



**Brown University  
Sexual Assault Task Force**

**Interim Report**

**December 2014**

December 16, 2014

Dear President Paxson,

In the fall of 1990, national attention<sup>1</sup> was focused on the Brown University campus regarding issues of sexual assault and gender-based violence. Students, predominantly women, wrote on bathroom walls to warn one another about fellow students. In the absence of a university policy defining or prohibiting sexual assault, the few incidents that were reported to deans at the time were often handled in an informal and inconsistent manner. Resources and support for students were minimal, and training and awareness programs on this subject virtually non-existent. The then dean of student life told students at an open forum that fall: “Your outrage at the administration is justified,”<sup>2</sup> and substantial resources and policies, as well as a re-structuring of the Office of Student Life, ensued. The clear threat of sexual violence, which had been present for decades but rarely discussed publicly, was finally acknowledged in the Code of Student Conduct, orientation, and University offices and official procedures.

Nearly a quarter of a century has passed since a small group of student leaders brought this issue forth into the campus- and national-dialogue. During that time, many improvements have been made to policies, hearing processes, orientation, training programs, and more. Disciplinary hearings have been held and students found responsible for their actions have been sanctioned. Positions of support, most notably the Coordinator of Sexual Assault Prevention and Advocacy, have been created and educational programs such as the Sexual Assault Peer Educators (SAPE) institutionalized. However, despite clear progress and positive contributions of many students, faculty and staff over the years, sexual violence remains a clear and present danger to the values and safety of the Brown University community.

In response to another round of national attention and scrutiny, this Task Force was formed and charged with the responsibility of shaping Brown into a national leader in addressing sexual violence on college campuses. Beyond the concern raised by the handling of an individual case last academic year, our work has taken place in the context of an ongoing nation-wide conversation regarding sexual violence, and in particular the manner in which colleges and universities respond to and resolve complaints of sexual and gender-based harassment and violence from students, faculty and staff. Emerging and changing federal guidance, investigations by the Department of Education’s Office for Civil Rights at Brown and elsewhere, and extraordinarily valuable conversations about culture and norms have energized and informed this important work.

While we acknowledge the national backdrop, the historical use of sexual violence as a weapon of power and privilege, and the complexity of changing cultural norms on a societal scale, our immediate concern and priority is the Brown community. We heard, as we describe in our interim report, from numerous students who feel, much as students expressed in 1990 and many times since, that the administration has failed to protect them from a hostile campus environment, a right they are entitled to under Title IX of the Education Amendments of 1972. Those students – and many others – feel let down and have expressed, clearly and thoughtfully, a wide-spread lack of

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<sup>1</sup> <http://www.nytimes.com/1990/11/18/us/date-rape-and-a-list-at-brown.html>

<sup>2</sup> *Ibid.*

trust in the administration and the University to effectively listen to and address their concerns in a timely and equitable manner. We feel an obligation – as should the entire Brown community – to those students and to all members of the community to do better, much better, in addressing and resolving the problem of sexual harassment and violence at Brown.

Our preliminary findings and near-term recommendations are grounded in this sense of obligation. We state clearly and unequivocally that sexual and gender-based harassment and violence of any type have no place in the Brown University community. All students, faculty and staff – regardless of gender, gender identity and expression, or sexual orientation – are entitled to work, study, teach, learn, conduct research, and live in an environment free of sexual harassment, discrimination, and violence. As a university, it is our collective responsibility to ensure that adequate and appropriate support services; policies and procedures; ongoing mandatory training and awareness programs; and effective, efficient and equitable complaint resolution procedures are in place to realize this commitment. Our interim report is a start at improving upon the many services, programs and policies currently in place.

It is clear, however, from our conversations this semester within the Task Force and with the broader community, that nothing will change at Brown if we do not address the underlying cultures and norms – both on campus and in society at large – that enable and encourage sexual harassment and violence. This is a challenge that faces higher education in general, and if Brown has one opportunity to serve as a national leader it is to set – and model through its actions and commitments – the appropriate norms around equity, power, privilege, and freedom from discrimination and violence of any form. Brown is not immune or set apart from the inequalities that define our society, and students, faculty and staff come to our campus every year with their own cultural perspectives and values, biases and prejudices regarding gender, sexuality, race, class, ability, and social status. Many of these biases and prejudices inform and perpetuate a culture in which violence, hostility and discrimination towards individuals is encouraged and accepted. Brown University must be a leader in changing this cultural norm if we are to fulfill successfully our academic mission and our responsibility to the world.

The goal of our Interim Report, and our Final Report which will follow in March 2015, is therefore crystal clear: the current norms and culture of the Brown University campus are not acceptable, and as a community we must seek in word and deed to fundamentally change that culture in order to ensure that the Brown campus is a safe and welcoming place to learn, teach, conduct research, work, and live for all members of the community.

This goal will by no means be easy to achieve. The challenges of changing ingrained attitudes are well-known, including: societal norms, behaviors and experiences learned prior to coming to Brown, influence of all forms of media, and most importantly, community acquiescence to unacceptable conduct. Communities have the power to either perpetuate the unfair treatment of individuals or to ensure that such treatment is eradicated. Brown must use its own power and resources to direct community accountability towards a shared ethic of equity, mutual respect, and care. Meeting this challenge will require both clear and unwavering leadership from the highest levels of the University and the individual acceptance and willingness to change from all students, faculty and staff. Critical to this effort will be robust, effective, mandatory and repeated education, professional development, and training programs aimed at changing the underlying culture, which

enables and empowers the small number of Brown community members who commit acts of sexual and gender-based harassment and violence.

Despite the daunting nature of the challenge before us, we offer our Interim Report and its preliminary findings and recommendations with deep optimism. Our community conversations this fall have been difficult but also full of hope, as we identified programs, offices and individuals that are already addressing these matters with care and professionalism. Consistent throughout has been a faith in the Brown community that we can do better. That faith does and will continue to guide our work. We owe each other no less.

Sincerely,

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**Brown University  
Sexual Assault Task Force**

**Interim Report**

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## I. WORK TO DATE, COMMON THEMES, DATA AND RESEARCH

The Task Force [charge](#) included responsibility for examining the following specific areas:

**Sexual Assault Prevention:** Are we following best practices for the prevention of sexual assault, and do we have adequate staffing to implement best practices? The Task Force should consider the prevention of sexual assault among undergraduate, graduate, and medical students.

**Student Support and Advocacy:** Are the resources currently in place to provide support and advocacy for students adequate and consistent with best practices? The Task Force should consider resources made available to students who have been victims of sexual assault as well as students against whom complaints are made.

**Policies and Procedures for Sexual Misconduct:** The University has established policies and procedures for receiving, investigating and resolving complaints made by students of sexual assault and sexual misconduct. The Task Force shall review these policies and procedures, assess their effectiveness, and identify areas for improvement consistent with best practice and the University's goal of being a national leader in these matters.

While our work will continue into the spring and our final report issued in March 2015, we have already made substantial progress on the three areas of our charge. The Task Force, established in May 2014 by President Paxson, was fully formed by mid-September when student appointments were finalized. Seventeen members and two staff began meeting on October 1<sup>st</sup>. We have held eleven weekly meetings since, plus two work sessions to produce our Interim Report. As detailed in Appendix C, we have met with a broad range of faculty, staff, students and external consultants who are deeply engaged and have vast experience with these issues. Topics covered include an overview of the challenges inherent in discussing sexual violence; legal requirements and federal guidance; the current policy and procedures for hearing and resolving complaints among students; support, education and advocacy services for community members (in particular complainants and respondents); and the concerns and research findings of undergraduate students, including those on the Task Force and others involved with the Imagine Rape Zero project and other student advocacy groups. We have examined research in the field of sexual violence; in particular work done on offender profiles and tactics and interventions in offender behavior via education and/or treatment.

We also met with Attorneys Leslie Gomez '92 and Gina Smith from the law firm Pepper Hamilton who have been retained by the University to conduct an external policy audit of Brown's policies, procedures and practices with respect to sexual and gender-based harassment and violence. In addition to reviewing written and web-based policies and documents, they have met with various faculty and staff involved with Title IX, including deputy coordinators, counsel, student life and student conduct, public safety, counseling, health services, human resources, conduct board members, advisors, and others. They have also met with students without any administrators present. We anticipate receiving their findings and recommendations, which will inform our final report, next semester.

While we have additional individuals and organizations to meet with next semester, we feel we have developed a strong foundation of knowledge regarding the systems, policies, procedures and resources currently in place at Brown relating to incidents of sexual harassment and violence.

Early in our work, we decided to form a subcommittee to focus on issues of sexual violence and harassment specific to graduate and medical students. That group, chaired by Task Force member Liza Cariaga-Lo, has been meeting regularly and has formulated some near-term recommendations, which are included here. The sub-committee will sponsor open forums for graduate and medical students in January and will meet with the Medical Faculty Executive Committee next semester.

### **Campus Outreach and Engagement**

High among the Task Force's priorities is listening to members of the campus community. In order to gather as much input as possible, we created multiple ways for the community to communicate their concerns and questions to us. We established a dedicated e-mail address ([SATF@brown.edu](mailto:SATF@brown.edu)) and invited (and continue to invite) written feedback via campus mail. Very few members of the community took advantage of these options, and at the beginning of the spring semester we plan to hold open office hours and create alternatives that might be more comfortable for students to take advantage of. The Task Force welcomes suggestions from the community on how best to gather further input.

More successful were our open forums and student organization outreach in November and December. The Task Force, along with the Undergraduate Council of Students and the Coalition Against Sexual Assault and Relationship Abuse (CASARA), began the series of forums and outreach events with a highly successful panel discussion on Brown's Systems for Preventing and Responding to Sexual Assault. Attended by over a hundred community members, the panel discussion is also available [on-line](#) to those on campus, and we strongly encourage all students, faculty and staff to view it.

Following the panel discussion we sponsored two open forums for undergraduate students and one for faculty and staff. We have also held almost a dozen meetings with student, faculty and staff organizations with expertise and interest in these issues. These have included direct outreach with: Brown Center for Students of Color staffers and Minority Peer Counselors; representatives of the Greek Community; the Faculty Executive Committee; the LGBTQ Center; Residential Peer Leaders; the Sarah Doyle Women's Center; the President's Cabinet; the Administrative Leadership Group; the Brown University Community Council; and representatives of the student athlete community. We are willing to conduct further meetings with any group of students, faculty or staff on campus and would encourage interested groups to contact us.

As part of the review of the student conduct process, student members of the Task Force conducted interviews with fellow students who had experienced or observed some part of the process. We have also, as individuals and as a group, discussed this topic at length over the past several months. All of these interactions have been immensely valuable in giving members of the Task Force a sense of the common concerns of the Brown community. These concerns have directly informed the near-term recommendations we make in this report.

### **Themes of Common Concern and Brown Community Priorities**

A range of feedback has been voiced at the various forums and outreach events sponsored by the Task Force. We attempt to summarize here the most commonly expressed concerns.

***Clarity of Information*** – Perhaps the most common concern expressed by Brown community members was with regard to the clarity and availability of information about sexual and gender-based harassment and violence, the resources available for support and the nature of the complaint resolution processes. A substantial amount of information is available on multiple campus websites, and work that began over the summer aims to centralize information and construct appropriate links on the [Title IX Related Resources page](#). However, the sheer volume of information and its presentation has been found to be overwhelming for students, particularly when they are attempting to access it in times of extreme stress. Clear and accessible information about University policies – from how to obtain a No Contact/Communication Order to more detailed information about the hearing process – is urgently needed.

***Clarity of Timelines*** – Many members of the campus community expressed frustration with the timeline of the complaint resolution process. These frustrations related to the length of time certain processes take and, perhaps more importantly, unexplained delays in communication with students. This was most acutely felt in regard to appeals, which at present have no stated time frame within which they must be resolved. Numerous variables within the complaint resolution process contribute to delays: requests from both complainants and respondents and/or their attorneys; challenges faced by the Office of Student Life in convening Student Conduct Board panels; and the length of time needed to assemble information. As a result the process can stretch over a semester or more, having profound and negative impacts on students going through it while also trying to maintain their academic performance. Reducing the amount of time involved and the demands upon students in the complaints process, while maintaining fairness and equity, is crucial. Clarity in all communications about the length of the process – and accountability for the maintenance of those timelines – will go a long way toward rebuilding community trust.

***Traumatic Nature of University Process*** – Incidents of sexual and gender-based harassment and violence invariably result in significant trauma for survivors. Resolving the complaints made about these incidents should not add to that trauma, but this has been the experience of many who have undergone the process. We know from research that significant barriers exist to reporting, and the difficulties and additional stress experienced by students in bringing forth complaints to the University only heightens these barriers. From the initial act of filing a Campus Incident Complaint Form (which, when done on-line, requires a student to log-on with a Brown University user ID and provide substantial details that a person experiencing trauma may not yet be ready to disclose without being entirely certain what will happen next with the information provided) to the hearing itself which frequently lasts an entire day, to the lengthy appeal process, much of the student conduct proceedings contributes to rather than ameliorates trauma.



***Sanctioning, Separation and Appeals*** – Members of the campus community expressed concern that the sanctions imposed on individuals found responsible for sexual and gender-based harassment or violence have not been strong enough. One faculty member went so far as to state that the University opposes sexual violence in the abstract, but not in reality. There is a widely shared perception that penalties are too lenient. The fact that students found responsible for violating the Code of Conduct and separated from the university can remain on-campus while their appeal is reviewed (which can take a significant amount of time, as noted above), has caused considerable unease. Concerns were also raised regarding the fact that the senior associate dean for student life is able to alter the recommended sanction put forward by the Student Conduct Board. Beyond procedural questions, there was a feeling that the criteria for sanctioning was vague and that sanctions were inconsistently applied.

In some of our conversations, community members expressed support for immediate expulsion and/or mandatory minimum sentencing for respondents found responsible for sexual misconduct. Policy reviews conducted by student members of the Task Force over the summer provided convincing evidence that such measures can do more harm than good, in particular serving as a disincentive to survivors to report incidents of sexual violence if they do not want the perpetrator expelled from the University. Accordingly, we do not recommend that Brown adopt mandatory sanctions but rather carefully consider the factors for sanctioning recommended below in each case.

The Task Force heard many Brown community members express their misgivings about the standards used to grant appeals and appeals hearing process. Closely related to the aforementioned issue of respondents remaining on campus during their appeal, is that the overall appeal process is mysterious and opaque to students. While the criteria for granting appeals – new evidence or substantial procedural error – was not generally questioned once understood, the current practice of a single individual deciding appeals was considered problematic. Our near-term recommendations attempt to address the issue of the length of appeals, and our final report will put forward recommended changes to the appeals process.

***Timely Warnings and Transparency Regarding Incidents of Sexual Violence*** – Campus community members questioned the lack of direct communication from the administration regarding incidents of sexual violence, along the lines of the timely warnings the Department of Public Safety issues in regard to robberies and other crimes. The notices issued this fall about the alleged use of a date rape drug on campus brought this issue to the fore, and we listened to many perspectives on this question at the forums and outreach events. There is a clear desire for more communication, both for the purpose of notifying the community of potential safety concerns but also to raise awareness and assist in shifting campus culture. Many felt that greater awareness of incidents, including locations where they occurred, would reduce the potential barriers to reporting and increase the community consciousness of the reality of sexual violence on campus.

***Campus Climate Surveys*** – There has been wide-ranging conversation about the need for concrete studies of the prevalence of sexual harassment and violence on campus and Brown's participation in the Association of American Universities (AAU) sexual assault

and campus climate survey this coming spring. As reflected in our near-term recommendations, strong support was expressed for public disclosure of the data from that survey and the utilization of credible, research-based methodology.

***Training, Education and Awareness Programs*** – In nearly every public discussion concerns were raised regarding the frequency and content of the current (largely voluntary) training and education programs on campus. Students, faculty and staff expressed support for frequent and mandatory training programs. These were seen as necessary to increasing awareness and promoting positive behavior, especially with regard to bystander intervention and knowledge of resources. At the same time, strong support was voiced for ensuring that these programs are rigorous, credible, effective, and based on evidence and research. The Sexual Assault Peer Education program (SAPE) was cited frequently as an example of an excellent program that could be even more effective with additional resources. Similarly, training and awareness efforts from the Office of Health Promotion and the Sarah Doyle Women’s Center were lauded. These efforts too were said to lack sufficient resources and sustainable staffing. Community members expressed support for a combination of online and in-person training programs, with an emphasis on the value of the latter, particularly small-group discussions that allow for the sharing of individual perspectives. There was widespread support for making training mandatory for all Brown community members and that this requirement should be rigorously enforced (in theory the existing online training module for faculty and staff, which was rolled out in the spring of 2013, is required but there is no enforcement mechanism and only about 70% have complied to date). In addition to mandatory participation, there was strong support for repeated exposure to training on a regular (annual or more frequent) basis. In particular, concern was raised that undergraduate students currently undergo an orientation on sexual harassment and violence within their first forty-eight hours on campus but following this there is no compulsory training or education. Proposed extensions of campus education will require considerable investment of resources if they are to be to be effective, but will be critical to enacting a shift in campus culture.

***Inclusivity and Diversity*** – The Brown community has consistently voiced the need for policy, procedure, practice and training to be inclusive and mindful of how sexual and gender-based harassment and violence are experienced differentially by various communities within Brown, particularly historically marginalized communities. We know that the experience and impact of sexual assault can be strongly shaped by identity, and reactions to an assault can be affected by race, sexual orientation, gender identity, ability, or cultural values. We also know that the barriers to reporting can be particularly high for male victims. The suggestions put forward during these discussions included gender-neutral sexual and gender-based harassment and violence policies; procedures that grappled with the dynamics of small social groups; increased availability of knowledgeable and culturally competent advisers and support personnel; additional support for male victims; and changes to the training of members of Student Conduct Board hearing panels. We have sought to address a number of these important issues in our near-term recommendations.

Not all of these themes are directly addressed in the near-term recommendations (although many are), but they have shaped our discussions and will continue to inform our work into the spring semester and our final report.

### **Data and Research Regarding Sexual Harassment and Violence**

Throughout our work this semester we have returned frequently to data and research regarding sexual harassment and violence at Brown and elsewhere. We were significantly aided in this regard by Task Force member Dr. Lindsay Orchowski, a faculty member in the Department of Psychiatry and Human Behavior. Dr. Orchowski, a prolific researcher with vast experience in the field of sexual assault, is currently directing a project that is developing a prevention program for college men and addresses the role of alcohol in sexual violence. Dr. Orchowski briefed the Task Force on research in this field and frequently grounded our conversations in evidence-based findings and data. We include a summary of this research here to both demonstrate the type of data and scholarship that undergirds this interim report and also to raise awareness among members of the Brown community about the complex, and not well understood, topics of sexual and gender-based harassment and violence.

### ***Prevalence of Sexual and Gender-based Harassment and Violence***

Sexual assault is having or attempting to have sexual contact with another individual by coercion, force or threat of force, without consent, or where that individual is incapacitated. Behaviors constituting sexual assault can range from non-consensual sexual intercourse to unwanted sexual touching. It is a serious problem that occurs across a continuum of severity (Koss & White, 2008). Compared to other settings, likelihood to experience sexual violence is particularly high in college (Martin, Fisher, Warner, Krebs & Lindquist, 2011). In the nationally-representative Campus Sexual Assault Study (Krebs, Lindquist, Warner, Fisher & Martin, 2007), 28.5% of college women reported having experienced an attempted or completed assault either before or since entering college. Research across Historically Black Colleges and Universities (HBCU) documents similarly high rates of attempted and completed sexual assault both before and during college (Krebs, Barrick, Lindquist, Crosby, Boyd & Bogan, 2011). Given that some students arrive at Brown already having experienced sexual violence, it is important to reach out to students as they arrive on campus in order to inform them of our available resources.

Anyone can experience sexual violence. According to the 2011 *National Intimate Partner and Sexual Violence Survey*, 1 in 5 women and 1 in 7 men will experience an attempted or completed rape during their lifetime (Black, Basile, Breiding, Smith, Walters, Merrick, Chen & Stevens, 2011). According to the Campus Sexual Assault Study (Krebs et al., 2007) 1 in 5 women and 1 in 33 men experience sexual assault or attempted sexual assault in college.

The majority of assaults are perpetrated by someone known to the victim. Students seeking confidential support at Brown indicate that 73% of sexual assaults were perpetrated by another Brown student (CSAPA, 2013-2014). Studies suggest that many—but not all—assaults involve some alcohol use by the victim and/or perpetrator (Abbey, 2008). Notably, although sexual

violence is common, the vast majority of individuals tend to believe that “it won’t happen to me” (*Orchowski, Creech, Reddi, Capezza, & Ratcliff, 2012*).

It is also clear that sexual violence is a problem at Brown. A randomized sample of undergraduates was surveyed in Fall 2013. Validated measurements were used, and the survey was anonymous and web-based to ensure the most accurate results. Results indicate that 12.8% of Brown students reported unwanted touching over the past 12 months (*Unpublished University Data, 2013*). These data suggest elevated rates of unwanted touching among Brown students compared to other students completing the Spring 2013 American College Health Association (ACHA, 2013) National College Health Assessment (NCHA) (12.8% vs. 6.4%),  $Z = 6.55$ ,  $p < .001$ . (The ACHA NCHA Spring 2013 survey included 96,911 undergraduates at 153 colleges and universities). In the Brown 2013 survey, 4.5% of students reported attempted and 1.5% reported completed sexual penetration without consent over the past 12 months. These data suggest that although Brown students were equally likely to report sexual penetration without consent compared to other students completing ACHA NCHA (1.5% vs. 1.8%); Brown students were more likely to report attempted sexual penetration without consent compared to the ACHA NCHA study (4.5% vs. 2.8%),  $Z = 2.47$ ,  $p < .05$ . These data underscore the importance of rigorous programming designed to prevent sexual violence during students’ time at Brown, and the importance of comprehensive programs to support victims.

### ***Sexual Violence is an Underreported Crime***

It is also important to be aware that various methods of generating the incidence and prevalence of sexual violence may underestimate the occurrence of the crime. For example, the Uniform Crime Report of the Federal Bureau of Investigation reported that 79,770 incidents of sexual assault in the general United States population that met the legal definition of rape were reported to law enforcement in 2013. However, this national estimate includes only those cases reported to the police or other authorities, and therefore may severely underestimate the nationwide incidence of sexual victimization (*Koss, 1993*). For reasons described below, many victims do not label an experience of unwanted sexual contact or sexual coercion as sexual violence, even if it meets the legal definition of sexual assault (*Orchowski, Untied & Gidycz, 2013*). Further, even if an act is perceived as sexual assault, the victim may not report the crime to the police (*Kilpatrick, Edmonds & Seymour, 1992*). Thus, we believe that estimates of sexual assaults reported to providers at Brown vastly underestimate the actual occurrence at the University. Clery crime reports indicate that 21 forcible sex offenses were reported to the University in 2013, compared to 17 in 2012, and 7 in 2011 ([\*Clery Campus Crime Report, Brown Department of Public Safety, 2014\*](#)). Included in these numbers are reports made to confidential reporting resources, such as the Coordinator of Sexual Assault Prevention and Advocacy, and in many of these instances the reporting person has chosen not to file a University or campus complaint.

Increased reporting is a positive trend. Rather than indicating that more students are being assaulted, it means that more people are willing to come forward to seek help. Over the past three years, the number of incidents<sup>3</sup> confidentially reported to the Coordinator of Sexual

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<sup>3</sup> Incidents include first and second degree sexual assault, attempted sexual assault, sexual harassment, stalking, childhood sexual abuse and dating abuse. One person may disclose more than one incident.

Assault Prevention and Advocacy has increased from 24 in 2011-2012 to 51 in 2012-2013 and 60 last academic year. A small number of these students are graduate or medical students, less than five in each of the past two years. Continued increases would demonstrate that survivors feel safe accessing support on campus (and also that increased resources are needed in sexual assault prevention and advocacy to support these students, as recommended under *Training, Education and Awareness Programs* in our *Near-Term Recommendations for Immediate Action*).

### ***The Risk Factors for Sexual Violence are Complex***

It is evident that multiple factors play a role in sexual violence committed by perpetrators. Factors include characteristics of individuals, shared peer and family beliefs, community values, and societal factors. It is also evident that in order to be effective, preventative interventions must address each of these individual, relational, community and societal factors.

At the individual level, a perpetrator's attitudes, beliefs, socialization and peer group relationships each interact to determine the conditions in which they would be willing to perpetrate (*Berkowitz, 2002*). Rape supportive beliefs and attitudes can guide an individual perpetrator's decision making, leading to biased processing in social situations and perpetration of violence (*Burkhart & Fromuth, 1991*). An individual's personality and prior sexual experiences, as well as their perception of what is normative for their peer group also enhance the likelihood that someone will act on rape-supportive beliefs and attitudes (*Deming, Covan, Swan, & Billings, 2013; Edwards & Vogel, 2013*). Further, individuals often overestimate the extent to which others endorse rape myths, often believe that their peers are more sexually active than they actually are, and underestimate the extent to which their peers are uncomfortable with risky or inappropriate behavior (*Kilmartin, Conway, Friedberg, McQuoid & Tschann, 1999; White, Lavene, & Cho, 2003*). These misperceptions can pressure individuals to be sexually active when they do not want to, and suppress their discomfort with the sexually aggressive or sexist behavior of others (*Berkowitz, 2003*). Situational variables—such as alcohol use—can serve to increase risk for acting on rape-supportive beliefs, leading individuals to misinterpret or ignore a partner's wishes (*Abbey, 2008*). Individuals may also use alcohol tactically to deliberately disable a potential victim (*Abbey, 2008*).

A person's closest social circle can also shape their behavior (*Tharp, DeGue, Valle, Brookmeyer, Massetti & Matjasko, 2013*). Sexual violence may be fostered by association with other sexually violent or coercive peers, or experiences within family or peer environments that condone violence. Community-level influences, such as lack of policies against sexual harassment, send a message that there may be no consequences for those who engage in the behavior. This also sends a message to others that violence is tolerated within a community. At a macro-level, it is also clear that societal factors such as inequalities based on sex, gender, gender identity, sexual orientation, race, ethnicity, class, ability and religion also serve to sustain tensions and gaps between social groups. It is vital that interventions work towards change at each of these levels of the social ecology (*Nation, Crusto, Wandersan, Kumpfer, Seybolt, Morrissey-Kane & Davino, 2003*).

## ***Common Reactions to Sexual Violence Trauma***

Although no survivor of sexual violence responds to trauma in precisely the same way, there are numerous psychological and health consequences associated with the experience that have both immediate and long term impact on one's life. Individuals from underrepresented groups on campus may also navigate a more complex set of challenges following an experience of sexual violence. Gender identity, gender expression, sexual orientation, race, ethnicity, ability, and religious affiliation may influence how an individual conceptualizes that experience. Intersecting components of identity may also differentially position individuals to seek help from members of their peer group.

Often, lack of awareness of the complex dynamics of trauma leads to negative responses from informal support providers, such as family or friends. These "secondary victimization" experiences are common (*Orchowski & Gidycz, 2012*), and can further impact the survivor. Some of the dynamics following a trauma (*Adapted from the Psychological Dynamics of Sexual Assault by Dr. Rachel Efron, Counseling and Psychological Services, Columbia University*) are outlined below:

- **Shock, Denial, Confusion, Selective Memory** – Human beings are wired to block out or distort traumatic experiences as a coping mechanism. It is common for survivors of sexual assault to remember nothing or only parts of what happened. They may experience intense emotion but without clear memories of events, or they may remember some aspects of the assault and not others. Even though survivors have lived through the event, because of denial and shock, they have not consciously experienced the powerlessness. Studies have found that a low percentage of survivors label what happened to them as sexual assault or rape, despite the experience meeting legal definition. Thus, it may take years before the survivor labels the experience as sexual violence.
- **Shut down/Minimization** – One of the hallmarks of post-traumatic stress disorder/acute stress disorder is vacillating between shutting down and being flooded by emotions. It is common for survivors to shut down, ignore symptoms and try to be as functional as they have always been. Delaying reporting, describing the incident without any emotion, and protecting the offender are all ways that survivors manage the overwhelming nature of trauma.
- **Suicidality and Depression** – Long after the event, many traumatized people feel a part of them has died. Research suggests that 1 in 6 rape survivors make a suicide attempt after a rape (*Ullman & Brecklin, 2002*). When people are clinically depressed, they report feeling sad and empty most of the time, have little interest in anything, have trouble eating and sleeping, and feel worthless. The assault may have taught the survivor that they are unable to protect themselves, and they may avoid investing in anything as a means of self-protection.
- **Anxiety/Intrusion** – Hyperarousal is a commonly experienced symptom of PTSD. Survivors may alternate between having problems concentrating and being in a state of hypervigilance. They often have poor tolerance for arousal and difficulty modulating emotion. As a result, they may be overwhelmed by day-to-day life, having lost so many normal ways of coping.

- **Shame** – Shame is commonly experienced by survivors of all forms of trauma, particularly for sexual violence. Some survivors may question why the experience occurred, or question whether they could have done something to prevent it. Some survivors may feel that the experience itself signals that something is wrong or inadequate with them. Further, the multitude of what can feel like contradictory aftereffects – numbness, not being able to cope as one is accustomed to, difficulties completing everyday tasks, being overwhelmed by feelings – can lead to feeling out of control. Difficulties managing one's life can exacerbate feelings of shame associated with the experience. These feelings make it difficult to tell someone about the trauma, particularly someone in authority.
- **Self-blame** – Self-blame is an essential coping strategy to deal with powerlessness and helplessness. Furthermore, survivors may have done things to survive and to try to minimize harm once they felt there was no escape – like going along, like talking to the offender after the assault – and these survival strategies are profoundly misunderstood. Self-blame is a common means of trying to regain control over the assault.
- **Mistrust of self and others, Disconnection, Alienation** – Because of the extreme violation and betrayal perpetrated against them, survivors generally feel that the world is no longer safe and that they always have to be prepared for danger and the unexpected.

### ***False Accusations are Rare***

We are also aware that there is a fear of false accusation among many individuals. Notably, there is a misperception that false accusation of sexual violence occurs more frequently than it actually does. Well-constructed studies have found that the rate of false accusations is very low. For example, an analysis of ten years of cases reported to a University police department involved setting coding criteria in advance, reviewing case summaries, meeting with police officials to review the cases in more detail, and establishing coding reliability by comparing the classifications made by two research teams across all 136 cases. This study found that only 6% of the cases were false allegations (*Lisak et al., 2010*). These results are consistent with other national and international studies. The widespread but unsubstantiated fear of false accusations is a sign of the need for continued efforts to raise awareness regarding the true dynamics of sexual violence.

Many common outcomes and occurrences in cases of sexual violence get misinterpreted as false accusations. These include:

- **Dropped charges of sexual assault are misinterpreted** – High-profile cases demonstrate that victims regularly face ongoing harassment, threats and intimidation. Victims on college campuses have these experiences as well and may drop the charges to put a stop to the attacks.
- **Impaired recall of events** – When someone experiences a trauma like sexual assault, it is normal to have difficulty recalling what happened in a coherent way because the brain stores traumatic memories differently. Gaps in memory and intense focus on

certain details (attentional narrowing) are common reactions to trauma but are not widely understood.

- **A victim may not cooperate with investigators for many reasons** – These reasons can include: fear of how they will be treated by the criminal justice system, fear of not being believed, and fear of how their own behavior will be judged.
- **Widespread misclassification of sexual assault cases** – Enormous disparities exist with regard to how police departments and prosecutors classify cases. Despite clear guidelines from the FBI, many studies have found routine misclassification (*International Association of Chiefs of Police, 2005*).

Although false accusations are rare, we also recognize and affirm that respondents, consistent with Brown's values, are assumed not responsible of any alleged violations unless they are found to be responsible through the appropriate, fair and balanced investigation and hearing process.

### ***Importance of Social Norms and Bystander Intervention***

Social norms contribute to sexual harassment and sexual violence in a number of ways. Our larger culture is saturated with misogynistic and often violent representations of sex and sexuality. These messages perpetuate a misperception that more people accept violence than actually do. As a result of this misperception, individuals who disagree with inappropriate behavior frequently fail to speak out against it. Individuals who engage in inappropriate behavior also perceive that their actions are accepted by their peers. Social norms theory proposes that when the actual norm of a group is revealed, individuals feel less pressure to engage in sexual coercion and are more willing to intervene when witnessing inappropriate behavior (*Berkowitz, 2003*).

We believe that the majority of Brown students and community members think it is important to respect others; however, the voices of these individuals are too often silent. It is also clear that individuals at Brown who engage in inappropriate behaviors are surrounded by others who can possibly intervene and prevent harm yet often do not act. To create an environment at Brown in which bystanders will act against harm requires that we teach appropriate intervention skills. In addition, students and community members need to realize that others in the community will support and respect them when they take a stand against violence. The Sexual Assault Peer Education program (SAPE) at Brown is modeled after the University of New Hampshire's Bringing in the Bystander program. Many studies have found that teaching bystanders to intervene positively in risky situations can result in positive behavior change (*Moynihan et al., 2011; Moynihan et al., 2010; Banyard et al., 2007*). This approach has also been identified as a best practice by the White House Task Force to Protect Students From Sexual Assault.

Moving forward, it is important to recognize that sexual harassment and violence affect all of us. It is equally important to engage all members of a campus community in taking an active stance to end sexual harassment and sexual violence.



## II. NEAR-TERM RECOMMENDATIONS FOR IMMEDIATE ACTION

We offer here a number of near-term recommendations we believe can be implemented immediately and will have a positive effect on the campus. These recommendations, *which are italicized in each section for clarity*, reflect the most urgent issues brought forward by the Brown community and experts in the field. We anticipate that our final report will include much broader final recommendations and we wish to emphasize that the following are interim measures and do not represent the entirety of the Task Force's work.

### 1. Clarifying Information

Before the start of second semester the following resources should be made available on a centralized university website that is published, widely promoted, easily accessible, and linked to from all relevant University web pages:

- *A clear and succinct one-page graphic (such as a flow chart) outlining the student conduct process visually and showing clearly the resources and choices available to all students (undergraduate, graduate and medical).* These choices include those available shortly after an incident and should make it clear that decisions made do not preclude other options (e.g., preserving physical evidence is an option but it does not obligate a student to file criminal charges, though it may make that option more viable at a later date). The graphic should highlight the differences between confidential resources and reporting mechanisms. There are numerous existing examples (such as this one) of infographics that can be readily adapted to the Brown system. Our goal is to provide information about options to community members before they decide to talk to someone. These should be easily available and understandable, geared towards someone who needs to access the information shortly after a traumatic event, and with links to the information that is already available, such as on the Health Promotion website. Students will be able to decide what they want to share and who to share it with and be able to have confidence in what will happen to the information they share.
- *A clear and prominent statement should explain the Interim Measures available to all students under Title IX (including no contact/communication orders, residential and classroom moves, and other measures that can be taken to ensure the safety of students).* Again, there are numerous existing models (such as this one) which might be quickly modified to fit Brown. This statement must indicate precisely who students can contact regarding Interim Measures and make it clear that these Measures are available regardless of whether a student ultimately decides to take further action. The statement must also clarify and publicize the Interim Measures available to graduate and medical students, including changes of office assignments, teaching assistant assignments, and academic accommodations, *etc.* The goal is to communicate what Interim Measures are, how to get them, and what repercussions will follow if they are violated. The statement must make very clear that University issued no contact/communication orders have limited power (they can only be enforced on campus) and explain the differences between University orders and the restraining orders available through the Rhode Island court system. Finally,

it should clearly state to whom students should report an alleged violation of a no contact/communication order.

- *The Office of Student Life should post sample correspondence on their website to increase the transparency of the process.* This should include no contact/communication orders, investigation, charge, and decision letters. These template letters (with no case specific or identifying information in them) could also be linked to from the infographic described above.
- Students often only access information about sexual assault resources when it is most applicable to them, which is likely to be after an incident occurs. However, we were struck by the limited knowledge many students had of the resources available to them, including those who had experienced sexual violence. In addition to making the immediate changes to clarify information, *we recommend that such information be disseminated regularly and repeatedly throughout the year, so that students know immediately where to go for confidential support and how to access the sexual assault hotline.*

## **2. Clarifying and Reducing Timelines**

It is clear that the complaint resolution process must be expedited. We believe that the use of dedicated and trained investigators/fact-finders (see below) will be a significant step toward this end. In the remainder of the Task Force's term we will continue to examine the problems that draw out the process, including the challenges faced by the Office of Student Life in scheduling Student Conduct Board hearing panels and the impact of breaks in the academic calendar. In the meantime, we believe that student trust and confidence will be bolstered if the Administration is more forthright in its communications and holds itself accountable to meeting deadlines. *In particular, we recommend that the Administration set a clear expectation that the entirety of the appeals process (from the point the appeal request is filed to the decision) will take place within thirty (30) days unless there is good cause for an extension.* If an extension is granted, the reason for that extension should be communicated in writing to the complainant and the respondent. Currently there is no time-frame for the appeal process to end, and this creates significant anxiety for both parties to a complaint.

## **3. Reducing the Traumatic Nature of University Process**

A key responsibility of the Task Force's final report is the drafting of a revised procedure for hearing and resolving complaints of sexual harassment and violence between students. Ensuring as far as possible that the process is not re-traumatizing for survivors is a high priority, and we have already identified two initiatives that can be implemented immediately and will improve the hearing process next semester for both complainants **and** respondents.

- **Investigators:** *Starting next semester, without changing the current procedures, the University should begin to utilize trained professional investigators/fact-finders to investigate student conduct complaints of sexual misconduct.* These investigators should be tasked with interviewing complainants, respondents, and witnesses, and gathering relevant documents, photographs, videos, and other information. The investigators will

produce reports that will then be used by the Office of Student Life in determining whether or not to file charges. If charges are filed these reports will then become part of the case materials. The Student Conduct Board hearing panel will use this report as the factual basis for making a determination of responsibility under the Code of Student Conduct. The complainant and the respondent will still be able to come before and address the hearing panel, and present witnesses. The hearing panel will be free to ask for specific witnesses to appear before them where they feel it is necessary (but the investigator's report should reduce the need for this and thereby shorten the length of the hearing significantly). We believe the use of investigators presenting comprehensive and unbiased accounts of the facts will make hearings better informed, less burdensome, and potentially less traumatic to students (at this time there is no expectation that this individual would be asked to comment on credibility or responsibility – that would continue to be the responsibility of the Student Conduct Board). It is essential that individuals filling this role be specifically trained and qualified to carry out investigations of the type necessary for allegations of sexual harassment and sexual violence and also be aware of and sensitive to the campus culture, including the issues of diversity and inclusivity addressed elsewhere in this report.

- **Support for Complainants and Respondents:** Personal and academic support needs to be provided proactively to both complainants and respondents, and other parties involved, as matters proceed through the complaint resolution process. This is already the case to some degree, though the support systems in place for complainants are more robust and proactive than those for respondents. *At a minimum, an academic dean must be assigned at the earliest possible stage to both the complainant and the respondent, and that dean must be available to the student on a regular basis to discuss academic matters and priorities.*
- **Clarity of Rights and Responsibilities:** *As of next semester the Office of Student Life should have in place a simple itemized list of the rights and responsibilities of both complainants and respondents in the Student Conduct process.* Some of this information exists already in the Code, but is applicable primarily to respondents. This should not be a complex document; simplicity is essential. It should include information such as the right to an advisor, the right to an attorney in cases where allegations might constitute a capital/life offense under Rhode Island criminal law, the right to appeal, *etc.* The checklist may need to be slightly different for respondents and complainants, and the form for complainants should also make clear their ongoing right to make a criminal complaint to the appropriate authorities at any time. Both checklists should require the signatures of the complainant and the respondent to acknowledge that they have read and understand their rights and responsibilities.
- **Rationale for Findings and Sanctions:** *Beginning next semester, the Office of Student Life must, in accordance with recent federal guidance, clearly state in writing to both the respondent and the complainant the rationale for the finding(s) and the sanction (if any), which are the outcome of the Student Conduct Board proceeding.*

#### **4. Sanctioning, Separation and Appeal**

As noted earlier in this document, questions relating to sanctions, the separation of students from campus, and appeal procedures, generated intense discussion in open forums and among the Task Force members. There will be a number of recommendations relevant to these issues in our final report and draft hearing procedures. In addition we put forward the following steps to be taken immediately to begin to address these concerns.

- *The Administration should set an expectation that when respondents are found responsible and the sanction includes separation, he or she will be immediately removed from campus residentially and (depending on circumstances) either severely restricted in their movements on campus (e.g., only able to attend classes and labs) or barred completely during the entirety of the appeal filing period and appeal process.* Limiting and restricting access during the appeal period can be done currently by the Office of Student Life, but it needs to be clearly stated – and more widely known on the campus - as the practice and expectation of the Administration. This can be done administratively for now and we anticipate codifying it in new policy in the spring.
- *The Administration needs to be clear regarding the period of separation from the University. If a student is separated for two semesters, the semester in which the case is heard and resolved should not count as one of those two semesters.* For example, if a case is heard and decided in Spring Semester 2015 and the final sanction is separation for two semesters, the student should not be eligible for readmission prior to September 2016 (in some instances in the past the student might have been eligible for readmission in January 2016). The precise duration of the separation needs to be clearly stated in decision letters to both respondents and complainants. This can be accomplished administratively for now before being codified in new policy in the spring.
- *The Administration should set an expectation that when a respondent is found responsible for sexual misconduct the Student Conduct Board will consider the following factors in determining an appropriate sanction recommendation:*
  - Whether or not the circumstances suggest there is an increased risk of the respondent committing additional acts of sexual violence or other violence (e.g., whether there have been other sexual violence complaints about the same respondent, whether the respondent has a history of violence, whether the respondent threatened further sexual violence or other violence against the student or others);
  - Whether or not the circumstances suggest there is an increased risk of future acts of sexual violence under similar circumstances (e.g., whether the circumstances reveal a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group);
  - Whether or not the sexual violence was perpetrated with a weapon or had other aggravating considerations;
  - The expected date of completion (EDOC) of the complainant (e.g., if the respondent is separated from the University but may be eligible for readmission at some point, will the complainant still be a student when that occurs);

- The impact of the conduct on the complainant, including consideration of the wishes of the complainant with regard to the sanction that should be imposed on the respondent (and the complainant must be given an opportunity, which a complainant can choose to exercise or not, to express those wishes in a verbal or written victim impact statement). The respondent must be given a similar opportunity to express a verbal or written mitigation statement;
- The impact of the conduct on the University community, and the need for any sanctions or remedies to eliminate, prevent, or address the existence of any hostile environment caused in the University community;
- The maintenance of a safe and respectful environment conducive to learning, working, and living;
- Protection of the University community; and
- Any other mitigating, aggravating, or compelling circumstances in order to reach a just and appropriate resolution in each case.

Ensuring these factors are considered in recommending sanctions can be done administratively before they are codified in new policy.

- *The Administration should set an expectation that if a respondent is eligible for readmission while a complainant remains on campus, the complainant will be notified at the earliest possible date of the respondent's intentions to return (or not return).* This will require more frequent contact and communication by the Office of Student Life with both parties. The Office of the Dean of the College should be flexible, and proactively communicate that flexibility, to complainants with regard to the dates and deadlines for taking personal leaves from the University.
- *The University should set a clear administrative expectation that there will be distinct and immediate consequences for violation of Interim Measures, such as no contact/communication orders; these will not simply be subsumed into the hearing process for the initial charge.* A violation of a no contact/communication order should result in some immediate action, such as further restriction of the offending student's access to or movement on the campus. In both the statement explaining Interim Measures and the policy and practice of implementing them by appropriate administrators, it should be made clear that prioritizing the needs of the complainant will be the University's priority, provided that there is a factual basis for doing so (e.g., the complainant will normally not be the student required to move to a different residence hall or switch classes to avoid contact with the student he or she is seeking protection from).

In the spring semester we will continue to examine the goals and objectives of sanctioning and welcome continued community input on this important topic. Flexibility in the sanctioning process is desirable in light of the complexity of individual cases; but at the same time we need to ensure that the sanctions imposed in each case meet the goals of protecting the community, supporting survivor and community healing and safety, holding perpetrators accountable, educating respondents and the community, upholding university standards, and deterring misconduct by making it absolutely clear that sexual violence is not tolerated. We will establish criteria for sanctioning in the draft hearing procedure to be published with the final report.

## **5. Timely Warnings and Transparency Regarding Incidents of Sexual Violence**

This semester the University issued a [timely warning notification](#) regarding the alleged use of a date rape drug at an unauthorized social function on campus. Further [communication](#) ensued when it was confirmed that one of the two students who reported that incident tested positive for the illegal substance. The Task Force heard from members of the community that these communications, while the source of concern for some, were widely seen as helpful in raising awareness and increasing transparency. While not all instances of sexual harassment or violence will require timely warning notifications, *we encourage the Administration to continue communicating these types of incidents through community notifications and alerts in a broad and open manner. In particular, such notices should be sent to all faculty and staff as well as students to ensure the entire community is aware of what is taking place on campus.*

## **6. Campus Climate Surveys**

The University is playing a leadership role in the development of a national, multi-campus sexual assault and campus climate survey with the Association of American Universities (AAU). This survey will be implemented on approximately thirty campuses this spring and Brown is an active participant. The goal of this effort is to employ valid and reliable survey methodology to document the frequency and characteristics of campus sexual violence and sexual harassment and to assess campus climate. Moreover, such information will be collected in a way that ensures comparability of data across institutions and that protects confidentiality and anonymity. It is anticipated that this survey will be repeated on an annual or biennial basis. Whether through this initiative or some other instrument in the future, *we recommend the University commit to conducting and participating in such surveys and to making the results of those surveys available to the public. We also recommend that the University continue to facilitate debriefings, small group discussions, and other ongoing methods of assessing campus climate and the efficacy of University policy and procedures.*

## **7. Training, Education and Awareness Programs**

Our vision is to change the culture of the Brown campus. Brown community members certainly have the ability to do so; as Vice Presidents Carey and Klawunn wrote in the *Brown Daily Herald* this semester:

The student community must also take collective responsibility for ending sexual violence on campus. The use of drugs, including alcohol, to incapacitate someone should be unacceptable to all Brown students. Sexual violence and predatory behavior at Brown should be equally unacceptable. Every student at Brown should be treated with dignity and respect, and every student at Brown is fully capable of conduct that demonstrates respect for the rights and safety of others.<sup>4</sup>

We would expand the scope of that quotation to refer to all faculty and staff as well. However, the fundamental expectation that students, faculty and staff should just know the right thing to do and

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<sup>4</sup> <http://www.browndailyherald.com/2014/10/27/carey-klawunn-timely-warnings-important-safety/>

the resulting campus culture should be safe for all is unrealistic in the absence of appropriate intervention and support. *A critical and essential element of establishing – and maintaining – a campus culture in which all members are equally valued, respected and safe is the development of campus-wide education and training programs.* These programs, many of which are already in place but require additional resources and support, must rely on the expertise of faculty at Brown and elsewhere, include targeted in-person and online programs that are based in trauma-informed research, effective, and evaluated regularly. *Those programs should be in place at a much more robust level for all members of the community – undergraduates, graduate students, medical students, faculty and staff – next academic year. Program planning and resource allocation must begin immediately.*

These training and awareness programs must be research-based, Brown-specific, and tailored to sub-communities such as undergraduate students, graduate and medical students who have different learning, research and teaching contexts. The training those groups receive must reflect those differences. Effective programs should address the role of alcohol with regard to sexual violence – both as a risk-factor and as a weapon – as well as perpetrator profiles, high-risk communities, the role of identity, harm-reduction behaviors such as bystander intervention, and other evidence-based factors which can reduce and prevent sexual violence and promote a positive, respectful culture on campus. It was clear from many of our discussions this semester that marginalized communities are particularly underserved and overlooked in existing training and awareness programs, and the needs of these communities need to be a high priority in new and improved programs.

*Essential to the success of these programs is ensuring that all members of the community are exposed to the information and material on a regular and recurring basis. Doing so will require mandating – and enforcing – participation.* This is consistent with the expectations set forth by the federal government encouraging institutions to mandate such training to increase its effectiveness. *The University can begin doing so immediately by stating that any faculty or staff member who fails to complete the new mandatory online sexual harassment training – which is anticipated to roll out starting next semester – by the stated deadline will not be eligible for a salary increase in the next fiscal year (or some other appropriate consequence to ensure completion).*

Further consideration needs to be given to how to most effectively mandate participation among community members generally. One model we were particularly intrigued by was mentioned by a transfer student from Colby College. At that institution a series of trainings and discussion opportunities on numerous topics related to diversity and community are offered during the course of the year, and students must participate in at least five in order to register for courses for the next academic year. Such a model could work effectively at Brown and align nicely with existing initiatives like Transformative Conversations.

*The Task Force also recommends the expansion and strengthening of specific sexual assault education programs aimed at campus communities at high risk for perpetrators.* National studies and survey research at Brown has found that athletic team and male fraternal organization members drink alcohol in riskier ways than the general population. Risky alcohol use and conformity to masculinity norms are associated with sexual aggression (Locke & Mahalik, 2005). In addition,

Greek affiliation and athletic participation for males is associated with sexual aggression and rape myth acceptance (*Murnen & Kohlman, 2007; Tharp et al., 2012; McCray, 2014; Armstrong, Hamilton, & Sweeney, 2006; Boswell & Spade, 1996; Humphrey & Kahn, 2000*). Significant resources need to be deployed to assist ongoing efforts by those organizations to increase training and education and help them address this issue more effectively. This is not intended to place blame on these communities but is instead borne from a recognition of the reality of sexual violence on college campuses. Our priority is to provide these communities with greater levels of resources and support to address these issues proactively.

The need for resources and leadership to offer and sustain an effective program of training and education cannot be overstated. The new Title IX Program Officer will play a key role in assessing and advising the Administration regarding the required mix of staff, student and financial resources over the coming year. *However, the Task Force strongly recommends that the individual appointed to that important position be given immediate access to, at a minimum, appropriate start-up funds to realize significant progress in this area in the next academic year.* In addition, given the critical role played by Health Promotion in training and prevention (and the high demand on the office demonstrated in the data section of our report) and the ongoing search for a successor to Bitia Shooshani, coordinator of sexual assault prevention and advocacy, *the Task Force strongly recommends that Health Promotion be provided resources to hire two (2) staff with expertise in sexual violence advocacy and prevention rather than the currently budgeted one (1) position. The additional staff person in Health Promotion should have particular expertise in working with students from historically marginalized communities.* Such an investment would also allow Health Promotion to reinstate a support group for students who have experienced sexual assault, a need we heard expressed both by Bitia and by students.

Finally in this arena, we encourage the Administration to consider and identify opportunities to support faculty competing for funding (from NIH and elsewhere) to conduct research on sexual violence, and in particular on education and prevention for college students (but also for younger populations, since earlier intervention appears to be more effective). Such research could inform intervention and education programs at Brown and on other campuses.

## **8. Graduate and Medical Student Concerns**

The Task Force sub-committee on graduate and medical student concerns will be continuing its work into the spring semester, including outreach events with students and others in those communities, so we have fewer specific recommendations in our interim report with regard to graduate and medical students than we will in our final report. That said, there are actions that can be taken immediately.

- *First and foremost, the University should designate a Deputy Title IX Coordinator for the Alpert Medical School immediately.* A similar action was taken over the summer for the Graduate School. The identity and contact information of that individual – who will need appropriate Title IX training and support – should be clearly communicated to all medical students. In addition, the responsibilities of the Deputy Title IX Coordinators for the Medical and the Graduate School should be clearly communicated to students in both



schools, and consistent repetition of that information should take place throughout the semester to ensure students are aware of this available resource.

- *Effective, mandatory sexual violence and harassment training for all incoming graduate and medical students specifically addressed to their needs.* Currently training for graduate and medical students, where it exists, is at best perfunctory. Students in these Schools have strongly articulated a need to *feel* that the University takes this matter seriously. Preliminary discussions indicate that attendance should be strictly enforced, sessions should have adequate time to be effective, and small, departmentally-based (for graduate students) groups are likely better than large, school-wide orientation programs. As with undergraduates, training and awareness needs to be repeated on at least an annual basis for all students. *The appropriate staff and committees responsible for new graduate and medical student orientation should update sexual harassment pamphlets and work with appropriate staff to plan training and education for upcoming orientation programs and to disseminate the information provided to all new students and to all continuing students in fall 2015 as well.* Attention should also be given to offices and programs which already provide training and education to graduate and medical students, such as the Sheridan Center for Teaching and Learning, where information about gender-based and sexual harassment and violence could be added. The Deputy Title IX Coordinators in both Schools should be tasked with responsibility – in close coordination with the Title IX Program Officer, once appointed – to ensure this occurs.
- *In coordination with the FEC, MFEC, the Title IX Program Officer, and the Provost's Office, consideration of the appropriate policy and procedures for investigating and resolving complaints of sexual harassment and violence made against faculty.* This will include consideration of changes to hearing complaints from students against faculty and staff to broader participation of students in those processes (e.g., a hearing panel including student members that would recommend findings and sanctions to the Provost or appropriate senior officer).
- *Support should be given to Health Promotion to design and implement training programs specific to graduate and medical students,* such as the online and video based modules used for undergraduate students.
- *Support and guidance needs to be extended to Department Chairs and academic departments to initiate department-wide conversations about their professional environment and its mix of work and social interactions.* These conversations should happen in tandem with school-wide training and education programs. Such an initiative will require the leadership and active support of the Provost, the Dean of the Faculty, the Dean of Medicine and Biological Science, the Dean of Public Health, the Dean of the Graduate School, the Department Chairs, the Faculty Executive Committee and the Medical Faculty Executive Committee.
- *On all graduate and medical education related websites that reference conduct, the mechanisms for reporting need to be clearly stated.* This includes outlining the processes for hearing and resolving complaints, whether between students (Student Conduct process)

or where the respondent is a faculty member (Provost's Office) or a staff member (Human Resources). This should be an immediate task for the graduate and medical Deputy Title IX Coordinators, and likely can be addressed in large part through the flow charts recommended under *Clarifying Information* above as well as the development of a faculty brochure outlining the policy, mechanisms for reporting and resources to assist faculty in supporting graduate students and medical students. Such information should include links to the interim measures available to graduate and medical students, as described above.

- *Existing resources (e.g., Health Promotion, Student Life, Counseling and Psychological Services, Deputy Title IX Coordinators) should conduct targeted visibility campaigns and outreach to graduate and medical students to ensure they are aware of the University resources available to them.*

## **9. Other Near-Term Recommendations**

Three other near-term recommendations that can be implemented immediately are:

- *The Division of Campus Life should incorporate the Student Conduct process more prominently into the existing assessment process wherein students provide feedback on their interactions with deans and staff in the College and Campus Life. The process for providing such feedback should be communicated in writing after the process is complete to respondents, complainants and participating witnesses.*
- *A discretionary fund of approximately \$50,000 annually should be established to respond to the needs of complainants and respondents. This fund should be administered by the Vice President of Campus Life and can be used for such critical needs as access to medically necessary care which may not be covered by insurance or which students may be fearful of placing on insurance claims which may become known to their parents or guardians. Many survivors of sexual assault do not, for example, pursue prophylactic treatment for HIV and other potential treatments due to concerns about cost and insurance. The costs of such treatment are modest (about \$2700) relative to the medical benefits. This discretionary fund will enable Health Services, without violating doctor-patient confidentiality, to ensure students receive the care they need. Commensurate with this recommendation is a need to further publicize to students the medical and testing choices available if they are sexually assaulted.*
- *Student members of the Task Force, and some attendees at open forums and outreach events, questioned the composition of the Task Force, in particular the omission of staff with direct experience carrying out the policies and procedures related to sexual harassment and violence, those in student support positions, and faculty and staff affected by these issues. Although the Task Force met on multiple occasions with the staff who perform these roles, we recognize the concern as well as the underlying issues of trust and confidence. Accordingly, we recommend that before the start of spring semester the Task Force be expanded to include one or two additional members with this relevant experience.*

### **III. DRAFT SEXUAL HARASSMENT, SEXUAL VIOLENCE, RELATIONSHIP VIOLENCE AND STALKING POLICY FOR COMMUNITY REVIEW AND INPUT**

The University currently has multiple policies regarding sexual and gender-based harassment and violence. We believe it is important to have a single, comprehensive policy that defines prohibited conduct and common principles and procedures that apply to all members of the community. It is also important to have such a policy to comply with recent federal guidance as well as the Violence Against Women Reauthorization Act (March 2013). The draft policy attached to this report as Appendix A is very much a *draft*. We provide it at this early stage in our work to allow members of the community ample time to read and reflect upon the contents and offer feedback, input, and criticism as we prepare a final version for University approval and adoption with our final report in March 2015.

In the context of this draft policy, it should be noted that although our work has focused primarily on the issue of sexual assault, we anticipate that our recommendations will inform Brown's response to domestic violence, dating violence and stalking. Like sexual assault, issues of domestic violence, dating violence, and stalking impact the safety and welfare of students and other members of the community. Under federal law, and consistent with our institutional values and moral obligations, the University is responsible for responding to dating violence, domestic violence, and stalking in the same consistent, compassionate, and trauma-informed manner that it responds to sexual assault. The University must, and will, take its responsibilities to eliminate, prevent, and address the effects of sexual assault, domestic violence, dating violence, and stalking equally. Accordingly, the draft policy encompasses all of these behaviors under prohibited conduct.

### **IV. TASK FORCE PLANS FOR SPRING 2014**

Our priorities for the spring semester and development of our final report include the following:

#### **Policy and Procedure**

- Finalize the above-mentioned policy, taking into account input and feedback from the Brown community, including clarification of the reporting responsibilities of all employees.
- Draft Hearing Policy and Procedures for Investigating, Hearing and Resolving Complaints of Sexual Violence between students (undergraduate, graduate and medical). We anticipate this will be separate from existing procedures for other student conduct code violations. This policy and procedure will include the appeals process and procedure, including where responsibility for granting, hearing, and deciding appeals should lie.
- Within the context of the appropriate hearing policy and procedures, consider barriers to effective participation of students, faculty and staff on Student Conduct Boards and appropriate incentives or modifications, such as stipends or course relief (for faculty) as well as the idea of a non-voting administrator who would serve as permanent chair and would have a higher level of training and more consistent experience than is often the case in the current model. Improvements in this area should make it easier for the Office of

Student Life to schedule hearings in a more timely manner than they are currently often able to do.

- Consideration with regard to what the University should do if a student withdraws after a complaint has been made but prior to a hearing or resolution. A likely recommendation in this area is a new transcript entry which would indicate a student has withdrawn with an investigation or disciplinary charges pending.
- Consideration of the appropriate supervision, support and counseling services for respondents if they are readmitted to the University following a suspension.
- Continuing to examine the barriers to reporting and identifying measures to significantly reduce if not eliminate those barriers. For example, students who have experienced sexual violence have stated that they would have reported their assault if there had been an option to resolve the matter through mediation or other, more informal means. Under current federal guidance, mediation of sexual violence complaints is not allowed, but perhaps by continuing efforts to make the student conduct hearing process less potentially re-traumatizing that particular barrier could be mitigated.
- Exploring the related issues of transparency and confidentiality. This is an area where guidance from the federal government has historically been vague or in conflict (especially mandates to release information contrasting with the Family Educational Rights and Privacy Act's strict regulations concerning confidentiality of student records, including disciplinary records). The University needs to clearly state what information must be confidential and what is not, and we anticipate developing policy and procedures which prioritizes transparency to the fullest extent allowed by law.
- Training and support for advisors for complainants and respondents – is it adequate? How can we expand the network of experienced and trained individuals to most effectively support all students?
- Continuing to explore opportunities to improve communication and trust, such as the idea of weekly progress reports from the Office of Student Life to all parties to a disciplinary matter throughout all stages of the student conduct process (including appeals).
- Understanding the interface of the Title IX Program Officer with the existing process and how that role will coordinate and oversee various processes in a more effective way than currently is the case.

## **Graduate and Medical Students**

- There are significant and substantial concerns with regard to graduate and medical students, many of which are quite different from what takes place for undergraduate students given the multiple roles and contexts within which graduate and medical education take place. The sub-committee on graduate and medical students and the Task Force will explore recommendations in a number of areas, including:
  - Improved and sustained sexual violence and harassment training for all faculty that takes into account the importance of faculty mentorship in graduate and medical education.
  - Specialized training for a designated faculty member in each department (or a cluster of departments) who could serve as a Title IX Liaison, providing information about resources and services available to students without the potential

conflicts and barriers to reporting to a department or clinical program chair or director of graduate studies.

- The effectiveness and diversity of resources and support personnel for graduate and medical students. We have heard repeatedly from these students that the University's resources are largely undergraduate-focused, and the availability of resources for graduate and medical students is unclear and not readily accessible. The sub-committee will explore this issue further and consider recommendations for resources to address this need in a concrete manner.
- The availability of data regarding graduate and medical students concerns and incidents of sexual harassment and violence. The AAU Sexual Assault and Campus Climate Survey will include all graduate and medical students, but that alone may not be adequate and a targeted survey of these student populations may be necessary.

### **Other Concerns and Priorities**

- Interface and cooperation with external law enforcement agencies, in particular the Providence Police Department and the Rhode Island Attorney General. A Memorandum of Understanding (MOU), which is highly recommended and will likely soon be required by federal guidance, is being developed between the Brown Department of Public Safety and the Providence Police Department – how will that work and in particular what does it mean for the potential of parallel criminal investigations and university investigations.
- Interface and coordination with hospital emergency rooms and other health care providers in the care for Brown students who have experienced sexual assault. Guidelines for caring for Brown students at Brown's affiliated hospitals should be developed that ensure students are familiar with Brown's support services and resources and that consider specific concerns about confidentiality.
- Continue to assess necessary resources (including personnel) for appropriate and effective levels of education, awareness and prevention (including bystander intervention) and support for survivors, complainants and respondents. In particular resources in Health Promotion for Sexual Assault Prevention and Advocacy, Counseling and Psychological Services, and in the Office of Student Life for student support services.
- Closely related to the above, understanding how the different units of the University charged with preventing or responding to sexual assault—OSL, DPS, Health Promotion, CAPS, Residential Life—interact with complainants, respondents, and with each other. There is confusion around which of these units contain responsible employees who must take action when they learn of a sexual assault and which employees may maintain a complainant's confidentiality. There is also a need for each of these units to work with each other more seamlessly in seeking to prevent sexual assault and in responding authoritatively to complaints of assault.
- The need for regular and consistent trauma-informed training for those personnel most likely to be first-responders to a complainant (Health Services, EMS, DPS, CAPS, *etc*). We anticipate making recommendations regarding how existing training can be improved or necessary new training introduced.
- Closely related to the above, reviewing and making recommendations to improve training programs for staff with specific responsibilities. Responsible employees—RPLs, OSL

deans, DPS, athletic coaches, etc.—need to have extensive training on how to respond to complaints. This training must be mandatory and enforced. Similar training requirements also exist for individuals involved in investigating and adjudicating complaints of sexual assault. Resources and enforcement mechanisms need to be in place to ensure both compliance and training and education of individuals so they can serve the Brown community to the best of their ability.

- Examining further issues that were raised this semester with regard to the limitation of University no contact/communication orders, the relationship between those orders and restraining orders issued by the Rhode Island court system. In particular, concerns regarding the presence of individuals found responsible for sexual misconduct near the campus even if they have been separated from the University.

## **V. CONCLUSION**

Over this past semester the Brown community has challenged us to listen to their concerns and to respond meaningfully. We have been inspired by the care and respect students, faculty and staff have shown as they gathered together and reflected upon these fraught issues. We offer this report, our near-term recommendations, and our plan to finish our charge in the spring semester with a clear commitment to live up to the expectations and needs of our community.

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## **VII. APPENDICES**

- A. Draft Sexual Harassment, Sexual Violence, Relationship Violence and Stalking Policy for Community Review and Input
- B. Sexual Assault Task Force Letter to the Community; October 31, 2014
- C. Sexual Assault Task Force Meetings and Public Outreach
- D. Title IX Program Officer Position Description
- E. Recommendations from Imagine Rape Zero

## **BROWN UNIVERSITY**

### **SEXUAL HARASSMENT, SEXUAL VIOLENCE, RELATIONSHIP VIOLENCE AND STALKING POLICY**

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#### **I. STATEMENT OF NON-DISCRIMINATION**

Brown University does not discriminate on the basis of sex, race, color, religion, age, disability, status as a veteran, national or ethnic origin, sexual orientation, gender identity, or gender expression in the administration of its educational policies, admission policies, scholarship and loan programs, or other school administered programs.

#### **II. STATEMENT OF PURPOSE**

Brown University is committed to establishing and maintaining a safe learning, living, and working environment. To that end, this policy prohibits Sexual Misconduct, which includes Sexual or Gender-Based Harassment, Sexual Assault, and Sexual Exploitation. This policy also prohibits Relationship Violence, Stalking, and Retaliation against an individual for making a good faith report of conduct prohibited under this policy. These prohibited forms of conduct are unlawful, undermine the character and purpose of Brown University, and will not be tolerated.

Brown University adopts this policy with a commitment to: (1) preventing Sexual Misconduct, Relationship Violence, Stalking, and Retaliation (together, “Prohibited Conduct”); (2) fostering a community in which such conduct is not tolerated; (3) cultivating a climate where all individuals are well-informed and comfortable in reporting Prohibited Conduct; and (4) identifying the standards by which violations of this policy will be evaluated. This policy defines Prohibited Conduct; outlines available resources and reporting options available to students, faculty and staff; and references the applicable investigative and disciplinary procedures. Brown University will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and address its effects. Brown University also conducts prevention, awareness, and training programs for students, faculty and staff members to facilitate the goals of this policy.

This policy is designed to comply with applicable legal requirements including Title IX of the Education Amendments of 1972; relevant provisions of the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”); and applicable Rhode Island state law.

#### **III. TO WHOM THIS POLICY APPLIES**

This policy applies to all Brown University students (“Students”); those employed by Brown University, including faculty, affiliates, and visiting faculty, postdoctoral fellows, all staff (including all exempt and non-exempt, bargaining unit, and senior administrative positions), as well as those physicians and health scientists who are not employed by Brown but have Brown University faculty, affiliate, or house staff appointments for the purpose of teaching and/or research in the Division of Biology and Medicine (“Faculty and Staff”); contractors, vendors, or other third parties contractually obligated to Brown University (“Third Parties”); and visitors or

guests of Brown University; all collectively together known as “Covered Persons.” This policy pertains to acts of Prohibited Conduct committed by Covered Persons when:

- (1) the conduct occurs on Brown University premises; and/or
- (2) the conduct occurs in the context of a Brown University employment, education, or research program or activity, including, but not limited to Brown University-sponsored study abroad, research, internship, or other affiliated programs or premises; and/or
- (3) the conduct occurs outside the context of a Brown University employment, education, or research program or activity, but (i) has continuing adverse effects on Brown University premises or in any Brown University employment, education, or research program or activity or (ii) occurs in close proximity to Brown University premises and is connected to hostile conduct on Brown University premises.

Other forms of discrimination, including discrimination based on race, color, age, status as a veteran, religion, disability, and national or ethnic origin as well as any other form of sex-based discrimination not covered by this policy, are addressed by the relevant Civil Rights and Non-Discrimination policies for students, faculty and staff. This policy supersedes any conflicting information contained in those policies with respect to the definitions or procedures relating to Prohibited Conduct. A Covered Person who has a question about which policy applies in a specific instance can contact Brown University’s Title IX Program Officer.

#### **IV.      APPLICABLE PROCEDURES UNDER THIS POLICY**

The specific investigative and disciplinary procedures for Prohibited Conduct under this policy are based on the status of the Respondent. Each set of procedures is guided by the principles of fairness and respect for a Complainant and a Respondent.

Brown University applies the Preponderance of the Evidence standard when determining whether this policy has been violated.

- Procedures for Reports of Prohibited Conduct Committed by Students [URL]
- Procedures for Reports of Prohibited Conduct Committed by Staff Members [URL]
- Procedures for Reports of Prohibited Conduct Committed by Faculty [URL]

#### **V.      ENFORCEMENT**

A student or faculty member or staff member determined by Brown University to have committed an act of Prohibited Conduct in violation of this policy is subject to disciplinary action, up to and including permanent separation from Brown University. Third Parties who violate this policy may have their relationship with Brown University terminated and/or their privilege of being on Brown University premises withdrawn. Brown University reserves the right to take action against a Covered Person who commits an act of Prohibited Conduct outside the scope of this policy.

## **VI.    TITLE IX PROGRAM OFFICER**

The Title IX Program Officer serves as Brown University's Title IX coordinator. The Title IX Program Officer is charged with monitoring compliance with Title IX; providing education, training, and notifications; overseeing complaints; and coordinating Brown University's investigation, response, and resolution of all reports under this policy. The Title IX Program Officer is available to meet with any Student, Faculty or Staff Member, or Third Party to discuss this policy or the accompanying procedures.

Concerns about Brown University's application of Title IX, the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; the Clery Act; and applicable Rhode Island state laws under this policy may be addressed to Brown University's Title IX Program Officer, the United States Department of Education, Clery Act Compliance Division, or the United States Department of Education, Office for Civil Rights, at [OCR@ed.gov](mailto:OCR@ed.gov) or (800) 421-3481.

## **VII.    RESOURCES AND REPORTING OPTIONS**

Brown University offers resources for students, faculty and staff, whether as Complainants or Respondents, to provide support and guidance throughout the investigation and resolution of a report of Prohibited Conduct. For comprehensive information on emergency assistance; hospitals; on-campus, community, and available support with academics, housing, and work please refer to the Title IX Related Resources website [URL].

### **A. Protective Measures and Accommodations**

Upon receipt of a report – oral, written or however communicated - involving a student, faculty or staff Complainant, Brown University will take and/or make available reasonable and appropriate measures to protect the Complainant and the Complainant's access to Brown University employment or education programs and activities, which may include protective measures before the final outcome of an investigation. Such protective measures and accommodations, which may be temporary or permanent, may include counseling and emotional support, no contact and communication directive, residence modification, academic schedule modification, academic accommodations or assistance, escort, voluntary leave of absence, interim suspension, restrictions on campus activities, work schedule modifications, and other immediate remedies as reasonable and appropriate. Reasonable and appropriate protective measures are available for student, faculty or staff Complainants regardless of whether an investigation under the applicable procedures is pursued. Brown University also will take and/or make available such measures and accommodations for student, faculty or staff Respondents where reasonable and appropriate under the circumstances. Brown University will maintain the privacy of any accommodations or protective measures provided under this policy to the extent practicable and permitted by law.

### **B. Privacy and Confidentiality**

Brown University is committed to protecting the privacy of Covered Persons involved in a report under this policy. Brown University also is committed to providing assistance to

help Covered Persons make informed choices. With any report under this policy, Brown University will make reasonable efforts to protect the privacy interests of Covered Persons involved in a manner consistent with the need for a careful assessment of the allegation and reasonable steps available to eliminate the reported conduct, prevent its recurrence, and address its effects.

Privacy and confidentiality have distinct meanings under this policy.

**Privacy:** Privacy generally means that information related to a report of misconduct will be shared with a limited circle of individuals who “need to know” in order to assist in the active review, investigation, resolution of the report, and related issues. All Brown University employees who are involved in Brown University’s Title IX response receive specific training and guidance about safeguarding private information in accordance with applicable laws.

The privacy of Student education records will be protected in accordance with Brown University’s policy for compliance with the Family Educational Rights and Privacy Act (FERPA). The privacy of an individual’s medical and related records generally are protected in the United States by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. Access to personnel records is restricted in accordance with Brown University’s policy. Laws in other relevant jurisdictions may also provide privacy protections depending on where the prohibited conduct takes place.

**Confidentiality:** Confidentiality means that information shared by an individual with designated campus or community professionals cannot be revealed to any other individual without express permission of the individual, or as otherwise permitted by law. Those campus and community professionals who have confidential relationships with Covered Persons include health care providers in University Health Services, mental health professionals in Counseling and Psychological Services (CAPS), the Coordinator of Sexual Assault Prevention and Advocacy in Health Services, and ordained clergy, all of whom normally have privileged confidentiality that is recognized by Rhode Island state law. These individuals are prohibited from breaking confidentiality unless (i) given permission to do so by the person who disclosed the information; (ii) there is an imminent threat of harm to self or others; (iii) the conduct involves suspected abuse of a minor under the age of 18, or (iv) as otherwise required or permitted by law or court order. Laws in other relevant jurisdictions may provide confidentiality protections depending on where the prohibited conduct takes place.

**Employee Responsibility to Report Allegations:** It is important to understand the different responsibilities of Brown University Employees who respond to disclosures of incidents of Prohibited Conduct. There are three general classifications of individuals on campus with whom a Covered Person can discuss an incident of Prohibited Conduct:

- (1) Confidential Resources (individuals with legally-protected confidentiality);

(2) Reporting Options (designated offices or individuals where a report can be made); and

(3) Employees designated as Responsible Employees (those Employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees, defined in Section XIII below).

The respective ability of these categories of individuals to maintain a Complainant's confidentiality differs. Confidential Resources can maintain the confidentiality of a Complainant's disclosures, subject to the exceptions discussed above. While private, Reporting Options and Responsible Employees are required to immediately share all known details of incidents of Prohibited Conduct with the Title IX Program Officer or a Deputy Title IX Coordinator.

**Clery Act Reporting:** Pursuant to the Clery Act, Brown University includes statistics about certain offenses in its annual security report and provides those statistics to the United States Department of Education, but does so in a manner that does not include any identifying information about persons involved in an incident. This includes numbers of incidents (with no detail or identifying information) disclosed to Confidential Resources.

### **C. Confidential Resources**

Confidential Resources for Students include Counseling and Psychological Services (CAPS), the Coordinator of Sexual Assault Prevention and Advocacy in Health Services, Health Services, and ordained chaplains. For contact information for the Brown University Confidential Resources for Students, see the Title IX Related Resources website [URL].

Confidential Resources for Faculty and Staff include the Faculty/Staff Assistance Program. For contact information for the Brown University Confidential Resources for Employees, see the Title IX Related Resources website [URL].

### **D. Reporting Options**

Brown University strongly encourages Covered Persons who become aware of an incident of Prohibited Conduct to report the incident to local law enforcement by contacting 911 (or equivalent in other jurisdictions) and to Brown University by contacting one of the following Brown University Reporting Options:

Title IX Program Officer
The Office of Student Life
Human Resources
Deputy Title IX Coordinators
Brown Department of Public Safety

*Note: This table will be improved and contact information for each office to be added in final policy.*

There is no time limit on reporting violations of this policy, although Brown University's ability to respond may be limited as evidence may be less available, and Respondents may no longer be affiliated with Brown University. Brown University prioritizes prompt reporting and generally will offer amnesty to a reporting Student for the personal ingestion of alcohol or other drugs in violation of Brown University Student Conduct Policies.

## **VIII. PROHIBITED CONDUCT UNDER THIS POLICY**

Conduct under this policy is prohibited regardless of the sexual orientation, gender, gender identity, or gender expression of the Complainant or Respondent. Prohibited Sexual Misconduct includes the following specifically defined forms of behavior: Sexual or Gender-Based Harassment, Sexual Assault, and Sexual Exploitation. Also prohibited are Relationship Violence, Stalking, and Retaliation.

Whether a Covered Person has violated this policy is determined based on all of the available facts and circumstances including but not limited to: statements of the Complainant and Respondent; statements by any witnesses to the alleged incident(s); documentary or physical evidence; the presence or absence of corroborating information; and relevant information about pre-and post-incident behavior and/or actions.

### **A. Sexual or Gender-Based Harassment**

**Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, or other unwanted conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise, when one or more of the following conditions are present:

- (i) Submission to or rejection of such conduct is either an explicit or implicit term or condition of an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of a Brown University program or activity (quid pro quo); and/or
- (ii) Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting the individual (quid pro quo); and/or
- (iii) Such conduct has the purpose or effect of unreasonably interfering with an individual's learning, working, or living environment; in other words, it is sufficiently severe, pervasive, or persistent as to create an intimidating, hostile or offensive learning, working, or living environment under both an objective - a reasonable person's view - and subjective - the Complainant's view - standard (hostile environment).

**Gender-Based Harassment** includes harassment based on sex or gender, sexual orientation, gender identity, or gender expression, which may include acts of

aggression, intimidation, or hostility, whether verbal or non-verbal, graphic, physical, or otherwise, even if the acts do not involve conduct of a sexual nature.

Examples of conduct that may constitute Sexual or Gender-Based Harassment include but are not limited to:

- Sexual Assault, Sexual Exploitation, Relationship Violence, or Stalking as defined by this policy;
- Physical conduct, including unwelcome touching or sexual advances within the working, living, or learning environment;
- Verbal conduct, including lewd or sexually suggestive comments, jokes, or innuendoes or unwelcome comments about an individual's sexual orientation or gender identity; or
- Written conduct, including letters, notes, or electronic communications containing comments, words, jokes, or images that are lewd or sexually suggestive or relate in an unwelcome manner to an individual's sexual orientation, gender identity or gender expression.

## **B. Sexual Assault**

Sexual assault is having or attempting to have sexual contact with another individual by force or threat of force, coercion, without consent, or where that individual is incapacitated.

Sexual contact includes but is not limited to:

- Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (*e.g.*, penis, finger, hand, or tongue) or an object, or requiring another to penetrate himself or herself with a body part or an object, however slight; or
- Sexual touching (including but not limited to fondling) or intentional contact with the breasts, buttocks, groin, or genitals.

## **C. Sexual Exploitation**

Sexual Exploitation refers to specific forms of Sexual Misconduct that involve non-consensual use of another individual's nudity or sexuality, excluding behavior that constitutes one of the other Sexual Misconduct offenses.

Examples of Sexual Exploitation include but are not limited to:

- Voyeurism (such as watching or taking pictures, videos, or audio recordings of another person engaging in a sexual act without the consent of all parties);
- Disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's consent;
- Administering alcohol or drugs to another person for the purpose of making that person vulnerable to non-consensual sexual activity;



- Exposing one's genitals to another person without consent;
- Prostituting another individual; or
- Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge and consent.

#### **D. Relationship Violence**

Relationship Violence includes any act of violence or threatened act of violence, including Sexual Misconduct, Stalking, or Physical Assault, against a person who is, or has been involved in a sexual, dating, domestic, or other intimate relationship with that person. Physical Assault includes threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person.

#### **E. Stalking**

Stalking occurs when a person engages in a course of conduct toward another person under circumstances that would cause a reasonable person to fear bodily injury or experience substantial emotional distress.

Course of conduct means two or more acts including but not limited to unwelcome acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

#### **F. Retaliation**

Retaliation means any adverse action taken against an individual for making a good faith report of Prohibited Conduct or participating in any investigation or proceeding under this policy. Retaliation includes threatening, intimidating, harassing or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy, such as seeking services, receiving protective measures and accommodations, and/or reporting Prohibited Conduct. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are determined not to be accurate.

**IX.      RELATED DEFINITIONS: CONSENT, COERCION OR FORCE, AND INCAPACITATION**

**A. Consent**

Consent is the affirmative agreement to engage in a specific sexual activity with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in a sexual activity.

Consent cannot be obtained through: (1) the use of coercion or force; or (2) by taking advantage of the incapacitation of another individual.

Silence, passivity, or the absence of resistance does not imply consent, and relying solely on nonverbal communication may result in a violation of this policy. It is important not to make assumptions; if confusion or ambiguity arises during a sexual interaction, it is essential that each participant stops and clarifies, verbally, the willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual activity.

In evaluating whether consent was given, consideration will be given to the totality of the facts and circumstances, including but not limited to the extent to which a Complainant affirmatively gives words or actions indicating a willingness to engage in sexual activity, free from intimidation, fear or coercion; whether a reasonable person in the Respondent's position would have understood such person's words and acts as an expression of consent; and whether there are any circumstances, known or reasonably apparent to the Respondent, demonstrating incapacitation or fear.

**B. Coercion or Force**

Coercion is conduct, including intimidation 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 that is employed to compel someone to engage in sexual activity.

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity.

**C. Incapacitation**

An individual who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because an individual is mentally

and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Mentally helpless means a person is rendered temporarily incapable of appraising or controlling one's own conduct. Physically helpless means a person is physically unable to communicate unwillingness to an act.

Where alcohol or other drugs are involved, incapacitation is a state beyond intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be approaching incapacitation may include slurred or incomprehensible speech, vomiting, unsteady gait, combativeness, or emotional volatility. Evaluating incapacitation also requires an assessment of whether a Respondent knew or should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position. Being intoxicated or impaired by drugs or alcohol is never an excuse for committing Prohibited Conduct and does not diminish one's responsibility to obtain informed and freely given consent.

## **X.      VIOLATIONS OF LAW**

Behavior that violates this policy also may violate the laws of the local jurisdiction in which the incident occurred and subject a Respondent to criminal prosecution by the presiding authority. Under Rhode Island State Law, sexual assault is defined as follows:

First Degree Sexual Assault (RIGL § 11-37-2): A person is guilty of first degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist: (1) The accused, not being the 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. (4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

Second Degree Sexual Assault (RIGL § 11-37-4): A person is guilty of second degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist: (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 or coercion. (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

Third degree sexual assault (RIGL § 11-37-6): A person is guilty of third degree sexual assault if he or she is over the age of 18 years and engages in sexual penetration with another person over the age of 14 years and under the age of consent, 16 years of age.

Covered Persons studying, working, or engaging in other Brown University activities outside the State of Rhode Island are governed by the applicable laws regarding sexual assault and other criminal offenses implicated by this policy.

Behavior that violates this policy also may subject a Respondent to civil liability.

**XI.    CONSENSUAL RELATIONSHIPS**

Relationships between individuals where one individual has power or authority over another are generally prohibited by University policy. Examples of such relationships may include: a professor and his/her student, a supervisor and a subordinate employee, a graduate student in a teaching or supervising relationship with his/her student, a Medical School faculty member, resident or fellow and his/her student, or a coach and team member. If such a consensual relationship occurs, any situation of authority should be discontinued immediately.

Sexual behavior that is welcome or consensual by all involved parties does not constitute Prohibited Conduct. However, consensual sexual relationships in situations where one individual has power or authority over another may result in Prohibited Conduct, and/or may give rise to complaints by others of disparate treatment.

**XII.    PREVENTION AND AWARENESS PROGRAMS**

Brown University is committed to the prevention of Prohibited Conduct through education and awareness programs. Incoming students and new faculty and staff receive prevention and awareness programming as part of their orientation and returning faculty, staff and students receive ongoing training and related programs. For a description of Brown University's Prohibited Conduct prevention and awareness programs, see the Title IX Related Resources website [URL].

**XIII.    ADDITIONAL POLICY DEFINITIONS**

**“Complainant”** means the Covered Person who may be the victim of any Prohibited Conduct under the policy, regardless of whether that individual makes a report or seeks action under the policy.

**“Confidential Resource”** means a Brown University employee or community resource with statutorily protected confidentiality. This includes health care providers, mental health professionals, rape crisis counselors, and ordained clergy.

**“Preponderance of the Evidence”** means that it is more likely than not that a policy violation occurred.

**“Reporting Option”** means individuals or departments designated by Brown University to receive reports of Prohibited Conduct.

**“Respondent”** means the Covered Person(s) who has been accused of violating the policy.

**“Responsible Employee”** means those Employees in a leadership or supervisory position, or who have significant responsibility for the welfare of Students or Employees. This includes the Brown University Title IX Program Officer; Vice Presidents and Deans; Members of the President's Cabinet; Deputy Title IX Coordinators; Public Safety Officers; Assistant and Associate Deans and Directors and Coordinators in Residential Life, the Office of Student Life, Student Activities, the Dean of the College, the Graduate School, the Alpert Medical School, Human Resources, and Athletics; Academic Department Chairs and Director of Graduate Studies; and Athletic Team Head and Assistant Coaches.

## Appendix B

October 31, 2014

Dear Members of the Brown University Community,

We are writing as co-chairs of the Sexual Assault Task Force to provide an update on our work to date, our anticipated timeline for preliminary and final reports, and to invite all members of the community to participate and engage in opportunities to provide the Task Force with direct input and feedback on important issues related to our charge.

The Task Force membership was fully constituted by late September (the full listing of members follows below) and we began meeting shortly thereafter. We have been meeting on a weekly basis with a great deal of research and planning being conducted between meetings. Topics covered thus far include an overview of the issues, dynamics and challenges inherent in discussing sexual violence; legal requirements and federal guidance; the current policy and procedures for hearing and resolving complaints of sexual misconduct among students and opportunities for improvement; support, education and advocacy services for community members, in particular complainants and respondents; and concerns and research findings of undergraduate students, including those serving on the Task Force and students involved with Imagine Rape Zero. We have met with professional staff, students and others with deep experience and knowledge of these issues, and will continue to do so in the coming weeks as we delve deeper into current research; hear further from the University staff who are leading advocacy, education and prevention and support programs; and meet with the external consultants who have been evaluating our current policies, procedures and practices.

Given the breadth and scope of our charge and the number of individuals whose input is needed to fully assess Brown's current practices and policies and to identify opportunities for improvements, we determined that an extended timeline is necessary to complete our work thoughtfully, comprehensively and well. Accordingly, following consultation with President Paxson, we will issue an interim report in December 2014, which will include preliminary findings and near-term recommendations that could be implemented immediately, and a final report in March 2015. We are committed to conducting our review as efficiently as possible, while taking the time needed to carry out our charge with the care that the Brown community deserves.

A high priority for the Task Force is to hear directly from members of the campus community. We welcome your input, feedback, suggestions, recommendations, concerns and questions in any format you wish to convey them. To provide opportunities for direct communication, we have scheduled a number of open forums by constituency, preceded by a teach-in/panel discussion open to all members of the community. The purpose of that event is to provide all interested members of the community with a baseline of knowledge of the current systems at Brown for preventing and responding to sexual assault. The schedule for the panel discussion and the forums are listed below. We have also formed a sub-committee to focus intensely on issues of sexual violence and harassment specific to graduate and medical students. That group, chaired by Task Force member Liza Cariaga-Lo, will also sponsor open forums for graduate and medical students and will communicate the dates and times of those events to those student

communities directly. We will also be conducting direct outreach to specific groups and organizations.

For anyone who would like to provide feedback more privately, input can be emailed to [SATF@brown.edu](mailto:SATF@brown.edu) or via campus mail to Russell Carey at Box 1954. We would particularly like to hear from students who are survivors and those who have gone through the student conduct process, both complainants and respondents. Confidentiality will be maintained to the extent possible.

We look forward to engaging with the entire Brown community in this important effort in the coming weeks. Thank you for your support and interest in these issues.

Sincerely,

Michele Cyr, Associate Dean for Academic Affairs for Biology and Medicine, Co-Chair  
Russell Carey, Executive Vice President for Planning and Policy, Co-Chair

### **SATF Campus Open Forums**

#### **Brown's Systems for Preventing and Responding to Sexual Assault: A Panel Discussion**

Wednesday, November 5, 2014

7:30 - 8:30 pm

Metcalf Labs, Friedman Auditorium (190 Thayer Street)

#### **Undergraduate Student Public Forum**

Wednesday, November 5, 2014

8:30 - 9:30 pm

Metcalf Labs, Friedman Auditorium (190 Thayer Street)

#### **Undergraduate Student Public Forum**

Tuesday, November 11, 2014

4:00 - 5:30 pm

Salomon Center for Teaching, Room 001

#### **Faculty and Staff Public Forum**

Friday, November 14, 2014

12:00 - 1:00 pm

MacMillan 115

**Note:** Forums for graduate and medical students will be scheduled by the sub-committee and communicated directly to those student communities.

#### **SATF Members**

Michele Cyr, Associate Dean for Academic Affairs for Biology and Medicine, Co-Chair  
Russell Carey, Executive Vice President for Planning and Policy, Co-Chair

Lindsay Orchowski, Assistant Professor of Psychiatry and Human Behavior  
James Valles, Professor of Physics  
Gretchen Schultz, Professor of French Studies  
Jason Sello, Associate Professor of Chemistry  
Kirstin Boswell-Ford, Associate University Chaplain  
Mary Grace Almandrez, Director of the Brown Center for Students of Color and Assistant Dean of the College  
Jack Hayes, Director of Athletics and Recreation  
Liza Cariaga-Lo, Associate Provost for Academic Development and Diversity  
Lauren Stewart '15  
Katherine Byron '15  
Justice Gaines '16  
Yvonne Yu '14.5  
Sara Matthiesen 'GS, American Studies  
Brooke Lamperd 'GS, History  
Erin Wu MD'17

**Staff to the Task Force**

Francie Mantak, Director of Health Promotion  
Michael Grabo, Associate Counsel, Office of the Vice President & General Counsel

## **Appendix C**

### **Sexual Assault Task Force Meetings and Public Outreach**

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#### **Task Force Meetings**

##### **Wednesday, October 1**

Introductory Meeting, Baseline Setting

##### **Wednesday, October 8**

General Counsel Presentation – Beverly Ledbetter, James Green

##### **Wednesday, October 15**

Code of Conduct – Margaret Klawunn, Yolanda Castillo-Appollonio

##### **Wednesday, October 22**

Student Support and Advising - Gail Cohee, Tim Shiner, Gretchen Willis, Carolan Norris, Maria Suarez, Sherri Nelson, Bitu Shooshani, Yolanda Castillo-Appollonio

##### **Wednesday, October 29**

Undergraduate student research, concerns and priorities – Justice Gaines, Yvonne Yu presented research conducted over the summer regarding best practices and procedures, policies and issues at Brown, and information they gathered from other institutions. Joined by other students who have been very engaged in these issues: Kevin Carty, Maahika Srinivasan (UCS President), Jeanette Sternberg Lamb, and Marina Golan-Vilella, Emily Schell and Alex Sepolen. Some of these students have been involved in the group Imagine Rape Zero and produced a set of recommendations for the Task Force to consider, which is included in the appendices to the Interim Report.

##### **Wednesday, November 5**

Lindsay Orchowski led a discussion of her extensive research in the area of sexual violence and in particular offender tactics and profiles and the challenges of addressing the behaviors via education and/or treatment.

##### **Wednesday, November 12**

Open meeting agenda for Task Force discussion of work to date and emerging recommendations and priorities for Interim Report.



### **Wednesday, November 19**

Leslie Gomez '92 and Gina Smith from Pepper Hamilton, along with Beverly Ledbetter and Jim Green, briefed the Task Force on their findings so far about the gaps and weaknesses with regard to current policies and practices and federal law and guidelines and issues and priorities they have identified that they recommend we address.

### **SATF Work Sessions to Discuss Interim Report**

Thursday, November 20 and Friday, November 21

### **Monday, November 24**

Bitu Shooshani, Maria Suarez, Sherri Nelson and Unab Khan discussed student advocacy and support for survivors and respondents and medical care for survivors.

### **Wednesday, December 3**

Natalie Basil from Residential Life; graduate and medical student concerns and priorities and discussion of draft interim report.

### **Wednesday, December 10**

Final Discussion of Interim Report.

### **Campus Engagement and Outreach – Public Forums**

#### **Brown's Systems for Preventing and Responding to Sexual Assault: A Panel Discussion**

Wednesday, November 5, 2014

7:30 - 8:30 pm, Metcalf Labs, Friedman Auditorium

#### **Undergraduate Student Public Forum**

Wednesday, November 5, 2014

8:30 - 9:30 pm, Metcalf Labs, Friedman Auditorium

#### **Undergraduate Student Public Forum**

Tuesday, November 11, 2014

4:00 - 5:30 pm, Salomon Center for Teaching, Room 001

#### **Faculty and Staff Public Forum**

Friday, November 14, 2014

12:00 - 1:00 pm, MacMillan 115

**Note:** Forums for graduate and medical students will be scheduled by the sub-committee in January and communicated directly to those student communities.

**Direct Outreach Events Held with Student Organizations and Others**

Brown Center for Students of Color – Friday, November 7  
Greek Community Representatives – Monday, November 10  
Faculty Executive Committee - Tuesday, November 11  
LGBTQ Center – Thursday, November 13  
Residential Peer Leaders – Tuesday, November 18  
Sarah Doyle Women’s Center – Thursday, November 20  
President’s Cabinet – Monday, November 24  
Administrative Leadership Group – Tuesday, November 25  
Brown University Community Council – Tuesday, November 25  
Student Athlete Representatives – Thursday, December 4  
Black Student Union - TBD  
Harambee House - TBD

**BROWN UNIVERSITY**  
**TITLE IX PROGRAM OFFICER**  
AUGUST 29, 2014

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**POSITION SUMMARY**

The Title IX Program Officer is the ranking administrator with primary responsibility for managing Brown University's day-to-day Title IX compliance obligations. Title IX addresses non-discrimination in educational programs and activities. Prohibited conduct under Title IX includes discrimination on the basis of gender, sexual harassment, sexual misconduct sexual assault, relationship (dating) violence and stalking.

The incumbent reports directly to the Associate Provost for Academic Development and Diversity and works closely with the deputy Title IX coordinators and investigators, the Vice President for Campus Life, the Vice President and General Counsel, the Dean of the College and other members of the senior administration, faculty and staff to ensure effective university-wide efforts with regard to Title IX compliance, in keeping with the University's overall mission.

**MAJOR RESPONSIBILITIES**

- The Title IX Program Officer is responsible for Brown University's compliance with Title IX of the Education Amendments of the 1972 Civil Rights Act and the Violence Against Women Act Reauthorization of 2012 (VAWA).
- The Title IX Program Officer will manage and oversee the University's Title IX obligations and responsibilities.
- The Title IX Program Officer will convene on a regular basis and oversee and coordinate the work of the designated Title IX deputy coordinators with responsibility for student, staff and faculty matters.
- The Title IX Program Officer will be responsible, in collaboration with other offices and officers, for providing necessary and required Title IX training to University community members on a regular basis and for overseeing the development and delivery of training, education, advocacy, and awareness programs to the campus community.
- The Title IX Program Officer will collect information and data as necessary and prepare reports as appropriate for discharge of the University's obligations and responsibilities.

Other responsibilities include:

- Ensure processes are in place to receive and process inquiries and discrimination complaints from the campus community and third parties in a timely manner.
- Monitor and manage Title IX incidents to ensure an efficient and effective response to complaints. Collaborate with other campus offices, as needed, to coordinate and execute in a timely manner the University's response and investigation of complaints as pursuant to Title IX.
- Review and ensure University policies, procedures, protocols and practices are in compliance with Title IX regulations.
- Prepare statistical reports as required to support the program. Identify patterns and make recommendations.

- Provide or make arrangements for supplemental support to students, faculty, and/or staff while investigations are pending.
- Provide consultation to senior officers as necessary.
- Undertake special projects and initiatives as directed.
- Undertake such other responsibilities and duties as consistent with university policies and procedures on Title IX, related acts, or regulations.

The Title IX Program Officer will collaborate with campus offices and partners including the Office of Student Life, Office of the Dean of the College, Office of the Dean of the Faculty, the Office of the Dean of Medicine & Biological Sciences, the Office of the Dean of the School of Public Health, the Office of the Dean of the Graduate School, the Office of General Counsel, University Human Resources, the Office of Health Education, and the Department of Public Safety.

### **QUALIFICATIONS**

- An earned advanced degree such as Master's Degree (in social work, psychology or forensic psychology, higher education administration or other relevant discipline) or JD or an equivalent combination of degree and experience.
- Prior professional experience in higher education or other relevant work experience is required. Higher education experience is preferred.
- Minimum of 5+ years of progressively responsible experience in a related field.
- Experience in administration or conduct of hearings or disciplinary processes or investigations.

### **KNOWLEDGE, SKILLS AND ABILITIES**

- Demonstrated knowledge of Title IX and VAWA and other applicable laws and regulations is required;
- Ability to manage multiple, on-going and complex caseload of Title IX related incidents and complaints;
- Effective project management, organization and analytical skills;
- Strong presentation and facilitation skills with an emphasis on education and training for a variety of constituencies;
- Strong written communication skills;
- Excellent attention to detail, strong problem-solving skills, the ability to deal with confidential and sensitive information;
- Ability to build relationships and establish collaborative partnerships across the institution and peer institutions;
- Strong interpersonal skills;
- Demonstrated commitment to diversity and inclusivity;
- Knowledge of the dynamics of interpersonal violence.

### **COMPENSATION**

Salary is commensurate with qualifications and experience. A comprehensive benefits package is provided.

## Appendix E



The following policy recommendations after been written and deliberated on by Imagine Rape Zero. Given the time, care, and research that have informed their development, IRO hopes that the Sexual Assault Task Force will deliberate and ultimately adopt each of them as of part of their official recommendations to be submitted to President Paxson.

In the event that the Task Force decides on an alternative recommendation than the one we have presented, we ask that to be provided with a written explanation of how that decision was made.

As a large and dedicated group of students whose commitment to Sexual Assault Justice on this campus is well documented, we feel empowered to request written demonstration of the Task Force's consideration of our recommendations. The petition has been met with support from both students and the administration; in a meeting last semester Vice President Klawunn acknowledged that our demands are reasonable, judicious, and pragmatic. As of October 28<sup>th</sup>, 2014 the original list of demands received 3,420 signatures from Brown students, faculty, and members of the wider community.

Our list of recommendations is by no means an exhaustive or complete one, however we believe that they reflect some of the major concerns of the student body. We hope that these recommendations can inform and guide the Task Force's work and that ultimately they will be included as part of the final recommendations.

In solidarity,  
Imagine Rape Zero

### Recommendations

1. Require that all students found culpable of sexual misconduct be, if not **expelled, suspended from the University until the victim in question graduates**; unless the victim requests a different sentence. Given the Title IV requirement that the University do everything it can to rectify a hostile environment for victims, the sanctions should be made in accordance with the desires of the victims.
2. **Amend the appeals process** to allow for appeals made on the basis of unsatisfactory sanctions, late-manifesting injuries, evidence of multiple offenses (with the explicit allowance for different victims to bring testimony against the same perpetrator in a single case), and/or other significant factors.

3. Require that **all decisions, including appeals**, regarding the adjudication of sexual misconduct be **evaluated by a panel that includes students** rather than by an individual administrator.
4. Create and enforce a timeline for Student Code of Conduct Hearings.
5. Ensure that the policy regarding no-communication (no-contact) orders is well publicized, and that any victim of assault is informed of their right to a no-communication order is an regardless of their decision to report. Implement immediate sanctions for those in violation of no-communication order.
6. Create an additional position of **victims' advocate** and **coordinator of prevention services**; this individual will be hired in consultation with students and bearing in mind the unique challenges faced by marginalized communities.
7. **Mandate trauma-informed training** to Department Chairs and Directors of Graduate and Undergraduate Studies on resources and procedures regarding sexual violence.
8. Re-examine and restructure **consent and prevention education for all current students** (Undergraduate, Transfer, Resumed Undergraduate Education, Graduate, and Medical students) during orientation and in **mandatory** programming throughout the academic year, for every year that they are a Brown student.
9. Implement easily accessible campus-wide **accountability** and **feedback systems** for all University personnel in contact with victims of sexual violence.
10. Inform victims of their **right to utilize the criminal justice system** at all points of the reporting and review process, including legal consultation available both through and outside the University.
11. Meet and prioritize the **needs of the victim** with respect to housing and academic accommodations beginning as soon as the incident is brought to the attention of University personnel, as required by federal law.
12. Create programs and allocate resources to the Department of Public Safety and Health Education to **confront and prevent sexual harassment** in all its forms, recognizing that it is a foundational component of rape culture.
13. **Mandate** that any person serving on a disciplinary hearing receives annual training **relating to dynamics of privilege, power, and identity** before participating in the hearings.
14. The language throughout the code of conduct and university policies needs to be revised to be inclusive of trans and queer identities.
15. Formulate programs and policies which address **differential victim experiences based on intersecting identities** of race, gender identity and expression, socioeconomic status, sexual orientation, religious identity, and ability.