

# Sexual and Gender-based Misconduct Policy

---

[Reporting](#)

[Confidentiality](#)

[Amnesty](#)

[Support Measures](#)

[Definitions](#)

[Prohibited Conduct](#)

[Consequences](#)

This policy prohibits Sexual Harassment, Gender-Based Harassment, Sexual Assault, Dating Violence, Domestic Violence, and Stalking, in addition to Sexual Exploitation and 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 Reauthorization Act of 2013; 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.

This policy applies broadly to employees and students collectively known as “Covered Persons.” This policy pertains to acts of Prohibited Conduct committed by or against Covered Persons when:

- (i.) the conduct occurs on property owned, leased, used or controlled by Brown University,
- (ii.) the conduct that occurs in University programs or activities abroad; and/or
- (iii.) the conduct occurs off-campus, in the United States, outside of the context of a program, activity, or location of Brown when Brown exercises substantial control over both Complainant and the Respondent, and the effects of the Prohibited Conduct have a continuing discriminatory effect at Brown.

The purpose of this policy is to establish and maintain an inclusive learning, living, and working environment where healthy, respectful, and consensual conduct represents a campus cultural norm that is free from discrimination and harassment. To that end, this policy requires Covered Persons to act in a manner that does not intentionally or unintentionally discriminate against or create a hostile environment for another on the basis of their actual or perceived gender, gender-identity and gender-expression, and sexual orientation ( ). , and as defined in the Violence Against Women’s Act (VAWA) is prohibited by this policy. This policy also addresses actions that purposefully takes sexual advantage of another person ( ) and instances in which someone purposefully uses alcohol or other drugs to engage





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

safeguards the individual from a disciplinary notation or finding of responsible for a policy violation, it does not exempt the University from taking appropriate action to address the conduct and/or mitigate future violations.

#### FLHQ 90 4S & RQ

Brown University 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. Offensiveness of inquiry or expression, standing alone, is not sufficient to constitute Prohibited Conduct. The action must be sufficiently severe, pervasive, and objectively offensive to unreasonably interfere with an individual's ability to participate in employment or educational programs and activities. Such behavior that violates this policy compromises Brown University's integrity and tradition of intellectual freedom and will not be tolerated.

Confidentiality is a legal concept prohibiting designated campus or community professionals from revealing identifiable information shared by an individual to any other person without express permission of the individual, or as otherwise permitted or required by law. Those campus and community professionals who maintain information confidentially are:

- Health care providers in Brown University Health Services including EMTs,
- Clinicians in Counseling and Psychological Services (CAPS),
- the Sexual Harassment and Assault Resources and Education (SHARE) Advocate(s),

investigation report, and determining discipline.

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

An adviser is an individual of the Complainant's or Respondent's choosing, including an attorney, to provide support during the complaint process.

Administrative leave is the process where the institution places an Employee on an interim work, supervision, leadership, or teaching suspension after the filing of a Formal Complaint against the Employee.

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

A Complainant is the individual(s) who is alleged to be the victim of behavior that could constitute Prohibited Conduct. A Complainant seeking to use the Sexual and Gender-based Misconduct Complaint Procedure associated with this policy must have been participating in or attempting to participate in an educational program, employment, or activity of Brown at the time in which the alleged prohibited conduct occurred.

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: (1) the use of coercion or force or (2) 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.

- Individuals employed by Brown University, including faculty, affiliates, visiting faculty, postdoctoral fellows, and all staff (including all exempt and non-exempt, bargaining unit, and senior administrative positions), as well as those physicians and health







- Sexual Exploitation is purposefully taking sexual advantage of another person without consent. It may involve use of one's own or another individual's nudity or sexuality. Examples of Sexual Exploitation include, but are not limited to:
  - 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);
  - 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.
- Conduct on the basis of sex that satisfies one or more of the following:
  - (i.) An employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct (quid pro quo); and/or
  - (ii.) Unwelcome conduct determined by a reasonable person to be so severe or pervasive and objectively offensive that it effectively denies a person equal access to the programs and activities of Brown (Hostile Environment).
- Stalking is a course of conduct on the basis of sex or gender directed at a specific person that would cause a reasonable person to (i.) fear for the person's safety or the safety of others; or (ii.) suffer substantial emotional distress.

For the purposes of this policy, Stalking refers to actions "on the basis of sex or gender" that would constitute Sexual or Gender-Based Harassment such as surveillance of a former intimate partner.

Course of conduct means two or more acts, including, but not limited to, 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 that may, but does not necessarily require, medical or other professional treatment or counseling.

Stalking includes the concepts of cyber-stalking, a form of stalking through electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact. This definition is prescribed by the 2014 Violence Against Women's Act as defined in the Uniform Crime Reporting (UCR) Program's National Incident-Based Reporting System (NIBRS).

An individual(s) who has been reported to be the perpetrator of behavior that could constitute Prohibited Conduct.

Information shared with the Title IX Office that includes details of alleged Prohibited Conduct. A report is made when a Complainant, reporting party, or third party seeks information, support measures, or informs the University of Prohibited Conduct, but such party is not making a Formal Complaint or pursuing a complaint resolution process to address the alleged Prohibited Conduct.

Non-disciplinary, non-punitive measures provided to a Complainant or Respondent designed to restore or preserve equal access to Brown's programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties and deter future prohibited conduct. The Title IX Program Officer will oversee the implementation of support measures that are individualized to respond to the effects of the Prohibited Conduct, and that are appropriate, reasonably available, and free of charge. Support measures may include a no-contact order, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, changes in work or housing locations, leave of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Use of support measures is private and is available with or without a Formal Complaint.

Brown will also provide reasonably available support measures for third-party reporters, provided that the accommodations are within the scope of that individual's relationship to Brown University.

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

The Title IX Program Officer is the Title IX Coordinator for the University and oversees the review of reports and Formal Complaints associated with this policy. The Title IX Program Officer oversees the implementation of interim actions, support measures, the investigation process, and administration of the hearings associated with alleged violations of this policy. The Title IX Program Officer is also charged with providing education and training as well as tracking and reporting annually on all incidents in violation of this policy. More on the Title IX Program Officer can be found [here](#).



the hearing panel as the final resolution to the complaint. The University may make a retroactive entry on the Respondent's academic transcript or the employee's personnel file indicating the original sanction issued by the hearing panel (if applicable).

Brown University is a community in which employees are encouraged to share workplace concerns with University leadership. Additionally, [Brown's Anonymous Reporting Hotline](#) allows anonymous and confidential reporting on matters of concern [online](#) or by phone (877-318-9184).