

Sexual Misconduct Policy

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I. Statement of Purpose

Bryant University ("Bryant" or "the University") is committed to providing a safe working and learning environment which promotes respect for the individual and support for academic freedom, where all members of the Bryant 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.

This policy applies to all Bryant students (graduate and undergraduate), all full and part-time employees (including administration, faculty and staff), and third parties (such as contractors, guests, vendors, visitors or volunteers). All persons who violate this policy are subject to sanctions and discipline up to and including expulsion from the University, termination of employment, or termination of a contractual or other relationship with the University.

This policy's prohibition against sexual and gender-based harassment, sexual assault, interpersonal violence and stalking ("Prohibited Conduct") is part of Bryant's 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. Bryant's commitment to non-discrimination in its programs or activities applies to admissions, financial aid, academic matters, career services, counseling, housing, employment policies, scholarship programs, medical services, all forms of study abroad programs, and all other programs and activities available at Bryant. This policy complies with Title IX of the Education Amendments of 1972 ("Title IX") and its implementing regulations; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), as amended by the Violence Against Women Reauthorization Act of 2013 ("VAWA"); Title VII of the Civil Rights Act of 1964 ("Title VII"); and other applicable federal and Rhode Island state laws.

This policy does not substitute for or supersede related civil and criminal law. It is the policy of the University to encourage individuals to report all incidents and violations to law enforcement officials and agencies with appropriate jurisdiction and to avail themselves of all of the services and rights to which they are entitled.

Anyone who has any information regarding a possible violation of this policy should report it promptly to one of the University's Title IX Coordinators or the Department of Public Safety (whose contact information is provided below). The University encourages individuals to report allegations and file complaints promptly in order to capture and preserve evidence for a potential legal or disciplinary proceeding. A delay in reporting may compromise the subsequent investigation. Also, reporting in a timely manner allows the University to provide all persons involved with information regarding their rights, options, and supportive resources.

This policy should be read in conjunction with Bryant's Title IX Sexual Harassment Procedures, Student Conduct Code, Employment Handbook, Fraternalization Policy, and other applicable codes and policies prohibiting discrimination and harassment, as well as the University's collective bargaining agreements.

II. The Title IX Coordinators

Bryant's Title IX Coordinators are responsible for coordinating the University's compliance with Title IX and response to all forms of Prohibited Conduct, with the assistance of Deputy Coordinators as designated, the University's Vice President for Student Affairs and Dean of Students, the Director of Community Standards, Department of Public Safety, and Human Resources Department. The Title IX Coordinators oversee and provide education and training; coordinate Bryant's investigation, response and resolution of all reports of Prohibited Conduct; and track and report annually all incidents in violation of this policy.

The names and contact information of Bryant's Title IX Coordinators are:

For Student-Respondent Cases:

Mailee Kue

Assistant Vice President of Student Affairs & Title IX Coordinator
Student Affairs – Bryant University

1150 Douglas Pike

Smithfield, RI 02917

mkue@bryant.edu

401-232-6448

For Employee-Respondent Cases:

Meaghan Trayner

Associate Director of Human Resources & Title IX Coordinator
Human Resources Department – Bryant University

1150 Douglas Pike

Smithfield, RI 02917

mtrayner@bryant.edu

401-232-6015

Reports or inquiries may be made to one of the Title IX Coordinators at any time (including during non-business hours, weekends or University holidays) by using the above-listed telephone numbers or electronic mail addresses, or by mail to the above-listed office addresses. In this policy, references to the Title IX Coordinator(s) shall also mean a designee.

Concerns about Bryant's application of this policy or compliance with its Title IX obligations may be addressed to the Title IX Coordinators, or to the following:

United States Department of Education, Office for Civil Rights

8th Floor

5 Post Office Square

Boston, MA 02109-3921

Telephone: (617) 289-0111

Telephone: (800) 421-3481

Facsimile: (617) 289-0150

Email: OCR.Boston@ed.gov

United States Equal Opportunity Commission

John F. Kennedy Federal Building

475 Government Center

Boston, MA 02203

Telephone: (800) 669-4000

Facsimile: (617) 565-3196

Rhode Island Commission for Human Rights

180 Westminster Street, 3rd Floor

Providence, RI 02903

Telephone: (401) 222-2661

Facsimile: (401) 222-1616

Email: RICHHR.Info@richr.ri.gov

III. Scope of the University's Authority

As defined in Section IV below ("Prohibited Conduct"), the University prohibits sexual and gender-based harassment, sexual assault, interpersonal violence and stalking that is subject to Title IX and falls outside of Title IX's definitional and/or jurisdictional scope.

- A. Title IX Sexual Harassment:** Under Title IX, no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under Bryant's education program or activity. 20 U.S.C. § 1681(a). The Department of Education has promulgated regulations implementing Title IX, which specify how Bryant must respond to sexual harassment in its education program or activity consistent with Title IX's prohibition against sex discrimination. 34 CFR Part 106.

As defined by Title IX, Bryant's "**education program or activity**" includes all of the University's operations, including locations, events or circumstances over which the University exercised substantial control over both the accused individual and the context in which the conduct occurs; and also includes any building owned or controlled by a student organization that is officially recognized by the University. Title IX's coverage does not draw a line between on campus, off-campus, or online conduct, provided the conduct occurred in Bryant's education program or activity against a person in the United States. Examples may include University-sponsored, funded or otherwise supported off-campus research, internship, mentorship, summer session, conference, meeting, or other affiliated program or premises.

Bryant has adopted Title IX Sexual Harassment Procedures, which shall apply and control in the University's response to reports and complaints alleging Title IX Sexual Harassment.

- B. Non-Title IX Sexual Misconduct:** Consistent with Bryant's educational mission and strong commitment to a learning, living, and working environment and community free from any discrimination and harassment, Bryant also prohibits sexual and gender-based harassment, sexual assault, interpersonal violence or stalking that falls outside of Title IX's definitional and/or jurisdictional scope. For example, Bryant strictly prohibits any such misconduct by a University student or employee against a person outside of the United States during or in connection with a study abroad program. Also, the University, as an employer, is subject to Title VII and state employment laws prohibiting discrimination and/or harassment

in the workplace.

Bryant responds to reports and complaints alleging Non-Title IX Sexual Misconduct under its Code of Student Conduct, Employee Handbook or under the terms of a collective bargaining agreement. Incidents, which are not covered by Title IX and therefore not subject to Bryant's Title IX Sexual Harassment Procedures, will be referred to the appropriate University department (e.g. Student Affairs, Human Resources, etc.).

Also, Bryant has the right and discretion to address Prohibited Conduct that occurred initially outside of its education program or activity, but has continuing impacts or effects within its program or activity that mandate the University's response.

In determining whether Bryant has jurisdiction over off-campus or online conduct, Bryant will consider the severity of the alleged conduct, the risk of on-going harm, whether both parties are members of the University community, impacts on its programs or activities, and whether off-campus conduct is part of a series of actions that occurred both on and off-campus.

IV. Prohibited Conduct

A. Title IX Sexual Harassment: Under Title IX, sexual harassment means conduct, on the basis of sex, that satisfies one or more of the following three categories: (1) Quid Pro Quo Sexual Harassment; (2) Hostile Environment Sexual Harassment; and/or (3) Sex-Based Crimes as defined by the Clery Act and VAWA.

- 1. Quid Pro Quo Sexual Harassment** occurs when a Bryant employee conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcomed sexual conduct.
- 2. A Title IX Hostile Environment** occurs when unwelcome conduct is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Bryant's education program or activity.
- 3. Sex-based crimes** occur when conduct constitutes any one of four offenses prohibited under the Clery Act, as amended by VAWA: **Sexual Assault** (20 U.S.C. § 1092(f)(6)(A)(v)), **Dating Violence** (34 U.S.C. § 12291(a)(10)), **Domestic Violence** (34 U.S.C. § 12291(a)(8)), and **Stalking** (34 U.S.C. § 12291(a)(30)).
 - a. Sexual Assault** is a sexual act directed against another person, by force, threat of force, coercion, or without consent, including instances where the person is incapable of giving consent. Sexual assault includes the offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.
 - i. Rape:** The carnal knowledge of a person, without consent of the victim,

including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

- ii. **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - iii. **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 the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - iv. **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age, or because of his/her temporary or permanent mental or physical incapacity.
 - v. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - vi. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the age of statutory age of consent (age 16 in Rhode Island).
- b. **Dating Violence:** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. The existence of the relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
- c. **Domestic Violence:** Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by another person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. All

forms of domestic violence prohibited by Rhode Island law are also included.

- d. Stalking:** Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or similar devices or forms of contact are used.

B. Non-Title IX Sexual Misconduct: The following definitions apply to Prohibited Conduct that falls outside of Title IX's definitional and/or jurisdictional scope:

- 1. Hostile Environment Sexual Harassment** is defined as unwelcomed words, conduct, or actions of a sexual or gender-based nature, and (a) submission to such behavior is made either explicitly or implicitly a term or condition of employment or education at Bryant, (b) submission to or rejection of such behavior is used as a basis for employment, academic, or other decisions, or (c) it is sufficiently severe, pervasive, or persistent and has the purpose or effect of unreasonably interfering with work or academic performance, denying or limiting the ability to participate in or receive benefits, services, or opportunities in the university's programs or activities, or creating a hostile working or educational environment.
 - a.** While sexual harassment may take the form of physical conduct, it may also appear in verbal or written derogatory statements that may affect work assignments, promotions, raises, recommendations, or status for employees, or campus life, participation in a study abroad program, class assignments, grades, recommendations, or status in a course or program for students. Sexual harassment does not include words, conduct, or action of a reasonably socially acceptable nature. However, some behavior appropriate in a social setting may not be appropriate in the workplace or academic environment.
 - b.** Examples of conduct or statements that may constitute prohibited sexual harassment, include but are not limited to:
 - i.** unwelcomed sexual advances and requests for sexual favors;
 - ii.** sexual teasing, joking, suggestive looks, gestures or staring;

- iii. peer harassment that creates a hostile environment, such as spreading rumors about sexual behavior, sexually charged name calling, or inappropriate sexual text messages, emails, social media posts, and/or inappropriate communications in any manner or media;
- iv. direct or implied threats that submission to sexual advances will be a condition of employment, including work assignments, promotions, raises, recommendations, or status for employees, or an educational program or activity, including campus life, participation in a study abroad program, class assignments, grades, recommendations, or status in a course or program for students.
- v. written contact, such as sexually suggestive, harassing, or obscene letters, texts, faxes, emails, notes, invitations, etc.;
- vi. verbal contact of a sexual nature, such as sexually suggestive or obscene comments, phone calls, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions;
- vii. physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault;
- viii. coercing intercourse;
- ix. improper or unwelcome inquiries about someone's sexual or personal life, or sharing information about one's own sexual or personal life; or
- x. visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters or magazines.

2. **Sexual Assault** is defined as any sexual act directed against another person, without consent, including instances where the person is incapable of giving consent. The following behavior constitutes sexual assault:

- a. **Nonconsensual Sexual Penetration** (or attempts to commit the same) often referred to as rape:
 - i. Any sexual intercourse (anal, oral, or vaginal),
 - ii. however slight,
 - iii. with or without an object;

- iv. by a person upon another person;
- v. that is without consent, by physical force, and/or abusive sexual contact.

Sexual penetration is defined as any contact, however slight, of the vagina or anus of a person by any body part (penis, tongue, finger) of another person or an object and/or contact, however slight, of the mouth of a person by a sex organ of another person.

b. Nonconsensual Sexual Contact (or attempts to commit the same) often referred to as fondling:

- i. Any intentional sexual touching, including but not limited to breast, buttocks, inner thigh, groin, genitalia or surrounding area in a sexual way,
- ii. however slight,
- iii. with or without an object;
- iv. by a person upon another person;
- v. that is without consent, by physical force and/or abusive sexual contact.

Sexual contact includes intentional contact with the breast, buttocks, groin or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breast, buttocks, groin, genitals, mouth or other orifice.

3. Sexual Exploitation: Sexual Exploitation is intentionally taking sexual advantage of another person without consent. It may involve one's own or another person's nudity or sexuality. Examples of Sexual Exploitation include, but are not limited to:

- a. voyeurism (such as watching or taking pictures, videos, or audio recordings of another person in a state of undress without their consent or of another person engaging in a sexual act without consent of all parties);
- b. disseminating, streaming, or posting images, pictures or video of another in a state of undress or of a sexual nature without the person's consent;
- c. knowingly exposing one's genitals to another person without consent;
- d. prostituting another individual; or
- e. knowingly exposing another individual to a sexually transmitted infection or virus without the other person's knowledge or consent.

4. Dating Violence, Domestic Violence, or Stalking, as defined above and when not within Title IX's jurisdictional scope, is subject to the University's responsive actions when it occurs in a study abroad program or has a direct or continuing impact upon a person's equal access to Bryant's education program or activity.

C. Provision of Alcohol and/or Other Drugs for Purposes of Prohibited Conduct: The provision of alcohol and/or drugs to an individual for the purpose of committing or facilitating Prohibited Conduct is also in and of itself Prohibited Conduct. Such behavior may include provision of a drink or food which contains alcohol and/or drugs without the knowledge of the individual to whom it is being provided or other actions taken with the intention of impairing senses, judgment, and/or physical and mental ability of another person. An individual does not have to engage in sexual activity with another person to be found responsible for the prohibited provision of alcohol and/or other drugs.

D. Retaliation: Retaliation is any action, intimidation, threat, coercion or discrimination against an individual in response to the individual's good-faith report or participation in a proceeding related to this policy. Any retaliatory action taken directly against a person who has made a report, filed a complaint, or participated in an investigation or hearing is strictly prohibited. Retaliation can include, but is not limited to, intimidation, direct or indirect threats, harassment, use of social media to ridicule, insult or bully, and other conduct that would discourage a reasonable person from engaging in any activity protected under this policy, such as seeking services, receiving protective measures and accommodations, and/or reporting Prohibited Conduct. 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. This prohibition against retaliation protects the Complainant, the Respondent, and any other individuals who provide information relating to an investigation or complaint process.

- E. Making a Materially False Statement in Bad Faith:** Members of the University's community are expected to provide truthful information in any report, meeting or proceeding relating to this policy and the University's complaint and grievance procedures. Providing or submitting false or misleading information in bad faith, with a motive to obtain personal advantage or to cause intentional harm to another person in connection with an incident of sexual misconduct, is prohibited, and the individual is subject to disciplinary sanctions under the relevant disciplinary system. This provision does not apply to reports made or information provided in good faith, even if the facts claimed are ultimately not substantiated. A determination regarding responsibility, alone, is insufficient to conclude that any party violated this provision.

V. Definitions Related to Prohibited Conduct

- A. Consent:** Consent is a clear, informed and voluntary agreement to engage in sexual activity. Consent requires an outward demonstration, through understandable words or behavior, that conveys a clear willingness to engage in sexual activity. Consent to one type of sexual activity does not equal consent to other types of sexual activity. Consent can be withdrawn at any point during sexual activity and the sexual activity must stop immediately. A verbal "no" establishes lack of consent. Silence, without clear actions demonstrating permission, cannot be assumed to indicate consent – the absence of "no" does not equal "yes." Consent cannot be obtained by coercion, threat or force.

Consent cannot be given by someone if they are mentally or physically incapacitated. Engaging in sexual activity with a person whom you know -- or reasonably should know - - to be incapacitated constitutes sexual misconduct. A person also is incapable of giving valid consent to sexual activity if they are under the legal age of consent (age 16 in Rhode Island).

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.

- B. Incapacitation:** Incapacitation is a state where an individual is temporarily or permanently impaired to the extent where that person can no longer make a rational and informed decision to consent to sexual activity. Incapacitation may be caused by mental or physical disability, or when a person has consumed alcohol or other drugs, including

prescribed medication. Individuals who are asleep or unconscious are incapacitated. A person who does not comprehend the “who, what, when, where, why, or how” of a sexual interaction may be incapacitated. Evidence of incapacitation may include, but is not limited to, stumbling or shaky equilibrium, vomiting, slurred speech, bloodshot eyes, smell of alcohol, outrageous or unusual behavior, or unconsciousness (for short or long periods of time).

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.

Further, the accused may not assert his or her own diminished capacity due to drug or alcohol usage as a defense to the reported allegations or resulting charges.

- C. **Coercion:** 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 or future harm and/or that is employed to compel someone to engage in sexual contact.
- D. **Force:** Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force can include intimidation or implied threats to overcome an individual’s resistance or produce consent. There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent.
- E. **Intimidation:** Intimidation is defined as overt or implied threats or acts that would cause reasonable fear of harm in another.

VI. Key Definitions

- A. **Complainant** refers to a student, employee or third party who is reported to have experienced Prohibited Conduct and who participates in a process undertaken by the University to address a report of Prohibited Conduct. In certain instances, the person may not wish to participate in the process. In those cases, the University, acting through a Title IX Coordinator or other authorized official, may elect to pursue an investigation and adjudication of the matter under any applicable University procedures in the interests of the protection of the Bryant community. For ease of reference, Complainant is used throughout this policy to refer generally to refer to an individual who is reported to have experienced Prohibited Conduct, even if they do not participate in any related process.
- B. **Respondent** refers to the person who is reported to have engaged in alleged

conduct that could constitute Prohibited Conduct.

Supportive Measures are non-disciplinary, non-punitive individualized services and accommodations offered, as appropriate and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening another party, including measures designed to protect the safety of persons impacted by a report or the University's community, or to deter Prohibited Conduct.

Examples of Supportive Measures include, but are not limited to: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus safety escort services, changes in work or housing assignments or locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive measures may also include mutual restrictions on contact between the parties.

VII. The University's Fraternization Policy

Except under specifically prescribed and limited exemptions, Bryant strictly prohibits any non-student community member from engaging in a romantic or sexual relationship with an enrolled student. The University's prohibition against such intimate relationships is stated in its [Fraternization Policy](#).

VIII. Reporting and Options for Assistance

Bryant is required to take responsive action when it has notice of potential or alleged Prohibited Conduct. Notice occurs when one or both of the Title IX Coordinators receive a report, from a Complainant, or any person, alleging Prohibited Conduct. Bryant has instituted policies and training to Mandatory Reporters to share promptly and fully information about known alleged Prohibited Conduct. The University's centralized reporting requirement helps to ensure that the Complainant may receive Supportive Measures promptly upon the reporting of Prohibited Conduct, ensures that all Bryant community members have equitable access to the resolution processes (including Supportive Measures, as appropriate to the Complainant, Respondent, and witnesses during the processes), allows Bryant to take prompt and appropriate actions consistent with its Title IX obligations and educational mission, while respecting the Complainant's autonomy to the fullest extent possible.

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 the University, off-campus resources, or both.

Resources

As discussed below, some resources both on and off-campus are "confidential" and/or

“anonymous” 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. Additional resources are not confidential or anonymous.

Anonymous Resources – Anonymous reporting sources are required to report statistical information to the Title IX 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 Coordinators or designee. Anonymous resources include the First Responders (who answer reports or inquiries on the Advocacy Helpline) and the Victim Advocate.

Confidential Resources – Confidential resources are those individuals who, by law and/or University 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.

Victim Advocate - A 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 under this policy and other applicable University policies, the right to contact law enforcement, and available legal, medical or counseling support and assistance. Victim Advocates are an anonymous resource who must report date and location of the incident, but names will not be included unless with consent of the victim.

Non-confidential Resources – Non-confidential resources, particularly Mandatory Reporters, are required to report all information to the Title IX 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 Title IX Coordinators.

Immediate Resources On Campus

Advocacy Helpline – (401) 258-4209: A private, 24/7 support network of Bryant staff members who are trained to assist student victims of sexual misconduct. 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 take unless you choose to do so.

Bryant’s advocates for those who have experienced sexual misconduct are housed in the Hochberg 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 Coordinators (see full contact information in Section III above)

- Mailee Kue, Assistant Vice President of Student Affairs, **(401) 232-6448**
- Meaghan Trayner, Associate Director of Human Resources **(401) 232-6015**

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 (215 Pleasant View Avenue, Smithfield, RI 02917) The 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.

<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

A twenty-four (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.

Options for Victims of 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 Department of Public Safety (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 encourages victims of sexual misconduct and others who are aware of sexual misconduct to report the matter in order for the impacted individual to receive support and for the University to investigate and address any allegations of misconduct. The individual 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 they so choose.

The University supports the confidentiality interests of persons who report that they have been subjected to sexual misconduct. Even if such a person does not specifically ask for confidentiality, the University will disclose information regarding alleged 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 will be limited, and the information will only be shared with individuals who are responsible for handling the University's response.

On Campus Confidential and Anonymous 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:

Advocacy Helpline - (401) 258-4209. The Advocacy Helpline is a private 24/7 support network of Bryant staff members who are trained to assist student 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 and may be reached by telephone for 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 Coordinators, as required under federal law, and will not disclose information which identifies the individual except in those instances where the Title IX Coordinators determine that disclosure is necessary in order for the University to meet its legal obligations and/or to protect the safety and well-being 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.

IX. Mandatory Reporters

Taking meaningful and prompt action when Prohibited Conduct occurs is a critical component of Bryan's commitment to the health and safety of its community. Designating employees as a Mandatory Reporter enhances the University's ability to know promptly what is occurring within its programs or activities and to respond accordingly.

For purposes of this policy, a Mandatory Reporter is a University employee who has a duty to promptly convey to the Title IX Coordinators all known details of alleged Prohibited Conduct involving students, faculty, staff and third-parties. The term Mandatory Reporter does not include confidential resources and anonymous reporting sources addressed in this policy's options for reporting and assistance. Mandatory Reporters include employees in a leadership and supervisory position, or who have significant responsibility for the welfare of students, faculty or staff.

Any questions about the status of an employee as a Mandatory Reporter should be addressed to the Title IX Coordinators. Employees who are Mandatory Reporters include the following non-exhaustive list:

- The President, Vice Presidents and Deans;
- The Provost;
- Faculty;
- 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 participate anonymously);
- Residential Life staff (Area Co-Coordinators, Associate Director, Assistant Director, Director, and Resident Assistants.);
- Peer Mentors;
- Coaches and Athletic Trainers;
- Human Resources staff members; and
- Student organization faculty/staff advisors.

Mandatory Reporters must report promptly to the Title IX Coordinators after their receipt of allegations of Prohibited Conduct. The Title IX Coordinators may notify the Department of Public Safety and other appropriate Bryant officials, as deemed reasonably necessary and appropriate under the circumstances.

Mandatory Reporters who learn about alleged incident(s) of sexual misconduct should not promise confidentiality. Mandatory Reporters should provide all relevant details about the alleged incident(s), including:

- the person who experienced the alleged Prohibited Conduct;
- the name of the accused, if known;
- the identity of other persons or witnesses involved in or with information about the alleged Prohibited Conduct;
- details about the date, time and location of the alleged Prohibited Conduct; and
- whether the person who experienced the alleged Prohibited Conduct has requested 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 by a Mandatory Reporter will be shared only with people responsible for handling the University's response to the report. A Mandatory Reporter should not share information with law enforcement without the individual's consent or unless the individual has also reported the incident to law enforcement.

All faculty and staff not designated as a Mandatory Reporter are encouraged to report all incidents of Prohibited Conduct to the Title IX Coordinators. Before making this disclosure, such employees should confer with the individual who disclosed being harmed or targeted by Prohibited Conduct to

make sure that they are aware of the intention to report.

Addressing Requests for Confidentiality/Privacy or That No Action Be Taken

A person may report an incident of Prohibited Conduct 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. If an individual seeks 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 impacted individual 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 person reports an act of Prohibited Conduct 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 Coordinators. In evaluating the request for confidentiality/privacy or that no action be taken, the Title IX Coordinators will consider a range of factors including:

- whether circumstances suggest there is an increased risk of the alleged perpetrator committing additional acts of sexual or other violence;
- whether there have been other sexual misconduct complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or disciplinary complaints in other settings indicating a history of violence;
- whether the alleged perpetrator has threatened further sexual or other violence;
- whether the reported sexual misconduct was committed by multiple alleged perpetrator(s);
- 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 the reported sexual violence was perpetrated with a weapon; and/or
- 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 alleged perpetrator(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

Rhode Island law requires that all persons must 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 observes 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.**

X. Student Amnesty

The health and safety of every student at Bryant is of utmost importance. Bryant recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of violence occurs, including but not limited to sexual assault, domestic violence, dating violence or stalking, may be hesitant to report such incidents due to fear about potential consequences for their own conduct. Bryant encourages students to report instances of sexual misconduct. A bystander acting in good faith, or a reporting individual acting in good faith, who discloses an incident of violence to the University's officials or law enforcement will not be subject to the University's Student Code of Conduct for violations of alcohol- and/or drug-use policies occurring at or near the same time of the commission of the incident.

XI. Academic Freedom

Bryant 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. Rather, the conduct must be sufficiently severe, pervasive, and objectively offensive that it effectively denies equal access to or unreasonably interferes with an individual's ability to participate in employment or education programs or activities. Such behavior compromises Bryant's integrity and tradition of intellectual freedom and will not be tolerated.

XII. Applicable State Laws

Conduct that violates this policy may also violate the local laws of the State of Rhode Island or other jurisdiction where the incident occurred and could subject an accused to criminal prosecution. As noted above, 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. Prompt external reporting is important to a criminal investigation and prosecution.

The preponderance of the evidence standard of evidence used by Bryant (“more likely than not”) is not the same standard for criminal culpability in most jurisdictions. A determination of responsibility under a Bryant policy does not equate to a violation of criminal laws.

XIII. Sexual Assault Prevention, Education and Training

Bryant provides programs designed to promote the awareness of Prohibited Conduct, including primary prevention and awareness programs for all incoming students and new employees which address the University’s prohibition against Prohibited Conduct, the definitions of such conduct, the definition of consent in reference to sexual activity, 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 annual training on reportable crimes under the Clery Act including all forms of sexual misconduct. The Title IX Coordinators and all persons involved in the University’s Title IX processes (including its investigators, facilitators of informal resolutions, decision-makers, and appeals officers) will receive annual Title IX training, particularly the requirements of the Title IX Rules on sexual harassment. Copies of the University’s Title IX training materials may be viewed on its website.