

Sexual Misconduct Policy

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1. POLICY STATEMENT

Bryant University is committed to providing a working and learning environment which supports respect for the individual and for academic freedom, where all members of the community can work and learn in an atmosphere that is free from sexual discrimination, harassment, violence, power-based personal violence, and other forms of sexual misconduct .

The University’s policy on sexual misconduct is part of its broader prohibition against harassment or other discrimination on the basis of race, color, national or ethnic origin, sex, sexual orientation, gender identity, transgender status, gender transition, religion, disability, age, genetic information, marital status, or protected veteran status. This commitment to non-discrimination applies to admissions, financial aid, academic matters, career services, counseling, housing, employment policies, scholarship programs, medical services, and all other programs and activities available at Bryant.

This policy applies to all members of the Bryant community, including students, faculty, staff, and trustees, as well as all vendors, contractors and third parties who provide services to Bryant or visit Bryant facilities.

This policy applies not only to conduct that occurs on-campus, but also to conduct that occurs elsewhere if that conduct involves member(s) of the Bryant community and/or causes or threatens to cause a hostile educational or work environment for a member of the community.

Persons who violate this policy are subject to discipline up to and including expulsion from the University, termination of employment, and termination of any contractual or other relationship with the University.

Members of the community who believe that they or another member of the community have been or are being subjected to sexual misconduct are strongly urged to report the matter and use the resolution procedures described in this policy. Please refer to the “Complaint Procedure” in Section 5 below. They also are free at all times to pursue complaints with appropriate federal, state and local authorities.

2. SEXUAL MISCONDUCT POLICY – DEFINITIONS

As used in this policy, the term **sexual misconduct** includes **sexual discrimination, sexual harassment, sexual exploitation, and sexual violence**, which includes **non-consensual sexual touching, non-consensual sexual intercourse, dating violence, domestic violence, stalking, sexual assault, and other forms of power-based personal violence**.

Advisor The Complainant and the Respondent may each elect to be accompanied by an Advisor to any meeting or interview regarding the allegations. The Advisor may be anyone, including but not limited to, an attorney, a parent or guardian, or, in the case of the Complainant, the Victim Advocate, provided the Advisor is not a person with information relevant to the allegations who may be interviewed by the Investigator during the investigation. The Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent and may not appear in the place of either the Complainant or the Respondent. The Advisor’s role is non-speaking, and advisors who are disruptive during the proceedings will be required to leave.

Anonymous reporting sources are required to report statistical information to the Title IX Co-Coordinators. While maintaining a victim’s anonymity, these individuals must report the nature, date, time, and general location of an incident to the Title IX Co-Coordinators or designee. Anonymous resources include First Responders and the Victim Advocate.

Coercion is unreasonable pressure for sexual activity. Coercion is the use of emotional manipulation or threat to persuade someone to do something they may not want to do such as being sexual or performing certain sexual acts. Being coerced into having sex or performing sexual acts is not consenting to having sex and is considered sexual misconduct.

Confidential resources are those individuals who, by law, are obligated to maintain confidentiality of the disclosure of sexual or gender-based misconduct. These individuals are not required to re-disclose information shared with them other than in very extreme and unusual circumstances involving evidence of a serious and imminent threat to the individual making the report or to an identifiable third party. Confidential resources include Health Services, Counseling Services, and the Office of Campus Ministries.

Consent, for purposes of this policy, means the positive, unambiguous, and voluntary agreement to engage in specific sexual activity throughout a sexual encounter. Consent cannot be inferred from the absence of a "no"; a clear "yes," verbal or otherwise, is necessary. Consent to some sexual acts does not constitute consent to others, nor does past consent to a given act constitute present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Consent cannot be obtained by **coercion**, or **force**. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically **incapacitated**, whether due to alcohol, drugs, or some other condition. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person whom you know -- or reasonably should know -- to be incapacitated constitutes sexual misconduct. Consent can be accurately determined only through direct communication about the decision to engage in sexual activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted and do not constitute evidence of consent. A person also is incapable of giving valid consent to sexual activity if they are under the legal age of consent.

Dating violence means 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 is determined based upon the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic violence, as defined by Rhode Island General Law 12-29-2, means a crime when committed by one family member or household member against another. Family or household member is defined as:

- Spouses
- Former spouses
- Adult persons related by blood or marriage
- Adult persons who are currently residing together or who have resided together during the past three years. PLEASE NOTE: Students in the same residence hall may be considered under this definition. In addition, this may apply to students sharing an off-campus residence.

- Persons who have a child in common regardless of whether they have been married or have lived together
- Persons who are or have been in a substantive dating or engagement relationship within the past 1 year which shall be determined by the court's consideration of the length of time of the relationship, the type of relationship and the frequency of the interaction between parties.

Domestic violence includes but is not limited to any of the following crimes when committed by one family or household member against another: simple and felony assaults, vandalism, disorderly conduct, trespassing, kidnapping, child snatching, sexual assault, homicide, violations of court orders, stalking, refusal to relinquish or to damage or to obstruct a telephone, burglary and unlawful entry, arson, cyber- stalking and cyber harassment, and domestic assault by strangulation.

Force means imposing on someone physically. Force also can include threats, **intimidation** and/or **coercion**.

Incapacitation means being in a state where a person cannot understand the nature and/or extent of the situation. Incapacitation can result from alcohol or drug consumption, lack of sleep, injury, disability, or other causes. Indications of consent are irrelevant if the person lacks true capacity to consent. A person also is incapable of giving valid consent to sexual activity if they are under the legal age of consent.

Intimidation means the act of coercing or deterring someone by making that person fearful.

Non-confidential resources are required to report all information to the Title IX Co-Coordinators. These individuals, include but are not limited to:

- Student Affairs administrative staff (except Counseling Center, Health Services and Office of Campus Ministries staff, who are confidential sources, and First Responders and Victim Advocates, who can protect anonymity)
- Residential Life staff members (Area Co-Coordinators, Assistant Director, Director, etc.)
- Resident Assistants
- Peer Mentors
- Deans
- Faculty/Staff
- Coaches and Athletic Trainers
- Student organization faculty/staff advisors

Non-consensual sexual intercourse, or rape, is a form of sexual assault. It includes any act involving sexual penetration, however slight, with any object or body part by a person against another person that is without **consent** and/or by **coercion** or **force**. Examples of non-consensual sexual intercourse include vaginal, anal or oral penetration involving a penis, tongue, finger or object.

Non-consensual sexual touching is a form of sexual assault. It involves any form of intentional sexual touching, however slight, whether clothed or unclothed, with any object or body part by a person against another person that is without consent and/or by force. Examples of non-consensual sexual contact include, but are not limited to: intentional contact with the breasts, buttocks, groin, or genitals of another person and intentional touching of another with breast, buttocks, groin or genitals.

Power-based personal violence means a form of violence that has as a primary motivator the assertion of power, control and/or intimidation in order to harm another. This includes dating violence, domestic violence, rape, sexual assault, stalking and other uses of force, threats, intimidation or harassment of an individual. It also includes the use of alcohol or drugs to commit any of these acts. These acts are inclusive of acts committed by strangers, friends, acquaintances, intimates or other persons.

Respondent Advisor works to provide process and resource information to individuals accused of sexual misconduct. The Respondent Advisor has received training to provide assistance including, but no limited to the provision of information about available options for the Respondent, information on the Code of Conduct procedure, law enforcement and resources for emotional and decision making support. The Respondent Advisor is a resource that cannot offer confidentiality and is obligated to report any information pertinent to the investigation disclosed by the Respondent.

Responsible employee means a University employee who has the duty to report or authority to address sexual misconduct by a member of the University community, or who a student reasonably could believe has such duty or authority.

Retaliation exists when an individual harasses, intimidates or takes other adverse action(s) against a person because of the person's complaint of sexual misconduct or because of that person's participation in an investigation of sexual misconduct or their support of someone involved in an investigation of sexual misconduct. Retaliatory actions include, but are not limited to, threats or actual violence against the person or their property, adverse educational or employment consequences, ridicule, intimidation, bullying or ostracism.

Sexual assault as defined by Rhode Island General Laws 11-37-2, that first degree sexual assault is sexual penetration with another person if (1) the accused, not being a spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless; (2) the accused uses force or coercion; (3) the accused, through concealment or by the element of surprise, is able to overcome the victim; or (4) the accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification or stimulation.

As defined by Rhode Island General Laws 11-37-4, second degree sexual assault is sexual contact with another person when (1) the accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled or physically helpless; (2) the accused uses force, element of surprise or coercion; or (3) the accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification or stimulation.

As defined by Rhode Island General Laws 11-37-6, third degree sexual assault is sexual assault if the accused is over the age of eighteen (18) years and engages in sexual penetration of a person over the age of fourteen (14) years and under the age of consent, sixteen (16) years of age.

Sexual discrimination occurs when an individual acts with prejudice or bias toward another member of the community on the basis of the other person's biological sex, gender identity, transgender status, or gender transition. Sexual discrimination includes **sexual harassment**. It also includes **sexual violence** that creates a hostile educational or work environment.

Sexual exploitation occurs when an individual takes non-consensual or abusive sexual advantage of another for the individual's own advantage or benefit or to benefit or advantage a third person. Examples of sexual exploitation include, but are not limited to:

- invasion of sexual privacy
- prostituting or soliciting prostitution by another person
- the non-consensual taking and/or distribution of photographs, videotapes, audio recordings or other images or depictions of sexual activity, including through social media activity
- allowing third parties to observe sexual activities without consent
- engaging in voyeurism
- knowingly transmitting a sexually transmitted infection or HIV

Sexual harassment involves unwelcome sexual advances, requests for sexual favors, or other physical, verbal or other conduct of a sexual nature where:

- submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status;
- submission to or rejection of such conduct is used as the basis for employment or academic decisions; or
- such conduct has the purpose or effect of creating a hostile learning or working environment.

The following are examples of conduct which, if unwelcome, may constitute sexual harassment, depending upon the totality of the circumstances, including the severity and pervasiveness of the conduct and the relationship between the persons involved:

- sexual advances or requests for sexual favors;
- sexual jokes or epithets;
- comments about one's own or another person's body,
- comments about one's own or another person's sexual activity, interests or prowess;

- displaying sexual objects, pictures, cartoons or other images;
- leering, brushing against the body, or hovering; and
- making sexual gestures or suggestive or insulting comments of a sexual nature.

Sexual violence includes **sexual assault, dating violence, domestic violence, and stalking.**

Stalking means engaging in a course of conduct directed at a person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Stalking can include, for example:

- repeated, unwanted, intrusive, and frightening communications from the respondent by phone, text, mail, email, and/or social media
- Social media, computer, and/or phone monitoring
- repeatedly leaving or sending complainant unwanted items, presents, or flowers
- following or lying in wait for the complainant at places such as home, school, work, or recreation place
- making direct or indirect threats to harm the complainant, the complainant's children, relatives, friends, or pets
- damaging or threatening to damage the complainant's property
- posting information or spreading rumors about the complainant on the internet, in a public place, or by word of mouth
- obtaining personal information about the complainant by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, or contacting the victim's friends, family, work colleagues, or neighbors.

Victim Advocate works to support and assist victims of sexual misconduct. A Victim Advocate has received training to provide advice and assistance, including but not limited to the provision of information about available options in the Complaint, law enforcement, legal, and medical processes, and with emotional and decision making support. Victim Advocates are an anonymous resource who must report date and location of the incident, but names will not be included unless with consent from the victim.

3. REPORTING AND OPTIONS FOR ASSISTANCE FOR VICTIMS OF SEXUAL MISCONDUCT

Members of the Bryant community who believe that they or another member of the community have been or are being subjected to any form of sexual misconduct have the right and are encouraged to report the matter to and seek assistance from Bryant University, off-campus

resources, or both. A list of resources is provided below, section 4 also contains several confidential and private resources and information regarding confidentiality.

Bryant University employees may be required to report incidents of sexual misconduct of which they become aware. Please refer to section 4 (Mandatory Reporting).

Resources

As is further discussed below, some resources both on and off campus are “confidential” resources – i.e., persons who can offer support, advice or other services and who, as a general matter, are not required to further report, initiate an investigation, or otherwise take action in response to the information you provide. Other resources are “private,” meaning they have a duty to report when an act of violence has occurred but not any identifying information. Additional resources are not confidential or private.

Defining Confidential, Private and Anonymous Resources

Anonymous Resources – Anonymous reporting sources are required to report statistical information to the Title IX Co-Coordinators. While maintaining a victim’s anonymity, these individuals must report the nature, date, time, and general location of an incident to the Title IX Co-Coordinators or designee. Anonymous resources include the First Responders and Victim Advocate.

Confidential Resources – Confidential resources are those individuals who, by law and/or college policy, are obligated to maintain confidentiality of the disclosure of sexual or gender-based misconduct. These individuals are not required to re-disclose information shared with them other than in very extreme and unusual circumstances involving evidence of a serious and imminent threat to the individual making the report or to an identifiable third party. Confidential resources include Health Services, Counseling Services, and the Office of Campus Ministries.

Non-confidential Resources – Non-confidential resources are required to report all information to the Title IX Co-Coordinators. In all instances and to the extent possible, the University will protect the privacy of all parties to a report of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment. That said, under federal law, campus officials (with the exception of those listed under Confidential Resources, above) who receive a report of sexual assault, sexual misconduct, dating violence, domestic violence, stalking, and/or conduct that creates a hostile environment, whether from a student or third party, must share that information with the appropriate University authorities for investigation and follow-up.

These individuals include but are not limited to:

- Student Affairs administrative staff (except Counseling Center, Health Services staff, Office of Campus Ministries, who are confidential resources, and Victim Advocates who can protect anonymity).

- Residential Life staff members (Area Co-Coordinator, Assistant Director, Director, etc.)
- Resident Assistants
- Peer Mentors
- Deans
- Faculty/Staff
- Coaches and Athletic Trainers
- Student Organization Faculty / Staff Advisors

Immediate Resources **On Campus:**

Advocacy Helpline – (401) 258-4209: A private, 24/7 support network of Bryant staff members who are trained to assist victims of sexual assault. The network provides support, information, and assistance in attaining medical attention. When you get support, you do not have to pursue any specific course of action and no action will be taken unless you choose to do so. Bryant's advocates for those who have experienced violence are private resources and are housed in the Women's Center on the 2nd floor of the Fisher Student Center.

Department of Public Safety – emergency response (401) 232-6911: Emergency response available 24 hours a day, 7 days a week. Complaints may also be directed to Public Safety's administrative number, (401) 232-6001.

Title IX Co-Coordinator

- Timothy Paige, VP, Human Resources **(401) 232-6211**
- John Saddlemire, VP, Student Affairs **(401) 232-6046**

Office of Counseling Services (401) 232-6045: Clinicians provide confidential crisis support and follow-up appointments for Bryant students. All conversations are kept confidential within professional and legal guidelines.

Health Services (401) 232-6220: Clinicians provide on-site medical care, testing and treatment for Bryant students. All medical information and treatment are kept confidential within professional and legal guidelines.

Office of Campus Ministries (401) 232-6712: Chaplains are available for counseling and support.

Office of Residence Life (401) 232-6140: Provides a crisis response system which includes on-call administrators.

Gertrude Meth Hochberg Women's Center (401) 232-6854: Provides support, information, and education for the Bryant campus community regarding gender-related issues as well as violence prevention and advocacy services.

For Bryant Employees *only*: Coastline Employee Assistance Program Hotline: 1-800-445-1195

Immediate Resources **Off Campus:**

Smithfield Police (401)-231-2500: Smithfield Police Department is available to help individuals affected by power-based personal violence cope with these traumatic events, including helping to protect the safety of individuals within the University communicating and ensuring justice is served.

215 Pleasant View Avenue
Smithfield, RI 02917

<http://smithfieldpd.com/sexual-assault-resources-for-bryant-university-students/>

Local Hospitals: The following hospitals offer the Safe Program with SANE (Sexual Assault Nurse Examiner) and rape kit capability

Women and Infants Hospital: (401) 274-1100, Emergency Room

100 Dudley Street #2
Providence, RI 02905
Recommended for female individuals
Sexual Assault Nurse Examiners available

Rhode Island Hospital: (401) 444-4000, Emergency Room

593 Eddy Street
Providence, RI 02903
Recommended for male individuals

Miriam Hospital: (401) 793-2500, Emergency Room

164 Summit Avenue
Providence, RI 02906
Recommended for transgender or gender non-binary individuals.

Day One: (401) 421-4100, www.dayoneri.org

100 Medway Street
Providence, RI 02906

Day One is the only agency in Rhode Island that is specifically organized to deal with issues of sexual assault as a community concern. The organization provides treatment, intervention, education, advocacy, and prevention services to Rhode Islanders of all ages.

Rhode Island Sexual Assault and Domestic Violence Hotline – 1 (800) 494-8100

24 hour hotline if you need help because of sexual assault or an abusive relationship. Counselor-advocates provide support and are available to accompany victims of sexual assault to the hospital and police station. Ongoing counseling and support groups available. This hotline is specific to Rhode Island. Contact the National Sexual Assault Hotline at 1(800) 656-HOPE if you need help in another state.

Sexual Assault

Victims of sexual assault should call either the Department of Public Safety, the Hochberg Women's Center or the Advocacy Helpline. The Rhode Island Sexual Assault and Domestic Violence Hotline can also be reached at 1 (800) 494-8100. They will ensure that a trained advocate is available to assist you at the hospital and will work directly with the Hospital Staff to enlist the services of a Sexual Assault Forensic Examiner (SAFE) Nurse. The nurse can provide pregnancy tests and preventive treatment for some sexually transmitted infections (STI) free of charge.

In order to **preserve evidence**, it is essential to **seek medical treatment** immediately following a sexual assault should you wish to press charges now or at a later date. To preserve evidence of the sexual assault – do not bathe, shower, douche, eat, drink, or brush your teeth. If possible, try not to eliminate any waste. Any of these behaviors can wash away evidence. Any clothing, if not still being worn, and any bedding or fabric should be preserved and not laundered. These items may contain forensic evidence and be useful if you decide to report the crime to law enforcement. Put them in a paper bag, not plastic.

Law Enforcement Options

To file a police report and/or discuss your options for pursuing a criminal complaint, contact:

- Bryant DPS, 232-6911 (emergency) or 232-6001 (administrative)
- Smithfield Police, 215 Pleasant View Avenue, Smithfield, RI 02917 (401) 231-2500
- RI State Police, 311 Danielson Pike, No. Scituate, RI 02857 (401) 444-1000

Reporting Options and Confidentiality

The University strongly encourages victims of sexual misconduct and others who are aware of sexual misconduct to report the matter in order for the victim to receive support and for the University to investigate and address any misconduct that has occurred. The victim at all times has the right to file a criminal complaint, or not, and to pursue University disciplinary action, or not, including the right to do both simultaneously if he or she so chooses.

The University strongly supports the confidentiality interests of persons who have been subjected to sexual misconduct. Even if such a person does not specifically ask for confidentiality, the University will disclose information regarding incidents of sexual misconduct only to those individuals responsible for handling the University's response or otherwise have a need to know the information.

At the same time, there are situations in which the University must override a person's request for confidentiality in order to meet its legal obligations and/or to protect the safety and wellbeing of its community. However, these situations (described below) will be limited, and the information will only be shared with individuals who are responsible for handling the University's response.

Confidential and Private Resources

Victims who wish to access resources and support without their names being disclosed to other University officials, or others, should contact one of the following:

On Campus:

Advocacy Helpline - (401) 258-4209. *The Advocacy Helpline is a private 24/7 support network of Bryant staff members who are trained to assist victims of sexual assault. The network provides support, information, and assistance in attaining medical attention. When you get support, you do not have to pursue any specific course of action and no action will be taken unless you choose to do so.*

Office of Counseling Services – (401) 232-6045. *Clinicians provide confidential crisis support and follow-up appointments for Bryant students. All conversations are kept confidential within professional and legal guidelines.*

Health Services – (401) 232-6220. *Clinicians provide on-site medical care, testing, and treatment for Bryant students. All medical information and treatment are kept confidential within professional and legal guidelines.*

Office of Campus Ministries – (401) 232-6045. *Chaplains are available for counseling and support. Call to make an appointment.*

Disclosures to these employees generally will not trigger a University investigation into an incident against the victim's wishes. In addition, these individuals will share only general information about the incident to the Title IX Co-Coordinators, as required under federal law, and will not disclose information which identifies the victim except in those instances where the Title IX Co-Coordinators determine that disclosure is necessary in order for the University to meet its legal obligations and/or to protect the safety and wellbeing of its community.

There are also confidential resources available off-campus. As a general matter, licensed off-campus medical providers, mental health providers, and rape crisis counselors are prohibited from disclosing the identity of persons who seek their assistance in connection with an alleged sexual assault without that person's consent, except in very limited circumstances where there is an imminent risk of harm.

4. MANDATORY REPORTING

Title IX is a federal law that requires that the University address certain forms of sexual misconduct about which "responsible employees" knew or should have known. The term "responsible employee" means a University employee who has the duty to report or authority to address sexual misconduct by a member of the University community, or who a student reasonably could believe has such duty or authority.

Title VII is a federal law that requires certain employees of Bryant to report incidents relating to employment discrimination and harassment based on an employee's sex.

Each of these areas of federal law has a different purpose, but generally the laws are intended to protect members of the campus community, visitors and guests from criminal, harassing, and discriminatory behavior. The responsibilities established by these laws give rise to the term "mandatory reporter."

Bryant has decided to adopt a policy that defines all employees, including faculty and staff, as mandatory reporters of sexual misconduct under Title IX and Title VII. However, counselors, health care providers and clergy are voluntary reporters, not mandated to report incidents of sexual misconduct.

As mandatory reporters, all employees report all violations of the Sexual Misconduct Policy. Mandatory reporters must report incidents of sexual misconduct to Bryant's Title IX Co-Coordinators (see On Campus Resources in section 3). The Title IX Co-Coordinators may notify the Department of Public Safety and other appropriate Bryant officials.

Mandatory reporters who learn about incidents of sexual misconduct should not promise confidentiality. This is because mandatory reporters must report to the Title IX Co-Coordinators all relevant details about the alleged sexual misconduct that the person disclosing the incident has shared. This includes:

- the person who experienced the alleged sexual misconduct
- the name of the accused/respondent, if known
- the identity of other persons involved in the alleged sexual misconduct
- the relevant facts, including the date, time, and location of the alleged misconduct
- whether the person who experienced the alleged misconduct has asked that their name not be disclosed to the alleged perpetrator(s) or that the University not investigate or take action against the alleged perpetrator(s).

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Addressing Requests for Confidentiality/Privacy or That No Action Be Taken Against an Alleged Perpetrator

A person may report an incident of sexual misconduct to the University but request that their name not be disclosed to the alleged perpetrator(s) or that the University not investigate or take action against the alleged perpetrator(s).

If an individual wishes to report an incident to a mandatory reporter while maintaining complete confidentiality or privacy, rather than speaking to the individual about confidential information, the mandatory reporter should offer to refer or accompany the student to one of the confidential or private resources listed above.

The University has an obligation to provide a safe and nondiscriminatory environment for all students, faculty and staff. Once a student reports an act of sexual misconduct to a mandatory reporter, confidentiality or privacy requests which could preclude a meaningful investigation or potential discipline of the alleged perpetrator(s) will be evaluated by the Title IX Co-Coordinators. In evaluating the request for confidentiality/privacy or that no action be taken, the Title IX Co-Coordinators will consider a range of factors including:

- whether circumstances suggest there is an increased risk of the alleged committing additional acts of sexual or other violence
- whether there have been other sexual misconduct complaints about the same alleged respondent(s)
- whether the alleged respondent(s) has a history of arrests or disciplinary complaints in other settings indicating a history of violence
- whether the alleged respondent(s) has threatened further sexual or other violence

- whether the sexual misconduct was committed by multiple respondents
- circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances
- whether the report of sexual misconduct reveals a pattern of perpetration at a given location and/or by a particular group
- whether sexual violence was perpetrated with a weapon
- whether the University possesses other means of obtaining relevant evidence

In cases where the balance of factors compels the University to investigate the allegation of sexual misconduct and pursue disciplinary action in a manner that requires disclosing a person's identity to the respondent(s), the person will be told in advance and the University will work with the person to maximize their safety and privacy. The University also will reiterate its non-retaliation policy with all parties.

Reporting Procedure – Child Abuse/Neglect

Additionally, Rhode Island law requires that all persons report known or suspected cases of child abuse and/or neglect, meaning the physical or mental injury, sexual abuse or exploitation, negligent treatment or maltreatment of a child under the age of eighteen (18). If an employee (faculty or staff member) suspects or witnesses child sexual and/or neglect abuse on campus, the employee must report it to the Rhode Island Department of Children, Youth, and Families within twenty-four hours of becoming aware of such abuse/neglect. Call the DCYF hotline at 1-800-RI-CHILD (1-800-742-4453). **In emergency situations, call 911 first.**

5. COMPLAINT PROCEDURE

Any member of the Bryant community has the right, but is not required, to file a complaint of sexual misconduct against any other member of the community. In addition, the University has the right, and in some cases the obligation, to pursue a complaint of sexual misconduct even if the victim chooses not to do so.

Victims of sexual misconduct may make complaints, orally or in writing, to the attention the Title IX Co-Coordinators, to any employee of the University, who will forward the complaint to the Title IX Co-Coordinators.

Mandatory reporters who learn about sexual misconduct against any employee or student are expected to promptly contact the University's Title IX Co-Coordinators. The mandatory reporter should use the Incident Report included in this policy.

The University's Title IX Co-Coordinators, whose have overall responsibility for the implementation of this policy, are:

Timothy Paige, Vice President for Human Resources
Human Resources Department
1150 Douglas Pike
Smithfield, RI 02917
tpaige@bryant.edu
(401) 232-6211

John Saddlemire, Vice President for Student Affairs and Dean of Students
Bryant University
1150 Douglas Pike
Smithfield, RI 02917
jsaddlemire@bryant.edu
(401) 232-6046

If the conduct of the Title IX Co-Coordinators is at issue, a complaint may be filed with the Title IX Deputy Co-Coordinators, Mailee Kue, mkue@bryant.edu (401) 232-6946.

Inquiries or complaints concerning Bryant's compliance with Title IX and other anti-discrimination laws also may be directed to the Office for Civil Rights (OCR) of the U.S. Department of Education: Telephone: 800-421-3481; FAX: 202-453-6012; TDD: 877-521-2172; [Email: OCR@ed.gov](mailto:OCR@ed.gov).

While it is generally Bryant's goal to investigate and resolve complaints of harassment or other discrimination internally, complaints of sexual discrimination or sexual harassment also may be brought by employees of Bryant to either or both of the following government agencies:

Rhode Island Commission for Human Rights
180 Westminster Street, 3rd Floor
Providence, RI 02903
(401) 222-2661

United States Equal Employment Opportunity Commission
John F. Kennedy Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

Complaints of sexual misconduct will be investigated and resolved in accordance with the Investigation and Resolution Procedures set forth below. These Investigation and Resolution Procedures supersede any other disciplinary procedures or rules that otherwise might apply to a complaint of misconduct involving a member of the community, including for example The Student Code and the Employee Handbook.

6. INVESTIGATION AND RESOLUTION PROCEDURES

Oversight

The Title IX Co-Coordinators' responsibilities include overseeing the investigation and resolution of all complaints of sexual misconduct and addressing any need for interim remedies or measures while the matter is ongoing.

Rights of Complainants and Respondents

Both complainants and respondents have the following rights with respect to complaints of harassment and discrimination:

- To a prompt, fair, impartial investigation and resolution.
- To be treated with dignity and respect throughout the investigation and resolution process.
- To privacy with respect to their personal information in accordance with applicable law, including the Family Educational Rights and Privacy Act (FERPA).
- To receive information about how to access available resources such as counseling, support, mental health and medical treatment on and off campus.
- To contact off-campus law enforcement with or without the assistance of campus safety.
- To notice of the charges and an explanation of the grievance process.
- To an outcome based on a preponderance of the evidence.
- To be notified, in writing, of the outcome of the investigation and the right to appeal that outcome.
- To receive timely information regarding the status of the investigation and disciplinary process pending the final outcome.
- To receive reasonable interim and final remedial measures as appropriate under the circumstances, including no-contact orders and adjustments to academic schedules, living arrangements and university-related employment arrangements, regardless of whether the victim chooses to report a crime to the Department of Public Safety or local law enforcement.
- To be free from retaliation or harassment for initiating or participating in the resolution of a complaint under this policy.

In cases of alleged domestic violence, dating violence, sexual assault or stalking:

- To have proceedings conducted by officials who receive annual training on such issues and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability, and
- To be accompanied to any related meeting or proceeding by an advisor of their choice.
- To have access to an advisor during the conduct process.

Investigation, Findings and Sanctions

Upon receipt of a complaint of harassment or discrimination, the Title IX Co-Coordinators will determine if the complaint is Title IX eligible. If the Co-Coordinators determine that the complaint is Title IX eligible, then the Co-Coordinators will open a formal case file and assign the investigator(s). All Investigators are specifically trained in conducting Title IX investigations.

The Investigator will conduct the investigation promptly, fairly and impartially, with such assistance and consultation with others as the Investigator deems appropriate under the circumstances. When an investigation is initiated, the nature and extent of an investigation will depend on the extent to which the University has enough information to reasonably determine key facts, e.g., time, date, location and names of parties involved in an alleged incident. The nature and scope of the investigation will be determined by the Investigator. When possible, the investigation ordinarily will include interviews of the complainant, the respondent, and any percipient witnesses to the events at issue. The Investigator may receive from the complainant and respondent, and may seek from other sources, such statements, documents or other information as the Investigator deems relevant.

The Complainant and Respondent will be afforded opportunities to provide information and present his/her own report during the investigation. The Complainant and Respondent will be asked to provide a list of possible witnesses, as well as any supporting documents (e.g., text messages, emails, social media, photographs, telephone records, etc.) that they wish to be considered through the investigation. Information submitted through the investigation will be used in the Student Conduct Process administrative review/hearing described below.

All University community members are expected to provide truthful information. If an investigation reveals that an individual has provided deliberately false information and/or made an accusation in bad faith or with a view to personal gain or intentionally harming another in connection with an incident, disciplinary action may be taken. This provision does not apply to information provided in good faith, even if the facts alleged do not result in a finding of responsibility for a violation of the University's standards of conduct.

Upon completion of the investigation, the Investigator will prepare a report which summarizes the investigation findings. Throughout this process, the University reserves the right to take whatever immediate or interim measures it deems necessary and appropriate to eliminate and/or prevent sexual harassment, sexual misconduct, sexual violence, or other prohibited conduct from occurring

and to protect an individual's physical and mental well-being and safety. Such measures include, but are not limited to:

- Immediate modification of living arrangements;
- Immediate modification of class schedule(s);
- Ordering the respondent to have no contact with the complainant;
- Immediate removal from campus;
- Immediate modifications of workplace arrangements;

Where the respondent/accused is an employee of the University, the investigator will provide the report to the Vice President for Human Resources (or appointed designee). The Vice President for Human Resources, or his or her designee, will determine, based on the preponderance of evidence, if a violation of the Sexual Misconduct policy has occurred and will recommend appropriate sanctions for the violation, after consultation with the Title IX Co-Coordinators, and if the respondent/accused is a faculty member, with the Provost. The Vice President for Human Resources will inform the complainant and the respondent of the outcome, including any sanctions. The Vice President for Human Resources will inform all parties simultaneously and in writing.

Where the respondent/accused is a student of the University, the investigator will provide the report to the Associate Dean of Students/Director of Community Standards (or appointed designee). The Associate Dean of Students/Director of Community Standards, or his or her designee, will determine, based on the preponderance of evidence, if a violation of the Sexual Misconduct policy has occurred and will recommend appropriate sanctions for the violation, after consultation with the Title IX Co-Coordinators. The Associate Dean of Students/Director of Community Standards will inform the complainant and the respondent of the outcome, including any sanctions. The Associate Dean of Students/Director of Community Standards will inform all parties simultaneously and in writing.

The sanctions for violation of this policy may include any or all of the following:

- Formal reprimand
- Loss of privileges
- Demotion or other loss of position
- Housing suspension
- Suspension
- Expulsion
- Termination of employment

- Any other sanctions for misconduct that are consistent with those provided in Bryant’s student, faculty and staff handbooks and policies

Student Conduct Process

The student conduct process for dealing with complaints is described in *The Student Code of Conduct*. The information contained in this document provides additional information regarding sexual misconduct complaints. Individuals are strongly encouraged to read *The Student Code of Conduct* to fully understand the process.

Upon receiving a report of sexual misconduct, the Associate Dean of Students/Director of Community Standards may initiate an interim administrative action(s) as allowed by *The Student Code of Conduct*. Such action may be taken when, in the professional judgment of a University official, a threat of imminent harm to persons or property exists. Interim administrative action is not a sanction. It is taken in an effort to protect the safety and well-being of the accused student, of others, of the University, or of property. Interim administrative action is preliminary in nature; it is in effect only until a student conduct matter has been resolved. Actions may include, but are not limited to, no contact instructions, modification of residence hall status, limited access to campus, or interim suspension. The Associate Dean of Students/Director of Community Standards may also impose interim measures or remedies that are not limited by *The Student Code of Conduct*.

After receiving a complaint, the designated Title IX investigator(s) will immediately begin to investigate and strive to reach a resolution within 60 days of notification; however, there are circumstances that may extend this resolution timeline (e.g., gathering witness information, scheduling). Incidents resulting in an administrative review/hearing are typically conducted within fifteen days of the accused student being formally notified of the actual alleged violations. Regular updates as to the progress of the investigation will be provided to the complainant and the accused student by the investigator(s). Both the complainant and the accused student will be notified in writing of the outcome within 24 hours of the conclusion of the investigation or administrative review/hearing, whichever is later. Either party may request an appeal by submitting a request in writing within five business days of notification. Appeals are limited to a review of the process as outlined in *The Student Code of Conduct*.

Both the complainant and accused student are afforded the same rights as outlined in *The Student Code of Conduct*. This includes participating in the student conduct process, being accompanied by a support person, notification of the outcome, and the opportunity for appeal. The complete list is available in Part IV of *The Student Code of Conduct*.

Appeals

Subject to the provisions of this section, both the complainant and the respondent have the right to appeal the decision whether a violation of Bryant policy has occurred and/or the sanction imposed.

Appeals must be requested through the appropriate channel, depending on the University community status of the respondent/accused. If the respondent/accused is a student, the appeal will be considered by the Vice President of Student Affairs or designee. If the respondent/accused is an employee, the appeal will be considered by the Vice President for Human Resources or designee.

The only grounds for appeal are:

- (1) newly discovered evidence sufficient to alter a decision or other relevant facts that were not reasonably available at the time of hearing board's decision;
- (2) bias or other impropriety on the part of the Investigator or hearing board; or
- (3) a failure to comply with the procedures described in this policy, the nature and magnitude of which – if established – is sufficient to have affected the outcome; or
- (4) the use of grossly inappropriate sanctions or to determine whether the sanction(s) imposed were appropriate for the violation of the Student Code which the student was found to have committed.
- (5) to determine whether the Student Conduct Board Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the Student Code was violated, and giving the Accused Student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

Any appeal, including the specific grounds for the appeal and any supporting information, must be submitted, in writing, within five business days of delivery of the decision being appealed. The appeal should be delivered to the Vice President of Student Affairs or designee if the respondent/accused is a student. If the respondent/accused is an employee, the appeal should be delivered to the Vice President for Human Resources or designee. If he/she determines that the request satisfies one or more of the aforementioned grounds, he/she will provide the appeal documents to the designated Appeal Authority for review.

The Appeal Authority will deliver a notice of appeal to the other party, who will have five business days in which to submit a response to the appeal.

The Appeal Authority may decide the appeal on the basis of the written record alone. Where the appeal is based upon alleged bias or impropriety on the part of the Investigator or the hearing board, the Appeal Authority may conduct such additional investigation as he or she deems appropriate. However, the purpose of the appeal is not to provide a second hearing in the case.

The Appeal Authority may decide to uphold, vacate or modify the underlying decision, in whole or in part, or to remand the matter for further investigation and/or hearing findings. In the event of further investigation and findings, those findings are subject to further appeal in accordance with the procedures set forth above. In all other respects, the decision of the Appeal Authority is final and not subject to further appeal.

Timing:

Ordinarily, the full investigation and resolution process described above (including an appeal) should be completed within 60 days after the Title IX Co-Coordinators receives the complaint, although factors such as the availability of witnesses and the existence of concurrent criminal proceedings may cause the process to take longer in some cases.

7. RETALIATION AND MALICIOUS REPORTING

It is a violation of this policy to retaliate against any person who in good faith reports, complains about or participates in any investigation of alleged sexual misconduct.

It is also a violation of this policy to knowingly make a false report or complaint of alleged sexual misconduct.

8. SEXUAL ASSAULT PREVENTION, EDUCATION AND TRAINING

The University provides programs designed to promote the awareness of domestic violence, dating violence, sexual assault and stalking, including primary prevention and awareness programs for all incoming students and new employees which address the institution's prohibition against such conduct, the definitions of such conduct, the definition of consent in reference to sexual activity in the applicable jurisdiction, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.

This information is provided to students during: New Student Orientation, Transfer Orientation, Opening Weekend, Bystander Intervention workshops, Healthy Relationship workshops, Domestic Violence Awareness Week programs, and Sexual Assault Awareness Week programs.

All Campus Security Authorities receive an annual training on reportable crimes under the Clery Act including all forms of sexual misconduct. All Title IX Co-Coordinators and Investigators receive similar annual training pursuant to the Clery Act and Title IX.

Campus Safety, "responsible employees," victim advocates, first responders, advisors and anyone else who is involved in responding to, investigating, or adjudicating sexual misconduct also receive training on an annual basis facilitated through the Title IX Co-Coordinators' Office.

