of Student Conduct and the outcomes that are available to be assigned, this report will outline the types of cases that were resolved through the Student Conduct Procedures over the 2022-2023 academic year. As students are guaranteed confidential proceedings, only basic details about cases will be provided here. Information will be provided regarding each type of response, including who the hearing officers are, typical prohibited conduct that is adjudicated at that level, and the outcomes available at that level. Basic statistics about the resolution of all cases heard during the academic year are also provided.

Disciplinary Dispositions	Fall 2022	Spring 2023	Total
Letters in Lieu of a Meeting	15	19	34
Dean's Review Meetings (COVID-19)	11	0	11
Administrative Review Meetings	259	233	492
Student Group Administrative Review Meetings	3	4	7
Administrative Hearings	1	1	2
Student Conduct Board (SCB) Hearings	2	1	3
Investigative Reviews (On Hold)	1	1	2
Open Lower-Level Cases	1	19	20
Totals	293	278	571

Prohibited Conduct (2022-2023)

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, bongos, 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 Assault, Interpersonal 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 investigative review or hearing.

D.14 Noncompliance with Terms: Noncompliance with the terms of any student conduct hearing outcome. Examples of this conduct include, but are not limited to, engaging in prohibited behavior(s) while on an official disciplinary status (e.g., probation, probation with restrictions) 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 Assault, Interpersonal 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 investigative review 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 investigative review 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 Assault, Interpersonal 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 Assault, Interpersonal 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

Outcomes

Community Status

Violations of the Code may result in one or more community statuses. When determining whether a community status is appropriate, the Administrative Reviewer or Hearing Officer(s) will consider the nature of the incident and its context as well as any prior disciplinary findings. Violation of any community status or terms will warrant a review by the Director 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 community status.
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. Conditions regarding participation in University-sponsored activities may be imposed. Students on this community status are considered to not be in good community standing.
3. **Probation with Restrictions:** Probation with restrictions 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. A student on probation with restrictions 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 any additional Code violations during the period of probation with restrictions, the student may be subject to more severe disciplinary action. Students on this community status are considered to not be in good community standing.
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 re-enrollment 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

written 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 academic 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 property and participating in any University activity or program. Expulsions result in a permanent entry on the internal academic record and official academic transcript maintained by the Registrar. These entries cannot be removed once applied.

Accompanying Terms

In addition to imposing a community status, the Administrative Reviewer or Hearing Officer(s) 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). Examples of accompanying terms include but are not limited to restitution, reflection or research papers, letters of apology, restorative circles, attending or presenting educational programs, No Contact Orders, or referrals to other offices and resources on campus. Please refer to the Office of Student Conduct and Community Standards website for more information about accompanying terms.

Procedures

The Student Conduct Procedures often involve a response at one of several levels, depending on the severity of the charges and a student's individual student conduct history, before a matter is resolved. Information will be provided in this section regarding each type of response, including who the decision makers are, typical prohibited conduct that is adjudicated at that level, and the outcomes available at that level.

Letter in Lieu of a Meeting

Alleged minor and first offense violations of University policies may be resolved through a Letter in Lieu of a Meeting. Students receive a letter outlining the charges and the proposed outcomes and may choose to accept responsibility or proceed to an Administrative Review Meeting. Typical offenses resolved at this level include, but are not limited to, possession of prohibited items in the residence halls, failure to submit immunization records or updated off-campus addresses, and failure to complete accompanying terms from a prior hearing. The only community status available at this level is a reprimand, and one or more educational accompanying terms may be assigned.

Administrative Review Meetings

Matters that are more serious but that do not warrant separation from the University and/or a permanent record notation are resolved through Administrative Review Meetings. The administrative reviewers for these meetings are University staff members, including deans, administrators, and Area Coordinators. Typical prohibited conduct that is heard at this level includes, but is not limited to, underage possession or consumption of alcohol, provision/sale of alcohol to minors, possession or use of marijuana or other drugs, minor property damage or theft, disruptive behavior, and second-offense minor violations. If an administrative reviewer determines that a student is responsible, the community statuses available at this level include a reprimand, probation, and probation with restrictions, and often one or more accompanying terms are assigned.

Dean's Review Meetings

Dean's Review Meetings are structured like Administrative Review Meetings, but they are used solely to address violations of the University's COVID-19 policies. The reviewers for these meetings are deans at the University, primarily from the Office of Student Conduct & Community Standards. If a dean determines that a student is responsible, the community statuses available at this level include a reprimand, probation, and probation with restrictions, and often one or more accompanying terms are assigned.

Student Group Administrative Review Meetings

Alleged violations of University policies by student groups are resolved through Student Group Administrative Review Meetings. The administrative reviewers for these meetings are University deans and administrators. Typical prohibited conduct that is heard at this level includes, but is not limited to, hosting unauthorized social events, minor hazing, and destruction of University property. If a student group is found responsible, the community statuses available at this level include a reprimand, probation, and probation with restrictions for the organization. Student Group Administrative Review Meetings often result in suspension of privileges, financial restitution, alcohol and other education/counseling, community restitution, and/or party management training as accompanying terms.

Administrative Hearings

Matters that may warrant separation from the University and/or a permanent record notation are resolved through Administrative Hearings and Student Conduct Board (SCB) Hearings. In some cases, a charged student may choose an Administrative Hearing in lieu of a SCB Hearing (note: this option is not available for students charged with *D.9 Harassment* or *D.10 Harm to Persons*). All Administrative Hearings are conducted by a dean or administrative officer of the University. Typical prohibited conduct heard at this level includes, but is not limited to, major theft, causing serious physical or emotional harm to others, and serious drug offenses. All community statuses, including expulsion, are available at this

level and may be recommended by the hearing officer to the Senior Associate Dean and Director of Student Conduct & Community Standards.

Student Conduct Board Hearings

Student Conduct Board panels consist of one student generally corresponding to the respondent’s University status (undergraduate, graduate, or medical) and two other members who may be deans, administrators, or faculty members. The Student Conduct Board reviews evidence and hears testimony before determining whether a respondent is responsible for violating the Code of Student Conduct and, as appropriate, recommending a community status and accompanying terms to the Senior Associate Dean and Director of Student Conduct & Community Standards. Typical prohibited conduct heard by the Student Conduct Board is similar to those heard at Administrative Hearings, with the addition of all bias-related harassment, physical or emotional harm to persons, and serious student group infractions. All community statuses and accompanying terms, including expulsion from the University, are available at this level.

Resolution of Investigative Reviews

For cases which are more complex, the University uses an investigator model to conduct investigative reviews. This includes interviews with the primary parties and any relevant witnesses by a Student Conduct & Community Standards dean or an appointed investigator as circumstances warrant. At the conclusion of the investigative review, a comprehensive report is generated and used as the basis for the decision about how to resolve the issue. Investigative reviews can lead to no action if there is no basis on which to file charges, or charges may be filed against a student to be resolved at an Administrative Review Meeting, an Administrative Hearing, or a Student Conduct Board Hearing.

Investigative Reviews and Resolutions	Fall 2022	Spring 2023	Total
Open (on hold)	1	1	2
No Action	0	0	0
No Action (Student Group)	0	0	0
Administrative Review Meeting	0	1	1
Student Group Administrative Review Meeting	0	0	0
Administrative Hearing	1	1	2
Student Conduct Board Hearing	2	1	3
Student Conduct Board Hearing (Student Groups)	0	0	0
Totals	4	4	8

Disciplinary Outcomes 2022-2023

All Disciplinary Outcomes	Fall 2022	Spring 2023	Total
Reprimand	120	130	250
Probation	43	45	88
Probation with Restrictions	2	9	11
Suspension	0	0	0
Expulsion	0	0	0
Reprimand (Student Groups)	1	2	3
Probation (Student Groups)	0	1	1
Probation with Restrictions (Student Groups)	0	0	0
Suspension (Student Groups)	0	0	0
Expulsion (Student Groups)	0	0	0
Totals	166	187	353

Charges and Findings 2022-2023

All Charges and Findings	Charges	Responsible Findings
D.4 - Disruption of Community	309	147
D.24 - Violation of Operational Rules	186	114
D.1.a - Alcohol Possession/Use	139	66
D.5.a - Disruption of Fire Safety	107	51
D.16 - Property Damage	67	7
D.1.c - Alcohol Provision	61	2
D.8 - Failure to Comply	55	32
D.21 - Theft	55	14
D.10 - Harm to Person(s)	45	6
D.7.a - Drugs Possession/Use	26	9
D.22 - Unauthorized Entry	25	10
D.23 - Violations of Law	21	2
D.7.d - Drugs Paraphernalia	15	7
D.1.d - Alcohol Paraphernalia	13	12
D.7.c - Drugs Provision	10	4
D.14 - Noncompliance with Terms	10	6
D.9 - Harassment	10	0
D.13 - Misrepresentation	8	0
D.12 - Invasion of Privacy	7	0
D.3 - Collusion	5	3
D.25 - Weapons	5	2

D.7.b - Drugs Manufacture	2	0
D.6 - Disruption of University Activities	1	0
D.19 - Sexual Assault	1	0
Totals	1183	494

Membership and Acknowledgments

The work represented in these disciplinary responses is both time-consuming and complex. Much appreciation is extended to all members of the Brown community who invest their time, energy, and thoughtfulness to this process, including the students who serve on the Student Conduct Board and the faculty and staff members who serve as advisors, hearing officers, administrative reviewers, and Student Conduct Board members for the various types of responses.

For the most up-to-date information on the Code of Student Conduct, including a current list of prohibited conduct and current procedures, please consult the following website:

<http://www.brown.edu/offices/student-conduct/code>.