

# Sexual Misconduct Policy

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respect for the individual and support  
all members of the Bryant community can work and learn in an atmosphere  
discrimination, harassment, violence, power-based

## I. Statement of Purpose

Bryant University ("Bryant" or "the University") is committed to



For Student-Respondent Cases

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Student Affairs - Bryant University

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Rhode Island Commission for Human Rights  
180 Westminster Street, 3rd Floor  
Providence, RI 02903  
Telephone: (401) 222-2661  
Facsimile: (401) 222-2616  
Email: [RICHR.Info@richr.ri.gov](mailto:RICHR.Info@richr.ri.gov)

### III. Scope of the University's Authority

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

#### A. Title IX Sexual Harassment

in the workplace.

Bryant responds to reports and complaints alleging Non-Title IX Sexual Misconduct under its Code of Student Conduct Employee Handbook or under the terms of a collective bargaining agreement. Incidents which are not covered by Title IX and therefore not subject to Bryant's Title IX Sexual Harassment Procedure will be referred to the appropriate University



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

- d. Stalking: Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more instances including





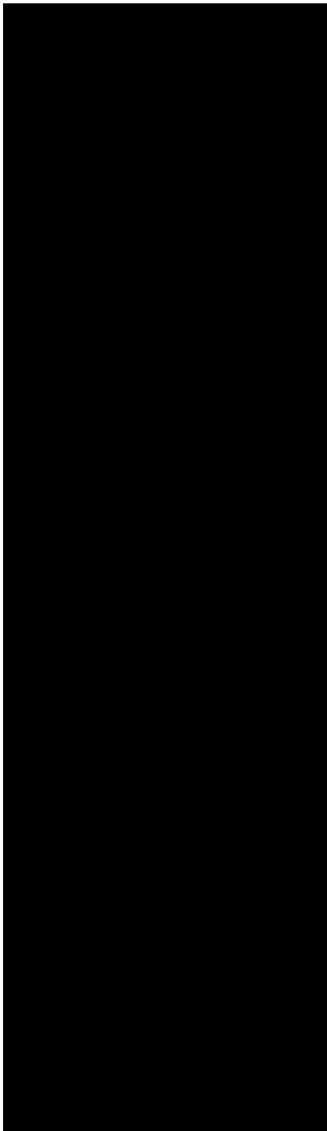
- iv. by a person upon another person;
- v. that is without consent, by physical force, and/or abusive sexual contact.

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

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

- i. Any intentional sexual touching, including but not limited to breast,

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Any

3. Sexual Exploitation Sexual Exploitation is intentionally taking sexual advantage of another person without consentt may involve one's own or another person's nudity or sexuality. Examples of Sexual Exploitation include, but are not limited to:
- a. voyeurism (such as watching or taking pictures, videos, or audio recordings of another person in a state of undress without their consent or of another person engaging in a sexual act without consent of all parties);
  - b. disseminating, streaming, or posting images, pictures or video of another in a state of undress or of a sexual nature without the person's consent;
  - c. knowingly exposing one's genitals to another person without consent;
  - d. prostituting another individual; or
  - e. knowingly exposing another individual to a sexually transmitted infection or virus without the other person's knowledge or consent.
4. Dating

educational

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

Where alcohol or other drugs are involved, evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects a person’s decision-making ability; awareness of consequences2(r 5(e)-1(rac)oF)8(i)e.1(o)8(h)3( o)-2(f)-1(q)60 12(s)er13(o)2(us)6((fo)v)0 Tw (-)Tj 0.030.41Tj EMC /P <</MCID 6 >>BDC 9TT0 1 Tf 0.Tc 0 Tw-30.

conduct that could constitute Prohibited Conduct.

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

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

## VII. The University's Fraternization Policy

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

## VIII. Reporting and Options for Assistance

Bryant is required to take responsive action when it has notice of potential or alleged Prohibited Conduct. Notice occurs when one or both of the Title IX Coordinators receive a report, from a Complainant, or any person, alleging Prohibited Conduct. Bryant has instituted policies and training to Mandatory Reporters to share promptly and fully information about known alleged Prohibited Conduct. The University's centralized reporting requirement helps to ensure that the Complainant may receive Supportive Measures promptly upon the reporting of Prohibited Conduct



Department of Public Safety - emergency response (401) 232-6011: Emergency response available 24 hours a day, 7 days a week. Complaints may also be directed to Public Safety's administrative number, (401) 232-6001.

Title IX Coordinators (see full contact information in Section III above)

- x Mailee Kue, Assistant Vice President of Student Affairs, (401) 232-6432-
- x Meaghan Trayner, Associate Director of Human Resources, (401) 232-6015

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

Health Services (401) 232-2220: Clinicians provide onsite medical care, testing and treatment for Bryant students. All medical information and treatment are kept confidential within professional and legal guidelines.

Office of Campus Ministries (401) 232-7112 Chaplains are available for counseling and support

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

Gertrude Meth Hochberg Women's Center (401) 232-8554 Provides support, information and education for the Bryant campus community regarding gender-related issues as well as violence prevention and advocacy services.

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

#### Immediate Resources Off-Campus

Smithfield Police (401) 231-2500 (215 Pleasant View Avenue, Smithfield, RI 02917) The Smithfield Police Department is available to help individuals affected by power-based personal violence cope with these traumatic events, including helping to protect the safety of individuals within the University communicating and ensuring justice is served.

<http://smithfieldpd.com/sexualassaultresourcesfor-bryant-universitystudents/>

Local Hospitals: The following hospitals offer the Safe Program with SANE (Sexual

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



assault— do not bathe, shower, douche, eat, drink, or brush your teeth. If possible, try not to eliminate any waste. Any of these behaviors can wash away evidence. Any clothing, if not still being worn, and any bedding or fabric should be preserved and not laundered. These items may contain forensic evidence and be useful if you decide to report the crime to law enforcement. Put them in a paper bag, not plastic.

## Law Enforcement Options

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

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

## Reporting Options and Confidentiality

The University encourages victims of sexual misconduct and others who are aware of sexual misconduct to report the matter in order for the impacted individual to receive support and for the University to investigate and address any allegations of misconduct. The individual at all times has the right to file a criminal complaint, or not, and to pursue University disciplinary action, or not, including the right to do both simultaneously, if they so choose.

The University supports the confidentiality interests of persons who report that they have been subjected to sexual misconduct. Even if such a person does not specifically ask for confidentiality, the University will disclose information regarding alleged incidents of sexual misconduct only to those individuals responsible for. 1(d) i) 14 Sots.d [(a) 10(hdp2(tho)2(s)510(ts.d [(a) 10(hdp2(tho)2(s)gn)1

provides

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

- x The President, Vice Presidents and Deans;
- x The Provost;
- x Faculty;
- x Student Affairs administrative staff (except Counseling Center, Health Services and Office of Campus Ministries staff, who are confidential sources, and First Responders and Victim Advocates, who can participate anonymously);
- x Residential Life staff (Area Coordinators, Associate Director, Assistant Director, Director, and Resident Assistants);
- x Peer Mentors;
- x Coaches and Athletic Trainers;
- x Human Resources staff members; and
- x Student organization faculty/staff advisors.

Mandatory Reporters must report promptly to the Title IX Coordinators after their receipt of allegations of Prohibited Conduct. The Title IX Coordinators may notify the Department 1 (C)8 [1 (14)(y)(n)





be pursued if an individual chooses to do so. Prompt external reporting is important to a criminal investigation and prosecution.

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

### XIII. Sexual Assault Prevention, Education and Training

Bryant provides programs designed to promote the awareness of Prohibited Conduct, including primary prevention and awareness programs for all incoming students and new employees which address the University’s prohibition against Prohibited Conduct, the definitions of such conduct, the definition of consent in reference to sexual activity, safe and positive options for bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.

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

All Campus Security Authorities receive annual training on reportable crimes under the Clery Act including all forms of sexual misconduct. Title IX Coordinators and all persons involved in the University’s Title IX processes (including its investigators, facilitators of informal resolutions, decision makers, and appeals officers) will receive annual Title IX training, particularly the requirements of the Title IX Rules on sexual harassment. Copies of the University’s Title IX training materials may be viewed on its website.