

Sexual Misconduct Policy

POLICY NO.	ISSUE DATE	EFFECTIVE DATE
01.45.01	February 16, 2021	February 20, 2025

1.0 Policy Purpose

This policy prohibits Sexual Harassment, Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, in addition to Sexual Exploitation and the Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct. This policy also prohibits Retaliation against an individual for making a Report of conduct prohibited under this policy or for participating in an investigation of an alleged violation of this policy.

This policy is in accordance with relevant provisions of the Violence Against Women Act; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; their implementing regulations; and other applicable federal and Rhode Island state laws and regulations.

2.0 To Whom the Policy Applies

The behavioral expectations of this Policy apply broadly to the entire University community, including Students, Employees, Applicants, Contractors, Invitees, and other individuals participating in or attempting to participate in the University's Education Program or Activity ("Covered Persons"). The behavioral expectations of this Policy apply to any alleged Prohibited Conduct that creates a Hostile Environment in, or has a continuing adverse effect on, Brown's Education Program or Activity wherever that alleged Prohibited Conduct occurs, including on campus, off campus, and online.

3.0 Policy Statement

This Policy prohibits Sex Discrimination, including Sex-Based Harassment, as well as related Retaliation. This Policy also prohibits Prohibited Intimate Relationships. Sex Discrimination, Sex-Based Harassment, Retaliation, and Prohibited Intimate Relationships are collectively referred to in this Policy as Prohibited Conduct.

This Policy is written and interpreted broadly to include online manifestations of any Prohibited Conduct, when Prohibited Conduct occurs in or has an effect on the University's Education Program or Activity, or when it involves the use of University networks, technology, or equipment. Although Brown may not control websites, social media, or other venues through which harassing communications are made, when such communications are reported to the University, it will engage in a variety of means to address and mitigate the effects. These means may include the use of the Sexual Misconduct Grievance Procedures to address off-campus conduct whose effects contribute to limiting or denying a person access to Brown's Education Program or Activity.

The University designates and authorizes Mindy Wirges as its Title IX Coordinator to coordinate its efforts to comply with its responsibilities under Title IX. The contact information for the Title IX Coordinator is provided in Section 3.1.

In all cases in this Policy where a University official, including the Title IX Coordinator, is referenced, it shall include their designee.

3.1 Confidentiality and Privacy

3.1.1 Confidentiality

Confidential communications are those exchanged with individuals belonging to certain professions (such as healthcare providers, professional counselors, or pastoral counselors) which require maintaining the confidentiality of communications disclosed to the individual in the context of providing professional services. Such individuals cannot disclose the content of those communications, or records of the same, to any third party without the disclosing individual's prior written consent, or if permitted or required by law or relevant professional ethical obligations (such as "duty to warn"). These communications are privileged under federal or state law.

Brown has also identified some confidential Employees whose roles may not by nature be confidential, but who Brown has determined are not required to notify the Title IX Coordinator when a person informs them of conduct that may constitute Prohibited Conduct. This category includes individuals designated to provide services to individuals in connection with Prohibited Conduct, with respect to information disclosed in the course of providing those services.

Also included in the category of confidential Employees are individuals who conduct human subjects-research studies that have been approved by the Institutional Review Board and which are designed to gather information about Prohibited Conduct, with respect to information disclosed in the course of conducting the approved study.

Those campus and community professionals who maintain information confidentially are as follows:

Athletic Trainers (<https://brownbears.com/sports/2018/4/27/athletics-departments-sports-medicine-athletic-trainers>)

(401) 863-3851

OMAC

235 Hope Street

Counseling and Psychological Services (CAPS) (<https://www.brown.edu/campus-life/support/counseling-and-psychological-services/>)

(401) 863-3476

Page-Robinson Hall 512

Brown Emergency Medical Services (EMS) (<https://www.brown.edu/campus-life/health/ems/>)

401-863-4111

Faculty and Staff Assistance Program (<https://hr.brown.edu/benefits-wellness/health-wellness/employee-assistance-program>)

(855) 629-0554 / (844) 773-1425

Office of the Chaplains and Religious Life (<https://www.brown.edu/campus-life/spiritual-life/chaplains/about/people>)

(401) 863-2344

Page-Robinson Hall 410

Sexual Assault Response Line (<https://www.brown.edu/campus-life/health/services/promotion/sexual-assault-dating-violence-get-help/sexual-assault-response-line>)

(401) 863-6000

Sexual Harm Acute Response & Empowerment (SHARE) Advocates (<https://www.brown.edu/campus-life/health/services/promotion/sexual-assault-dating-violence-get-help-help-friend/share-advocates>)

(401) 863-2794

450 Brook Street

Student Health Services (<https://www.brown.edu/campus-life/health/services/>)

(401) 863-3953

13 Brown Street

University Ombuds (<https://ombuds.brown.edu/>)

(401) 863-6145

Hillel Building, 3rd Floor

3.1.2 Privacy

Privacy refers to Brown's commitment to sharing information related to any Report, Complaint, Supportive Measures, Informal Resolution Process, or Formal Resolution Process under this Policy only:

- to a person with a legal right to receive disclosures of information or with prior written consent;
- when necessary to effectuate this Policy, or to otherwise address conduct which may reasonably constitute Sex Discrimination;
- as required by federal law or regulation, including by the terms and conditions of a federal award (e.g., a grant award or other funding agreement); and/or
- when required or permitted by state or local law or the Family Educational Rights and Privacy Act (FERPA).

Brown provides training to Employees regarding the safeguarding of private information and instructs Parties and witnesses about Brown's privacy-related expectations.

Except as otherwise provided for in this Policy and in the Sexual Misconduct Grievance Procedures (for example, with respect to the privacy of documents and with respect to Brown's prohibition on Retaliation), Brown will not restrict the ability of either Party to discuss the allegations prompting a Report or Complaint.

3.1.2.1 Privacy of Documents

In order to preserve the privacy of the Parties and witnesses, documents prepared in connection with the Sexual Misconduct Grievance Procedures (including, but not limited to, Complaints; Notices of Investigation and Allegation; draft and final interview summaries; draft and final descriptions of evidence and/or investigative reports; notices of hearing; notices of outcome; notices of Discipline and/or Remedies; and any appeals-related documents), as well as audiovisual recordings thereof made of any proceedings under this Policy, may not be disclosed by Parties or others acting on their behalf other than as provided for in this Policy, and as may be required or authorized by law. Any violation of this provision may result in discipline.

3.2 Reporting & Resources

3.2.1 Designated Reporting Locations

The University encourages individuals harmed or targeted by, or witnesses of, Prohibited Conduct to report incidents to the Title IX Coordinator. The Title IX Coordinator is available to meet with any individual, including a Complainant, a Respondent, or a third party, to provide information, on- and off-campus resources, and various procedural options. Individuals can report incidents directly to the following:

Title IX and Gender Equity Office

20 Benevolent Street

Providence, RI 02912

titleixoffice@brown.edu (<mailto:titleixoffice@brown.edu>)

[\(401\) 863-2026](tel:4018632026)

[\(401\) 863-5140](tel:4018635140)

Online reporting form (https://cm.maxient.com/reportingform.php?BrownUniv&layout_id=68)

Deputy Title IX Coordinators

Yolanda Castillo-Appollonio - Deputy Title IX Coordinator for Undergraduate Students

Senior Associate Dean and Director of Student Conduct & Community Standards

yolanda_castillo-appollonio@brown.edu (mailto:yolanda_castillo-appollonio@brown.edu)

[\(401\) 863-2653](tel:4018632653)

Lindsay Orchowski - Deputy Title IX Coordinator for the Medical School

Associate Professor of Psychiatry and Human Behavior (Research)

lindsay_orchowski@brown.edu (mailto:lindsay_orchowski@brown.edu)

[\(401\) 444-7021](tel:4014447021)

Maria E. Suarez - Deputy Title IX Coordinator for Graduate Students

Associate Dean of Student Support Services

maria_suarez@brown.edu (mailto:maria_suarez@brown.edu)

[\(401\) 863-1802](tel:4018631802)

Anne Windham - Deputy Title IX Coordinator for Faculty

Senior Associate Dean of the Faculty

anne_windham@brown.edu (mailto:anne_windham@brown.edu)

[\(401\) 863-5410](tel:4018635410)

Individuals should report incidents that involve an imminent safety risk to:

Department of Public Safety

75 Charlesfield Street

Providence, RI 02912

Emergency Line: [\(401\) 863-4111](tel:4018634111)

Non-emergency Line: [\(401\) 863-3322](tel:4018633322)

3.2.2 Mandatory Reporters

Taking meaningful action when conduct prohibited by this Policy occurs is a critical component of Brown's commitment to a campus that is free from Prohibited Conduct.

Brown asks faculty and staff in varying leadership roles who oversee the welfare of faculty, staff, students, and University programs to assist us in these efforts by reporting all disclosures or knowledge of Prohibited Conduct to the Title IX Coordinator. Such reports amplify the University's ability to know what is occurring within its programs and activities and to respond accordingly. The Title IX Coordinator will conduct an initial assessment of these Reports and will do so in a manner consistent with the privacy choices of the Complainant or reporting party.

Community members who are mandated to report allegations of Prohibited Conduct to the Title IX Coordinator are:

- Academic department chairs and directors of University institutes (e.g., Watson, ICERM, etc.)
- Athletic Team Head Coaches and Assistant Coaches including Strength and Conditioning Coaches
- Community Coordinators
- Deans and Directors in Campus Life
- Deans and Directors in The College
- Deans and Directors in the Graduate School
- Deans and Directors of Pre-College and Undergraduate Programs
- Deans and Directors in the Office of the Dean of the Faculty, Schools of Engineering, Public Health, and Professional Studies
- Deans and Directors in the Warren Alpert Medical School
- Department of Public Safety
- Deputy Title IX Coordinators
- Director of Athletics and Assistant, Associate, and Deputy Directors of Athletics
- Directors, Assistant Directors, and Area Coordinators in University Residential Life and Housing Programs, Centers' Assistant Directors and Program Coordinators
- Directors of Undergraduate Studies
- Directors of Graduate Studies

The Report should include any and all relevant known details about the alleged incident, including the following:

- the names of the involved Parties;
- the alleged conduct; and
- the date, time, and location of the incident.

Any questions about the status of an employee as a 'Mandatory Reporter' should be addressed to the Title IX Coordinator.

All other faculty, staff, and students not designated as a Mandatory Reporter are strongly encouraged to report allegations of Prohibited Conduct to the Title IX Coordinator or a Deputy Title IX Coordinator.

Where possible, mandatory reporters should make an effort to ensure that the person reporting the conduct understands the Employee's mandatory reporting obligation and the person's right to share the information confidentially with confidential Employees, or with off-campus confidential resources.

A mandatory reporter must report information they have received regardless of the manner of receipt, including through a third party.

Mandatory reporters are not permitted to make anonymous Reports in order to satisfy their obligations as a mandatory reporter.

Failure of a mandatory reporter to report an incident of Prohibited Conduct of which they become aware is a violation of this Policy and may subject the mandatory reporter to disciplinary action. This also includes situations when a harasser is a mandatory reporter. Such individuals are obligated to report their own misconduct and failure to do so is a chargeable offense under this Policy.

A mandatory reporter who is a target of Prohibited Conduct is not required to report their own experience but is encouraged to do so.

3.2.3 Time Frame for Reporting

There is no time limit on submitting a Formal Complaint to the Title IX Coordinator or designee. However, a Complainant pursuing a complaint resolution process associated with this policy must be participating in or attempting to participate in an educational program, employment, or other activity of Brown at the time of filing a Formal Complaint.

If the Complainant and/or Respondent is no longer affiliated with Brown (e.g., a report is made after a student is no longer enrolled or graduated or an employee is no longer employed by Brown), the ability to investigate, respond, and provide remedies may be more limited or impossible. The University will provide reasonably available and appropriate support measures, assist the Complainant in identifying external reporting options, and may take appropriate action to address the Prohibited Conduct.

The University applies the policy defining the Prohibited Conduct that was in effect at the time of the alleged conduct and the procedures that are in effect when the Formal Complaint is filed.

3.2.4 Amnesty

3.2.4.1 Personal Ingestion of Alcohol and Other Drugs

Brown generally will offer amnesty to student Complainants, Respondents, reporting parties, and witnesses who disclose the personal ingestion of alcohol or other drugs, in violation of Brown University Code of Student Conduct (<https://policy.brown.edu/policy/code-student-conduct>), when making a report of Prohibited Conduct and/or participating in an Informal Resolution Process or Formal Resolution Process. Although amnesty safeguards the individual from a disciplinary notation or finding of responsibility for a policy violation for drugs or alcohol, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

3.2.4.2 Violation of Healthy Brown Public Health Protocols

Brown generally will offer amnesty to Complainants, Respondents, reporting parties, and witnesses who disclose participating in activities that do not adhere to established health protocols when making a report of Prohibited Conduct or participating in an Informal Resolution Process or Formal Resolution Process unless the University determines that there was malicious intent. Although amnesty safeguards the individual from a disciplinary notation or finding of responsibility for a policy violation, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

3.2.5 On-Campus Resources

Individuals may speak with or seek services from on-campus resources to learn the available Supportive Measures. The following offices are considered private but not confidential:

Student Support Services (<https://www.brown.edu/offices/student-support/student-support-services>)
(401) 863-3145

Administrator On Call (AOC) (<https://campus-life.brown.edu/seek-support/administrator-call-247-support-students>)
(401) 863-3322
Page-Robinson Hall, 5th Floor

Department of Public Safety (<https://dps.brown.edu/>)
(401) 863-4111
Non-Emergency DPS Response
(401) 863-3322

Office of International Student and Scholar Services (OISSS) (<https://oiss.brown.edu>)
(401) 863-2427
Page-Robinson Hall, 4th Floor

Survivor Resource Guide (<http://go.brown.edu/resourceguide>)
Brown community members can access Brown's Survivor Resource Guide (<http://go.brown.edu/resourceguide>).

3.2.6 Community Resources

Brown also strongly encourages anyone who becomes aware of an alleged incident of Prohibited Conduct, which may constitute a violation of Rhode Island state law, to report the incident to local law enforcement and provide support, resources, and assistance to those who do so.

Providence Police Department
Emergency: 911
Non-Emergency: (401) 272-3121

Day One (The Sexual Assault & Trauma Center) (<https://www.dayoneri.org/>)
Helpline: [1-800-494-8100](tel:1-800-494-8100)

Rhode Island Bar Association (Legal Assistance) (<https://ribar.com/>)
(401) 421-5740
Email: info@ribar.com (<mailto:info@ribar.com>)

U.S. Citizenship and Immigration Services (Visa and Immigration Assistance) (<https://www.uscis.gov/citizenship/apply-for-citizenship/find-help-in-your-community>)
Find Help in Your Community website

American Immigration Lawyers Association (Visa and Immigration Assistance) (<https://ailalawyer.com/>)
Email: ils@aila.org (<mailto:ils@aila.org>)

Medical care may address physical and mental health concerns, including those related to pregnancy and/or sexually transmitted infections. Medical providers may also be able to assist in the collection and preservation of evidence. The ability to collect and preserve evidence of Sexual Assault is limited in time (typically to a window of 72 hours), so it is essential that care be sought as soon as possible. Individuals should avoid showering/bathing, douching, and, if possible, urinating. In the event of oral sexual contact, individuals should avoid eating, drinking, or brushing teeth. Any soiled clothes, towels, or bedding should be retained in paper bags. Preserving physical evidence in this manner may facilitate a criminal investigation, but seeking medical treatment does not obligate an individual to pursue a criminal complaint.

Hasbro Children's Hospital (<https://www.lifespan.org/locations/hasbro-childrens-hospital>)
(401) 444-4000

Women and Infants Hospital (<https://www.womenandinfants.org/>)
(401) 274-1100

Rhode Island Hospital (<https://www.lifespan.org/locations/rhode-island-hospital>)
(401) 444-5411

3.3 Academic Freedom

Brown is committed to the principles of free inquiry and expression. Vigorous discussion and debate are fundamental to this commitment, and this Policy is not intended to restrict teaching methods. Nothing in this Policy will be construed to negate any rights afforded in the Faculty Rules & Regulations, Part 5, Section 12.I.C.

3.4 Conflict of Interest

The Brown University Conflict of Interest and Commitment Policy (<https://policy.brown.edu/policy/coic>) and its related guidelines apply to all members of the Brown community and to all processes and procedures, including the Sexual Misconduct Grievance Procedures, in place to support and implement this Policy. A conflict of interest may arise when a member of the Brown community may be able to use the authority of their position to influence a University decision, action, or outcome with regard to the implementation and enforcement of this Policy, including the Grievance Procedures. It is the responsibility of all members of the Brown community involved in any aspect of a report of Prohibited Conduct to read the University's Conflict of Interest and Commitment Policy and to disclose potential or actual conflicts as they arise to the Title IX Coordinator or University Human Resources for Employees.

3.5 Training and Education

As part of its commitment to preventing Prohibited Conduct, Brown offers education and awareness programs to bring awareness to and reduce the occurrence of Prohibited Conduct. Incoming Students and Employees receive prevention and awareness programming as an orientation requirement.

All Employees are trained upon hiring and annually thereafter on the University's obligation to address Sex Discrimination in its Education Program or Activity, the scope of conduct that constitutes Sex Discrimination, including Sex-Based Harassment, and their mandatory reporting requirements.

In addition to the annual training described above, all individuals involved in handling Title IX matters on behalf of the University, including Deputy Title IX Coordinators, investigators, Title IX Council members, Hearing Officers, and Appeal Decision-Makers, also receive annual training from the Title IX and Gender Equity Office on how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; this Policy and the Title IX Grievance Procedures; the meaning and application of the term Relevant, as defined below, and the types of evidence that are impermissible regardless of relevance. The training also strengthens skills in asking questions, reviewing the investigation report, and determining Discipline. Individuals who facilitate informal resolution are additionally trained on the rules and practices associated with the Informal Resolution Process.

The Title IX Coordinator and Deputy Title IX Coordinators receive the annual training described above, as well as training on the specific responsibilities of the Title IX Coordinator and the University's recordkeeping system.

3.6 Recordkeeping

The University will document and maintain the following records, in accordance with the records retention schedule of the University for a period of seven (7) years:

- Reports; Complaints; and records documenting the response to Reports and Complaints, including any Supportive Measures provided, any Emergency Removal or Administrative Leave imposed, and any Informal Resolution Process or Formal Resolution Process undertaken, including the resulting outcome (e.g., the result of any Informal Resolution Process, determinations of responsibility, Discipline imposed on the Respondent, Remedies provided to the Complainant, appeals and the results of such appeals);
- Any records documenting action taken by the University to address Reports of Sex Discrimination, prevent its recurrence, and remedy its effects; to address any barriers identified to reporting such conduct; and to educate Employees about their mandatory reporting responsibilities;
- Any audio or audiovisual recording or transcript required to be retained; and
- All materials used to provide required training

Brown University will also maintain any and all records in accordance with state and federal laws.

4.0 Definitions

For the purpose of this Policy, the terms below have the following definitions:

Administrative Leave: Administrative Leave is when the University places an Employee on interim work, supervision, leadership, or teaching suspension after the filing of a Formal Complaint against the Employee.

Advisor: An advisor is an individual of the Complainant's or Respondent's choosing, including an attorney, to provide support during the Informal Resolution Process or Formal Resolution Process. *More on the role and responsibility of an advisor can be found in the Sexual Misconduct Grievance Procedures* (<https://campus-life.brown.edu/equity-compliance-reporting/gender-discrimination-sexual-violence/sexual-misconduct-grievance>).

Appeal Decision-Maker: The person or panel who accepts or rejects a submitted appeal request, determines whether any of the grounds for appeal are met, and directs responsive action accordingly.

Coercion: Coercion is verbal and/or physical conduct, including intimidation, unwanted contact, and express or implied threats of physical harm, that would reasonably place an individual in fear of immediate harm and that is employed to compel someone to engage in sexual contact.

Complainant: A Complainant is a Student, Employee, or other individual who is alleged to have been subjected to Prohibited Conduct.

Complaint: An oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about the alleged Policy violation. It is Brown's policy to confirm a Complainant's request in writing prior to initiating the Sexual Misconduct Grievance Procedures. A Complaint can be made by a Complainant or the Sexual Misconduct Coordinator, subject to the following limitations:

- For Complaints of **Sex-Based Harassment**, a Complainant may bring a Complaint under this Policy if they were enrolled, employed, or otherwise participating or attempting to participate in Brown's Education Program or Activity at the time the alleged Sex-Based Harassment occurred. The Complainant need not be enrolled, employed, or otherwise participating or attempting to participate in Brown's Education Program or Activity at the time the Complaint is made.
- For Complaints of **Sex Discrimination other than Sex-Based Harassment and Retaliation**, any person, not just a Complainant, may bring a Complaint under this Policy if they were enrolled, employed, or otherwise participating or attempting to participate in Brown's Education Program or Activity at the time the alleged Sex Discrimination occurred. The person need not be enrolled, employed, or otherwise participating or attempting to participate in Brown's Education Program or Activity at the time the Complaint is made.
- For Complaints of **Prohibited Intimate Relationships**, a Complainant must have been enrolled or employed at Brown at the time the alleged Prohibited Conduct occurred in order to file a Complaint under this Policy. The Complainant must also be enrolled or employed at the time the Complaint is made.

Note: A Complaint may also be brought by a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant, where applicable.

Consent: Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration through mutually understandable words or actions, indicating that an individual has freely and affirmatively chosen to engage in sexual contact. Consent cannot be obtained through the use of Coercion or force or by taking advantage of the Incapacitation of another individual. Silence, passivity, Incapacitation from alcohol or drugs, or the absence of resistance does not imply Consent. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies the other's willingness to continue. Consent can be withdrawn at any time. When Consent is withdrawn, sexual activity must cease. Prior Consent does not imply current or future Consent. Even in the context of an ongoing relationship, Consent must be sought and freely given for each instance of sexual contact. An essential element of Consent is that it be freely given. Freely given Consent might not be present, or may not even be possible, in relationships of a sexual or intimate nature between individuals where one individual has power, supervision, or authority over another. In evaluating whether Consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant or reporting party affirmatively uses words or actions indicating a willingness to engage in sexual contact, free from Coercion; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of Consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating Incapacitation.

Covered Persons: Applicants, Contractors, Employees, Invitees, and Students, as defined below.

- **Applicants:** Individuals who are applying or have applied for employment or admission as a student or other participant in Brown's Education Program or Activity.
- **Contractors:** Independent contractors, vendors, or other third parties contractually obligated to perform services for the University.
- **Employees:** Individuals employed by the University, including faculty, affiliates, visiting faculty, postdoctoral research associates, and all staff (including all exempt and non-exempt, bargaining unit, and senior administrative positions), as well as those physicians and health scientists who are not employed by the University but have Brown faculty, affiliate, postdoctoral, or house staff appointments for the purpose of teaching and/or research in the Division of Biology and Medicine.
 - A **Student Employee** is an individual who is both a Student and an Employee of Brown.
- **Invitees:** Visitors or guests of the University.
- **Students:** Individuals who have gained admission to the College, the Graduate School, the Warren Alpert Medical School, the School of Public Health, the School of Engineering, and/or the School of Professional Studies.
 - For Rhode Island School of Design (RISD) students who are not dually enrolled at Brown, the Title IX and Gender Equity Office will work with the RISD Title IX Office to determine jurisdiction.

Day: All references in this Policy to days refer to business days unless specifically noted as calendar days. A business day is when the University is in normal operation.

Decision-Maker: For Student and Staff Respondent cases, the Hearing Officer hears the evidence, determines Relevance, and makes the Final Determination of whether the Policy has been violated and, if so, assigns Discipline. For Faculty Respondent cases, the Hearing Panel hears the evidence and makes the Final Determination of whether the Policy has been violated and, if so, recommends Discipline.

Discipline: A consequence imposed on a Respondent following a determination that the Respondent violated this Policy. A Respondent who is found responsible for violating the Policy is subject to one or more of the following disciplinary actions:

- A verbal or written warning
- Probation
- Suspension
- Expulsion
- Revocation of or withholding a degree
- Academic transcript notation (see Note below)
- Restitution for damage to property
- Reflection or research papers or other academic assignments
- Letters of apology
- Restorative circles
- Attending or presenting educational programs or training
- No Contact Orders
- Referrals to other offices and resources on campus
- Administrative leave with or without pay
- Termination of employment
- Termination of relationship with the University
- Change in job description

Note: Academic Transcripts: Discipline of suspension and expulsion includes a permanent notation on the Student's official academic transcript that the Office of the Registrar maintains. A Respondent's access to a copy of their academic transcript will be suspended, and the University will not release a copy of the Respondent's academic transcript to any other institution or third party during an investigation and resolution of a Complaint. Requests to release an academic transcript must be submitted to the Title IX Coordinator, who will determine whether to release the academic transcript and whether a notation indicating that a disciplinary investigation and/or charges are pending should be included on the academic transcript.

Education Program or Activity: Conduct that occurs in Brown's Education Program or Activity includes all conduct which is subject to Brown's disciplinary authority and which occurred in the United States, including on-campus or, if applicable, in buildings owned or controlled by a student organization that is officially recognized by Brown. Brown will address conduct contributing to a Hostile Environment even if the underlying conduct itself occurred outside Brown's Education Program or Activity, including if it occurred outside the United States.

Emergency Removal: The University may remove a Respondent from its Education Program or Activity, or certain aspects thereof (such as, but not limited to, access to University facilities, housing, classes, and/or student activities) if, after undertaking an individualized safety and risk analysis, the University determines that an immediate and serious threat to the health or safety of a Complainant, any Students, Employees, or other persons arising from the alleged Prohibited Conduct justifies removal. In the event of such removal, the University provides the Respondent with notice and an opportunity to seek modification or reversal of the removal immediately following the removal. The Title IX Coordinator performs the safety and risk analysis, which may in the discretion of the Title IX Coordinator be conducted in conjunction with the Behavioral Assessment and Response Team (BART).

Final Determination: A conclusion by the standard of proof (preponderance of evidence) that the alleged Prohibited Conduct did or did not violate this Policy.

Force: The use or threat of physical violence to overcome an individual's freedom of will to choose whether or not to participate in sexual contact.

Incapacitation: An individual who is incapacitated lacks the ability to make informed judgments and cannot consent to sexual contact. Incapacitation is the inability, temporarily or permanently, to give Consent because an individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. An incapacitated person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, and how" of their sexual interaction). Mentally helpless means a person is temporarily incapable of appraising or controlling one's conduct. Physically helpless means a person is physically unable to verbally or otherwise communicate Consent or unwillingness to an act. Where alcohol or other drugs are involved, Incapacitation is a state beyond impairment or intoxication. Where alcohol or other drugs are involved, evaluating Incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person's decision-making ability, awareness of consequences, ability to make informed, rational judgments, capacity to appreciate the nature and quality of the act, or level of consciousness. The assessment is based on objectively and reasonably apparent indications of Incapacitation when viewed from the perspective of a sober, reasonable person.

Impact Statements: A mechanism for the Parties to share more holistic information about themselves, the impact the reported conduct and/or resolution process has had on them, and any information related to Discipline.

Informal Resolution: A resolution agreed to by the Complainant and Respondent and approved by the Title IX Coordinator that occurs prior to a Final Determination.

Mitigation Statements: A written statement by the Respondent explaining any factors that the Respondent believes should mitigate or otherwise be considered in determining the Discipline imposed.

Parental, Family, or Marital Status: **Parental Status:** the status of a person who, with respect to another person under the age of 18, or who is 18 or older but incapable of self-care because of a physical or mental disability, is a biological parent; adoptive parent; foster parent; stepparent; legal custodian or guardian; *in loco parentis*; or actively seeking legal custody, guardianship, visitation, or adoption. **Family Status:** The configuration of a person's family or their role in a family. **Marital Status:** Whether or not a person is married. Importantly, discrimination based on these statuses must be sex-based in order to constitute Sex Discrimination (such as treating married women more or less favorably than married men, treating an unmarried mother more or less favorably than a married mother based on sex stereotypes, or treating a man who is married to a man more or less favorably than a woman who is married to a man).

Party: A Complainant or Respondent.

Pregnancy or Related Conditions: Pregnancy, childbirth, termination of pregnancy, or lactation, medical conditions related thereto, or recovery from.

Prohibited Conduct:

- **Sex Discrimination:** Subjecting an individual or group to an adverse action – including differential treatment - based on sex, including sex stereotypes, sex characteristics, sexual orientation, and/or gender identity; Parental, Family, or Marital Status; and/or Pregnancy or Related Conditions. Sex-Based Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking, is a form of Sex Discrimination, but separately defined under this Policy.
- **Sex-based Harassment:** Harassment on the basis of sex, including sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity, that falls into one or more of the following categories:
 - **Quid Pro Quo:** An Employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's Education Program or Activity explicitly or impliedly conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
 - **Hostile Environment Harassment:** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive, and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the University's Education Program or Activity. Determining whether conduct has created a hostile environment is a fact-specific inquiry which may include many factors such as, but not limited to: the degree to which the conduct affected the Complainant's ability to access the University's Education Program or Activity; the type, frequency, and duration of the conduct; the Parties' ages, roles, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the alleged unwelcome conduct; the location and context in which the conduct occurred; and other Sex-Based Harassment in the University's Education Program or Activity.
 - **Sexual Assault, Dating Violence, Domestic Violence, Stalking:** Sexual Assault, Dating Violence, Domestic Violence, and Stalking are forms of Sex-Based Harassment, just as Sex-Based Harassment is a form of Sex Discrimination. These types of Prohibited Conduct are separately defined.
- **Sexual Assault:** Sexual Assault is a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes the following acts:
- **Fondling:** The touching of the private body parts (breast, buttocks, groin, genital, or other intimate parts) of another person without that person's Consent, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical incapacity.
 - **Incest:** Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Consent of the victim.
 - **Sexual Assault With An Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person without that person's Consent, including instances where the person is incapable of giving Consent because of their age or temporary or permanent mental or physical incapacity.
 - **Statutory Rape:** Nonforcible sexual intercourse with a person who is under the statutory age of Consent.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: (1) length of the relationship; (2) type of relationship; and (3) the frequency of the interaction between the parties involved in the relationship. Dating Violence does not include acts covered under the definition of Domestic Violence.
- **Domestic Violence:** Domestic Violence is violence committed (1) by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Rhode Island, or a person similarly situated to a spouse of the victim; (2) by a person with whom the victim shares a child in common; (3) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; or (4) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Rhode Island.

Domestic Violence includes, but is not limited to, physical, sexual, emotional, economic, and/or psychological actions or threats of action, including threatening to reveal personal or confidential information (including, but not limited, to information regarding one's gender identity and/or sexual orientation), that are intimidating, frightening, terrorizing, or threatening. Prohibited Conduct under this definition includes threats of violence or harm to one's self, one's family member(s) or friends, and/or one's pet.

- **Economic Abuse:** The term 'Economic Abuse,' in the context of Domestic Violence, Dating Violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonable and/or controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using Coercion, fraud, or manipulation to:
 - Restrict a person's access to money, assets, credit or financial information;
 - Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
 - Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.
- **Technological Abuse:** An act or pattern of behavior that occurs within Domestic Violence, Sexual Assault, Dating Violence or Stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces ad platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.
- **Stalking:** Stalking is a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to (1) fear for their safety or the safety of others; or (2) suffer substantial emotional distress.

Course of conduct means more than one act. Stalking can occur in person or using technology and the duration, frequency, and intensity of the conduct will be considered. Stalking tactics can include, but are not limited to watching, following using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

- **Sexual Exploitation:** Sexual Exploitation is a form of Hostile Environment Harassment that involves taking nonconsensual sexual advantage of another person for the benefit of anyone other than the person being taken advantage of. Examples of Sexual Exploitation include, but are not limited to:
 - Sexual voyeurism (such as watching or taking pictures, videos, or audio recordings of another person in a state of undress or of another person engaging in a sexual act without the Consent of all parties);
 - Invasion of sexual privacy (e.g., doxxing);
 - Knowingly making an unwelcome disclosure of (or threatening to disclose) an individual's sexual orientation, gender identity, or gender expression;
 - Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's Consent;
 - Exposing one's genitals to another person without Consent;
 - Prostituting another individual; or
 - Knowingly exposing another individual to a sexually transmitted infection without the other individual's knowledge and Consent;
 - Causing or attempting to cause the Incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give Consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity;
 - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing);
 - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;
 - Knowingly soliciting a minor for sexual activity;
 - Engaging in sex trafficking;
 - Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes);
 - Creating or disseminating images or videos of child sexual abuse material
- **Prohibited Intimate Relationships:** No Employee shall request or accept sexual favors from or engage in a romantic, sexual, or intimate relationship with any Brown University undergraduate Student. This prohibition includes intimate relationships between Student supervisors and supervisees, and undergraduate, graduate, or medical school Student teaching or research assistants, teaching fellows, or proctors, and any undergraduate Student who is enrolled in a course or section taught by that individual or otherwise subject to that individual's academic supervision.

Relationships of a sexual or intimate nature between Employees and graduate and medical school Students where the Employee has power, supervision, or authority over the Student are prohibited. No faculty, graduate or medical school Student, medical resident or fellow, postdoctoral fellow or associate, teaching or research assistant, fellow, or proctor shall request or accept sexual favors from or engage in a romantic, sexual, or intimate relationship with any graduate or medical school Student who is enrolled in a course or section taught by that individual or otherwise subject to that individual's academic supervision.

Academic supervision includes teaching, advising, supervising research, serving on a dissertation or other academic committee, grading, and/or having an influence upon funding and/or academic progress, and/or otherwise occupying a position of influence or power over a Student's academic program.

Even when both parties have consented at the outset to the development of such a relationship, it is the person in the position of greater authority who may be investigated for or charged with Prohibited Conduct.

Pre-existing relationships of a sexual or intimate nature with a Student or relationships between individuals who are Employees must be disclosed on the Conflict of Interest Form and may require a management plan.

- **Retaliation:** Any intimidation, threat, coercion, or discrimination against any person by the University, a Student, or an Employee or other person authorized by the University to provide aid, benefit, or service under the University's Education Program or Activity, for the purpose of interfering with that person's rights under this Policy, or because the person has made a Report or Complaint under this Policy; made a report or complaint to an external agency or to law enforcement; or testified, assisted, or otherwise participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including in an Informal Resolution Process, in the Sexual Misconduct Grievance Procedures. It is not Retaliation for the University to require an Employee, or other person authorized by the University to provide aid, benefits, or services as part of the University's Education Program or Activity, to participate as a witness in, or otherwise assist with, any Informal Resolution Process or Formal Resolution Process under this Policy.

Relevant: Relevant means related to the allegations of Prohibited Conduct at issue and whether or not the alleged Prohibited Conduct occurred. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred. The following evidence is impermissible (and will not be considered Relevant) even if it would otherwise be considered Relevant:

- evidence protected under a privilege recognized by federal or state law, unless the person holding the privilege has waived it voluntarily;
- records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to a Party or witness, unless the person has voluntarily consented, in writing, to the use of such records in the Sexual Misconduct Grievance Procedures; and/or
- evidence and questions about the Complainant's sexual interests or prior sexual conduct, unless evidence and questions about the Complainant's prior sexual conduct:
 - is offered to prove that someone other than the Respondent committed the conduct alleged, or
 - concerns specific incidents of prior sexual activity with the Respondent which are offered to prove Consent.

Remedies: Measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University's Education Program or Activity limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the University's Education Program or Activity after the University determines that Prohibited Conduct occurred.

Respondent: A person who is alleged to have engaged in Prohibited Conduct.

Report: Any notice of conduct that may constitute Prohibited Conduct. Not every Report is or will result in a Complaint. For example, a Report is made when a Complainant, reporting party, or third party seeks information or Supportive Measures, or informs the University of Prohibited Conduct, even when such party is not making a Complaint or pursuing a complaint resolution process to address the alleged Prohibited Conduct.

Sex: Sex assigned at birth, sex stereotypes, sex characteristics, Pregnancy or Related Conditions, Parental, Family, or Marital Status, sexual orientation, and gender identity.

Supportive Measures: Non-punitive, non-disciplinary individualized measures offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent. Supportive Measures are designed to: (1) restore or preserve that Party's access to the University's Education Program or Activity, including measures that are designed to protect the safety of the Parties or the University's educational environment; and/or (2) provide support during the Informal Resolution Process or Formal Resolution Process, without unreasonably burdening the either Party.

5.0 Responsibilities

All individuals to whom this Policy applies are responsible for becoming familiar with and following this Policy. University supervisors and Employees with Student oversight duties are responsible for promoting the understanding of this Policy and for taking appropriate steps to help ensure and enforce compliance with it.

6.0 Consequences for Violating this Policy

A Student or Employee determined to be responsible for Prohibited Conduct pursuant to the Grievance Procedures is subject to Discipline.

Applicants, Affiliates, Contractors, or Invitees who violate this Policy may have their relationship with the University terminated and/or their privilege of being on the University's premises withdrawn.

7.0 Related Information

Brown University is a community in which individuals are encouraged to share concerns with University leadership. Additionally, Brown's Anonymous Reporting Hotline (<https://compliance.brown.edu/reporting-concerns>) allows anonymous and confidential reporting on matters of concern online (<https://compliance.brown.edu/reporting-concerns>) or by phone (877-318-9184).

The following information complements and supplements this document. The information is intended to help explain this policy and is not an all-inclusive list of policies, procedures, laws and requirements.

7.1 Related Policies:

- Corporation Policy Statement on Equal Opportunity and Nondiscrimination (</policy/nondiscrimination>)
- Nondiscrimination and Anti-Harassment Policy (</policy/discrimination-and-harassment>)
- Conflict of Interest and Commitment Policy (</policy/coic>)
- Code of Student Conduct (</policy/code-student-conduct>)
- University Code of Conduct (</policy/code-conduct>)
- Non-Retaliation Policy (</policy/non-retaliation>)
- Title IX Policy (</policy/title-ix>)
- Pregnancy and Parenting Policy (</policy/pregnancy-and-parenting>)

7.2 Related Procedures:

- Sexual Misconduct Grievance Procedures (<https://campus-life.brown.edu/equity-compliance-reporting/gender-discrimination-sexual-violence/sexual-misconduct-grievance>)
- Title IX Grievance Procedure (<https://campus-life.brown.edu/equity-compliance-reporting/title-ix/grievance-procedure>)
- Student Conduct Procedures (<https://www.brown.edu/offices/student-conduct/code/student-conduct-procedures>)
- Discrimination and Harassment Standard Operating Procedure for Addressing and Responding to Reports and Complaints (<https://campus-life.brown.edu/equity-compliance-reporting/title-ix/discrimination-and-harassment-complaint-resolution-procedure>)

7.3 Related Forms

N/A

7.4 Frequently Asked Questions

N/A

7.5 Other Related Information:

Rhode Island State Law: Behavior that violates this Policy may also violate the local jurisdiction's laws where the incident occurred and subject a Respondent to criminal prosecution by the applicable jurisdiction. An individual can choose to make a report to external law enforcement at any time, and doing so does not preclude the individual from making a report to the University. Both processes can be pursued if an individual chooses to do so. Brown encourages individuals to report an incident that may violate Rhode Island State Law to external law enforcement. Prompt reporting to external law enforcement is important in a criminal prosecution.

- First-degree Sexual Assault (RIGL § 11-37-2 (<https://webserver.rilegislature.gov/Statutes/TITLE11/11-37/11-37-2.htm>))
- Second-degree Sexual Assault (RIGL § 11-37-4 (<https://webserver.rilegislature.gov/Statutes/TITLE11/11-37/11-37-4.htm>))
- Third-degree Sexual Assault (RIGL § 11-37-6 (<https://webserver.rilegislature.gov/Statutes/TITLE11/11-37/11-37-6.htm>))
- Stalking (RIGL § 11-59-2 (<https://webserver.rilegislature.gov/Statutes/TITLE11/11-59/11-59-2.htm>))
- Cyberstalking and Cyberharassment (RIGL § 11-52-4.2 (<https://webserver.rilegislature.gov/Statutes/TITLE11/11-52/11-52-4.2.htm>))
- Domestic Violence (RIGL § 12-29-2 (<https://webserver.rilegislature.gov/Statutes/TITLE12/12-29/12-29-2.htm>))

8.0 Policy Owner and Contact(s)

8.1 Policy Owner: Vice President for Campus Life & Student Services

8.2 Policy Approved by: President

8.3 Contact Information:

Title IX Coordinator
Email (<mailto:titleixoffice@brown.edu>)
[401-863-2026](tel:401-863-2026)

9.0 Policy History

9.1 Policy Issue Date: February 16, 2021

9.2 Policy Effective Date: February 20, 2025

9.3 Policy Update/Review Summary:

Previous policy version(s) superseded by this policy:

- Title IX Policy, Effective Date: August 1, 2024
- Sexual and Gender-Based Misconduct Policy, Effective Date: October 25, 2023
- Sexual and Gender-Based Misconduct Policy, Effective Date: February 16, 2021

