

2023 ANNUAL SECURITY REPORT & FIRE SAFETY REPORT

Including 2020-2021-2022 Campus Crime Statistics



PROVIDENCE
COLLEGE

Table of Contents

A MESSAGE FROM THE CHIEF OF PUBLIC SAFETY	4
NOTICE OF NON-DISCRIMINATION.....	4
POLICY FOR REPORTING A CRIME OR EMERGENCY TO THE OFFICE OF PUBLIC SAFETY ...	5
CRIMINAL OFFENSES – Jurisdiction and Adjudication	6
POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS	7
CRIME STATISTICS FOR INCLUSION IN THE ASR.....	7
TIMELY WARNING POLICY – Crime Alerts	8
PREVENTING AND RESPONDING TO SEXUAL MISCONDUCT, SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, AND STALKING.....	9
POLICY STATEMENT ON SEXUAL MISCONDUCT.....	10
REPORTING AND PRIVACY	11
SUPPORTIVE MEASURES	15
RETALIATION	16
OTHER RECOMMENDED ACTIONS FOLLOWING AN INCIDENT	16
DEFINITION OF KEY TERMS	17
POLICY DEFINITIONS	19
SUPPORTING DEFINITIONS – TITLE IX and non-TITLE-IX	23
REPORTING AND OTHER RESOURCES	24
“OFFICIALS WITH AUTHORITY” (AS DEFINED IN THIS POLICY).....	26
GRIEVANCE RESOLUTION PROCEDURES FOR REPORTS OF POLICY VIOLATIONS AGAINST STUDENTS.....	26
GRIEVANCE RESOLUTION PROCEDURES FOR REPORTS OF POLICY VIOLATIONS AGAINST EMPLOYEES	38
INFORMATION ON REGISTERED SEX OFFENDERS	50
CHILD ABUSE OR NEGLECT REPORTING POLICY AND CODE OF CONDUCT	51
NEW AND ONGOING AWARENESS, PREVENTION, BYSTANDER INTERVENTION, AND RISK- REDUCTION PROGRAMS, TRAININGS, AND INITIATIVES ON POLICY AND CRIME – INCLUDING SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, AND STALKING.....	51
EMERGENCY NOTIFICATION POLICY	57
EMERGENCY RESPONSE AND EVACUATION PROCEDURES AND DRILLS	58
EMERGENCY MANAGEMENT DRILL	59
GENERAL SAFETY GUIDELINES	60
OFF-CAMPUS TRANSPORTATION.....	61
OFF-CAMPUS SHUTTLE SERVICES	61
ACCESS TO CAMPUS BUILDINGS POLICY	62
SECURITY OF AND ACCESS TO FACILITIES, INCLUDING RESIDENCE HALLS, FOR MAINTENANCE POLICY	62

SAFETY IN THE RESIDENCE HALLS.....	63
DAILY CRIME AND FIRE LOG	63
MISSING STUDENT POLICY	63
POLICIES GOVERNING ALCOHOL AND OTHER DRUGS.....	64
WEAPONS POLICY	66
CLERY ACT CRIME DEFINITIONS	66
CRIME STATISTICS.....	69
FIRE SAFETY REPORT - REGULATIONS	71
FIRE EVACUATION.....	73
GENERAL EVACUATION AND PROCEDURES	74
EVACUATION OF PERSONS WITH DISABILITIES.....	74
FIRE SAFETY EDUCATION.....	74
PROVIDENCE COLLEGE ANNUAL DISCLOSURE AND SUMMARY OF FIRE STATISTICS:	75
APPENDIX A: Student Conduct Code - Disciplinary Sanctions	77
APPENDIX B: Maps – Clery Geography.....	81

A MESSAGE FROM THE CHIEF OF PUBLIC SAFETY

Chad Carnegie
Chief of Public Safety

On behalf of the men and women of the Providence College Office of Public Safety, I want to welcome you to the Annual Security Report. The Office of Public Safety's mission statement is to safeguard members of the College community, to protect private and institutional property, and to prevent crime. Our priority is to safeguard the Providence College campus to ensure a safe space for all community members. Members of the community share this responsibility and are expected to help The Office of Public Safety identify and report behavior that constitutes a violation of College policy and/or criminal law, and to take reasonable safety precautions.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) ("Clery Act"), is a federal law requiring colleges and universities that receive federal financial assistance to disclose annually (by October 1) certain information about campus crime, and safety and security policies to current and prospective students and employees. This Annual Security and Fire Safety Report contains crime and fire statistics for the three previous calendar years and information on safety and security, campus law enforcement, crime prevention and reporting, fire safety, disciplinary procedures, and educational programs, services and resources. This Report is available online at <https://safety.providence.edu/clery-act-disclosure/>. Print copies of this Report are available in the Office of Public Safety, the Office of Undergraduate Admissions, and the Office of Human Resources.

NOTICE OF NON-DISCRIMINATION

Providence College admits students of any race, color, national and ethnic origin, sex, gender, sexual orientation, gender identity, religion, disability, age, or veteran status, and without regard to genetic information, to all the rights, privileges, programs, and activities generally accorded or made available to students at the College. It does not discriminate on the basis of race, color, national and ethnic origin, sex, gender, sexual orientation, gender identity, religion, disability, age, veteran status, genetic information, or any other applicable legally protected basis, in the administration of its education policies, admission policies, scholarship and loan programs, athletic and other College-administered programs, and employment policies. In accordance with Title IX, it does not discriminate on the basis of sex in its educational programs or activities. Nothing in this Notice shall require Providence College to act in a manner contrary to its Dominican mission and the teaching and tenets of the Catholic Church, and the College reserves the right to take actions designed to ensure and promote its Catholic and Dominican mission.

The College's Equal Opportunity/Affirmative Action Officer, and ADA/Section 504 Coordinator for employees is Mirlen Mal, Sr. Associate Vice President for Human Resources (Harkins 302, 401.865.2430, mmal@providence.edu). The Title IX Coordinator is Rachel Andoscia (Slavin 102, 401.865.1029, randosci@providence.edu); the Title IX Coordinator is assisted by deputy coordinators, including members of the faculty and the administration (<https://sexual-harassment.providence.edu/>). Inquiries regarding ADA/Section 504 issues for students may be directed to the Office of Academic Support Services (Jonathan Gomes, Library 229, 401.865.2470, jgomes3@providence.edu) and the Office of the Dean of Students (Tiffany Gaffney, Slavin 201, (401) 865-2191, tgaffnel@providence.edu). The College's Title VI Officer is Dr. Quincy Bevely, Vice President for Diversity, Equity, & Inclusion (Harkins 312, 401.865.2889, qbevely@providence.edu).

POLICY FOR REPORTING A CRIME OR EMERGENCY TO THE OFFICE OF PUBLIC SAFETY

The Providence College Office of Public Safety is located on the main campus at the Huxley Avenue gate, providing service to the campus community 24 hours a day, 7 days a week, 365 days a year. The office is staffed by the Chief of Public Safety, eight supervisors, an administrative assistant, 25 officers, and five dispatchers/switchboard operators. Under the auspices of the Vice President of Student Affairs, the Office of Public Safety works closely with the Providence College Safety and Emergency Response Committee and the Clery Act Compliance Committee, as well as with the Providence Police Department, to create a safe and secure campus environment. In an effort to accomplish this goal, the office provides motor, bike, and foot patrols on campus.

The Providence College Annex, located at 231 Douglas Avenue, Providence, RI, is an off-campus property for which crime activity is monitored and reported. The Annex is intended to be a space for campus/community dialogue and collaboration. It supports immediate, short-term initiatives such as potluck dinners, discussions, exhibitions, and meetings. It also supports courses, workshops, retreats for campus and community groups, and ongoing projects that serve the community. Off-campus College-owned and leased housing is also monitored for crime activity and reporting. For purposes of the Clery Act, “hybrid housing” is considered to be within the College’s campus geography. (Please see Maps in Appendix B).

Providence College strongly encourages the prompt and accurate reporting of all criminal or suspicious activities occurring on or near campus. Reports can be made by calling or visiting the Office of Public Safety, by speaking with an officer on patrol, or by communicating with a member of the residence life staff. Persons who prefer not to report alone may be supported by the presence of a friend. Students and employees may report a crime by contacting a member of the community who serves as a resource for them. Once a report is received, it will be evaluated and appropriate action will be taken. Reports to the Office of Public Safety may form the basis of criminal charges (violations of state and federal laws) or disciplinary matters (violations of College policy). As warranted, the Office of Public Safety will work and cooperate with the Providence Police Department and the Rhode Island State Police. Crime victims also may file criminal reports directly with the Providence Police Department at its office complex in Providence, R.I., or by calling (401) 272-3121. Complaints made to the Providence Police Department are investigated by the department and referred to the state attorney general's office for prosecutorial decisions.

Anonymous Crime Reporting – Silent Witness Program

Reports of and/or information about crimes that occur on campus—including but not limited to assaults, vandalism and thefts—also may be reported to the Silent Witness Program via the Web page of the Office of Public Safety <https://safety.providence.edu/silent-witness/>). Reporters may identify themselves or remain anonymous. When reporters who identify themselves request privacy (i.e., that the College refrain from disclosing their identity) during any investigation, the College will make every reasonable effort to honor that request and to maintain the level of privacy requested. When reporters remain anonymous, the ability of the College to respond to the report or to pursue appropriate action against the alleged perpetrator(s) may be negatively affected. Information about an incident may be disclosed (i.e., nature, date, and location of the incident) in the form of safety announcements, summary report updates, or as required by law. **For an emergency needing an immediate response call 911 OR 401-865-2222.**

Crime Reporting by Campus Security Authorities (“CSAs”)

A school official with significant responsibility for student and campus activities – referred to as a CSA – is required to report incidents of alleged campus crime to the College’s Office of Public Safety for review by the Clery Act Coordinator. CSAs include the following categories of employees: public safety; deans; student affairs and administration, including residence life, student conduct, student health; athletics administrators and team coaches; human resources; faculty advisors and moderators to clubs, organizations, and other types of College-sponsored student groups; and, faculty and staff who lead and/or supervise short- or long-term College-sponsored trips. Personally identifiable information is kept confidential (unless the victim agrees to release it); the type, date, time, and general location (on or immediately adjacent to campus, or on property owned or controlled by the College) of the incident is released for publication in the Annual Security Report and the Crime Log. Additionally, statistical campus crime data is reported to the federal government, specifically the U.S. Department of Education.

Confidential Crime Reporting – Pastoral and Professional Counselors

A pastoral counselor is defined as an employee who is associated with a religious order or denomination recognition as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is defined as an employee whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification, including professional counselors who are under contract to provide counseling, and those who are not yet licensed but are acting as a professional counselor under the supervision of an individual who is licensed or certified. (An example is a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the institution.)

Crimes reported to pastoral or professional counselors are not required to be reported by an institution under the Clery Act; however, as a matter of policy, these counselors are encouraged, if and when deemed appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary and confidential basis so that incidents of crime that are reported exclusively to professional and pastoral counselors will be included in the annual crime statistics if they occurred within the Clery Act geography.

CRIMINAL OFFENSES – Jurisdiction and Adjudication

Although the Providence College Office of Public Safety does not possess the power to arrest, Public Safety assists law enforcement in their investigations. When Providence Police are called to take a criminal report by the Providence College Office of Public Safety, the Providence Police has jurisdiction in the matter. If the Providence Police make an arrest and the suspect is a student or employee, he/she not only may be charged for the offense in the legal system, but also via the applicable College disciplinary system.

POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The information contained in this Report is provided as an integral part of Providence College's commitment to safety and is in compliance with the federal Student Right-to-Know and Campus Security Act of 1990, Public Law 101-542, as amended into the Jeanne Clery Act of 1998. This publication, which is provided to all employees, and to students registered as of August 31, 2023, is available at <https://safety.providence.edu/>. Additional copies are available upon request at the Office of Public Safety, the Office of Undergraduate Admission, and the Office of Human Resources. If you have any questions regarding the content of this publication, please contact Eric Croce, Deputy Chief of Public Safety, at 401-865-2391.

The Office of Public Safety compiles crime statistics, which are included in this Report, in compliance with the Jeanne Clery Act. Additionally, the Office of Public Safety maintains a daily crime log listing the case number, nature, date, time, and general location of each crime and the disposition of the complaint, if known.

Pursuant to the Jeanne Clery Act, the U.S. Department of Education requires all school officials with "significant responsibility for student and campus activities" – designated as Campus Security Authorities – to report incidents of alleged campus crime to the College's Office of Public Safety.

Student-victims of crime have the option to seek confidential assistance from the Office of the Chaplain and the Personal Counseling Center. The College is not required to include crimes reported only to a pastoral or professional counselor in the crime statistics published in this report. Students who seek personal counseling or pastoral counseling on campus are advised that if they share information regarding the commission of an offense that the counselor considers to pose a direct threat to a member of the community or others, information may be released to appropriate authorities and other persons. Appropriate authorities and other persons may include College administrators, a parent/guardian, medical personnel, and police officials. Whether or not, and to whom, to release information will depend on particular circumstances.

The College compiles its crime statistics using the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, including any modifications pursuant to the Hate Crime Statistics Act. Please note that crime statistics are based on incidents reported. A criminal incident is reported when it is brought to the attention of the Office of Public Safety or the local police by a victim, witness, campus security authority, or other third party. The primary source for statistics is reports received by the College's Office of Public Safety. Crime statistics, for Jeanne Clery Act purposes, include all reports regardless of their investigative status or result.

CRIME STATISTICS FOR INCLUSION IN THE ASR

Clery Act Geographic Definitions

The College's crime statistics for the Annual Security Report ("ASR") are compiled from reports of crimes from police, from CSAs, or from any credible source. Statistics for certain types of crimes, such as sexual offenses, may not be a true reflection of their occurrence due to underreporting. Statistics are included for reports of crimes that have occurred at any of the following locations:

On-Campus – A building or property owned or controlled by the College.

Residence Halls – A subset of "on-campus," any student housing facility that is owned or controlled by the College, or is located on property that is owned or controlled by the College.

Public Property – Public property that is within the campus or immediately adjacent to and accessible from the campus.

Non-Campus – Any building or property owned or controlled by a student organization that is officially recognized by the College (Providence College does not have any officially recognized student organizations with non-campus locations). Any building or property owned or controlled by the College, used in direct support of the College’s educational purposes, and frequently used by students.

TIMELY WARNING POLICY – Crime Alerts

In the event that campus public safety or local law enforcement authority receives a report of a crime (in accordance with the F.B.I. definitions of crime categories), and the commission of the crime within the Clery Act geography constitutes a serious or ongoing threat to the campus community, a campus-wide, timely warning in the form of a “Crime Alert” will be issued in an email message to students, faculty, and staff. The purposes of the timely warning are to alert the campus community to the occurrence of a crime that poses an ongoing threat and to heighten student and employee safety awareness in a manner that will aid in the prevention of similar crimes. The email will identify that a Crime Alert has been issued, provide pertinent information regarding the incident, and may provide information about safety-awareness tips. The email will not identify the name of the victim.

In accordance with the Jeanne Clery Act, determinations about whether and when to issue warnings will be made by the Chief of Public Safety, or his designee, on a case by case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, the availability of accurate information, and the possible risk of compromising law enforcement efforts. Depending on the particular circumstances of the crime, the Office of Public Safety may provide expanded notice in accordance with the College’s emergency notification policies and procedures. Anyone with information warranting a timely warning should report the circumstances to the Office of Public Safety.

Crimes that might constitute a continuing or serious threat include, but are not limited to: serial crimes that target certain campus populations, such as sex-based or race-based crimes in which the offender has not been apprehended; and, ongoing criminal activity in which there is no apparent connection between offender and victim. Crimes that would not constitute a continuing or serious threat include, but are not limited to: crimes for which a threat has been eliminated because the offender has been apprehended or because the known offender has targeted specific persons to the exclusion of others (such as domestic violence). These vague scenarios are illustrative only; for purposes of determining whether to issue a Crime Alert, each report will be assessed based on relevant and reliable information available at the time.

Safety Advisories or Community Notifications (Non-Clery Act Notification to the Community)

The Office of Public Safety occasionally receives reports of crimes that are not Clery-Act crimes and/or that occurred at locations outside the Clery geography; thus, a Timely Warning-Crime Alert will not be issued. The Chief (or designee) may determine that there is a serious or continuing threat to students and employees and may issue a “Safety Advisory” or “Community Notification” to the College community or to particular populations within the community. Although safety advisories and notifications are not required under the Clery Act, they are consistent with the Office of Public Safety’s mission to promote awareness and prevention about known or suspected safety risks on or near campus.

PREVENTING AND RESPONDING TO SEXUAL MISCONDUCT, SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, AND STALKING

RHODE ISLAND CRIMINAL LAW DEFINITIONS

The following state definitions are informational and are not used to classify crime statistics in the *Providence College Annual Security Report*.

First degree sexual assault. 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. R.I.G.L. § 11-37-2

Second degree sexual assault. A person is guilty of a 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, element of surprise, or coercion. (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation. R.I.G.L. § 11-37-4

Third degree sexual assault. A person is guilty of third-degree sexual assault if he or she is over the age of 18 years and engaged in sexual penetration with another person over the age of 14 years and under the age of consent, 16 years of age. R.I.G.L. § 11-37-6

Domestic abuse. The occurrence of one or more of the following acts between present or former family members, parents, stepparents, or persons who are or have been in a substantive dating or engagement relationship within the past one year in which at least one of the persons is a minor: (i) Attempting to cause or causing physical harm; (ii) Placing another in fear of imminent serious physical harm; or (iii) Causing another to engage involuntarily in sexual relations by force, threat of force, or duress. (iv) Stalking or cyber-stalking.

Substantive dating or engagement relationship. A significant and personal/intimate relationship which shall be adjudged by the court's consideration by the following factors: (i) The length of time of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the parties. R.I.G.L. § 15-15-1

Stalking. (a) Any person who: (1) harasses another person; or (2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury, is guilty of the crime of stalking. (b) Stalking shall be deemed a felony punishable by imprisonment for not more than 5 years, by a fine of not more than \$10,000, or both. Definitions: (1) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." (2) "Harasses" means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury. R.I.G.L. §§ 11-59-1, 2

Cyberstalking and Cyberharassment. Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family is guilty of a misdemeanor. R.I.G.L § 11-52-4.2

POLICY STATEMENT ON SEXUAL MISCONDUCT

Providence College is committed to maintaining an environment in which all students, staff and faculty are treated with dignity and respect, as created in the image and likeness of God. Sexual misconduct in all forms violates the sanctity of the human body, mind, and spirit and will not be tolerated within our community. Indeed, sexual misconduct is one of the most serious violations of the College's standards of conduct and some forms of sexual misconduct also are violations of criminal law.

Providence College does not discriminate on the basis of sex in its educational programs and activities. This Policy is designed to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., which prohibits discrimination on the basis of sex in educational programs and activities, and relevant sections of the Violence Against Women Reauthorization Act, as amended; it also addresses sexual misconduct that is not covered by Title IX.

This Policy applies to all Providence College students and employees (i.e., faculty, staff, administrators), and to all "third parties" (defined for this Policy as visitors, guests, contractors, vendors, and other third parties). As it is defined in this Policy, Providence College prohibits conduct when it is committed by or against students, employees, or third parties under the following circumstances: it occurs on-campus or on property owned or controlled by the College; it occurs in the context of a College educational or employment program or activity; or, it occurs outside the context of a College educational or employment program or activity but has continuing adverse effects on, or creates a hostile environment for, students, employees, or third parties within such context and/or while on-campus.

The College may initiate disciplinary proceedings against a student or employee for conduct directed toward a member of the Providence College community or someone outside the College community. Disciplinary action, up to and including suspension and dismissal, may be taken whether or not criminal charges are filed and without regard to whether the conduct occurred on- or off-campus. Retaliation against a person who files a complaint in good faith, who cooperates in an investigation of a complaint, or who opposes discriminatory practices, is prohibited.

Depending on the circumstances, unwelcome conduct as determined by a reasonable person may not be severe, pervasive, and objectively offensive such that it effectively denies a person equal access to the College's education program or activity (which includes the employment setting); yet, it can have a detrimental impact on a person, or group of persons, and interfere with or limit their access to education programs and activities. Accordingly, the College considers such behavior to be inappropriate and contrary to community behavioral standards and the College's mission. In such instances, the College will take action as warranted, regardless of whether the behavior is unlawful, and such action may include but is not limited to implementation of the appropriate grievance process to resolve the complaint, remediate the conduct's effects, and/or prevent repetition of the conduct.

All students and employees are responsible for being familiar with, and abiding by, the Policy's standards of conduct. Persons who believe they have been subjected to sexual misconduct, harassment, or discrimination are encouraged to report the incident to the Title IX Coordinator so that the College can respond in an equitable and reasonably prompt manner in accordance with our Title IX or non-Title IX Grievance Procedures. For grievance resolution procedures, please see Appendix A (Grievance Resolution Procedures for Reports of Policy Violations Against Students) and Appendix B (Grievance Resolution Procedures for Reports of Policy Violations Against Employees) on the [Providence College Title IX Policies website](#).

The College strongly encourages **anyone** who has information regarding a possible violation of this Policy to report it to the Title IX Coordinator or the Office of Public Safety; generally, employees must report such information to the Title IX Coordinator when the incident involves any student.

REPORTING AND PRIVACY

A. Reporting to the College

1) Introduction. We strongly encourage students and employees to report sexual misconduct, harassment, or discrimination to the Title IX Coordinator, Rachel Andoscia (Slavin 102, 401.865.1029, randosci@providence.edu) or may report anonymously via the electronic reporting form (https://providence-advocate.symplicity.com/titleix_report). We also recognize that individuals have certain rights to protect their own privacy. This section of the Policy provides relevant information about disclosure options and their implications.

There is no time limit for filing a report with the College; however, the more time that passes between the incident and the report, the more difficult it may be to thoroughly investigate the report because witnesses may not be available, memories may have faded, respondents may no longer be affiliated with the College, and/or other key information is no longer obtainable.

2) Student Resources. Students can get help and talk about their experience in a confidential manner with both on-campus and off-campus resources, but students should be aware that confidentiality protections associated with on-campus resources vary and depend upon an employee's job description:

a. **On-Campus Confidential Disclosures – Two Levels.** Employees who are licensed or pastoral counselors in the College's Personal Counseling Center ("PCC") or the Chaplain's Office are not required to report what students have disclosed to them about an incident to the Title IX Coordinator; student conversations with these employees are privileged and confidential communications. Professionals working in the College's Student Health Center and the PC/Sojourner House are also confidential parties. Title IX Advocates generally are not required to reveal identifiable information about incidents; student conversations with these employees are confidential communications. Employees in the Student Health Center and the PC/Sojourner House Advocate, however, will provide the Title IX Coordinator with a limited report (nature, date, time, and general location of the incident, if known). Beyond the weekday hours of operation students can reach a crisis counselor by calling the Personal Counseling Center (401-865-2343) and pressing option 2. After hours students can reach a Chaplain on-call by calling 401-865-1333. An answering service will contact a chaplain to return your call. Students also can leave a message for the PC/Sojourner House Advocate (401-280-0564) who will respond as soon as possible.

b. **Mandated Reporters.** All faculty, staff, and administrators who are not in the “confidential disclosure” categories described in the above section are mandated reporters. Mandated reporters who become aware of a claim or report of sexual misconduct, which includes *quid pro quo* sexual harassment, sexual harassment that creates a hostile environment (which may include behavior defined as “sexual exploitation”, or “complicity”), or attempted or actual sexual assault, intimate partner violence (i.e., dating or domestic violence), stalking, that is allegedly perpetrated by a student, an employee, a contractor or sub-contracted employee, a volunteer, or a user of College facilities, against a student, are obligated to report the incident to the Title IX Coordinator or the Office of Public Safety at the earliest possible time and within twenty-four (24) hours after receipt of the information. Persons who are mandated reporters include but are not limited to residence life staff (administrators, hall directors, and resident assistants), public safety officers and staff, deans, work-study supervisors, faculty, staff, and athletics coaches and administrators. Please refer to the College’s *Mandatory Reporting of Sexual Misconduct Policy* (available [here](#)) for additional information.

Other circumstances, including but not limited to, reports involving minors, behavior that poses a direct threat to the student or others, and receipt of a subpoena in a criminal or civil case, can trigger an employee’s duty to timely disclose confidential information about an incident, including the identity of the student involved, irrespective of the above categories.¹

If students disclose a situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, or other public events, the information students provide will not trigger a mandated report and will not result in an investigation. The College may use the information students provides to inform the need for additional education and prevention efforts. If, however, an “official with authority” to take corrective measures is present at an event of this type, the information disclosed will require a mandated report to the Title IX Coordinator and other appropriate officials.

c. **Off-Campus Confidential Disclosures.** Students who wish to speak with a confidential resource not affiliated with the College may disclose and/or receive confidential, trauma-informed counseling support from Sojourner House. Conversations with Sojourner House advocates are privileged and confidential; they will not report what students have disclosed to them about an incident to the College or to local law enforcement unless legally obligated to do so.

3) **Employee Resources.** Employees can get help and talk about their experience in a confidential manner with off-campus resources.

a. **Off-Campus Confidential Disclosures.** Employees may disclose and/or receive confidential, trauma-informed counseling support from [Sojourner House](#) or the [New Directions Employee Assistance Plan](#) (login code: providencecollege). Conversations with Sojourner House and/or the New Directions Employee Assistance Plan advocates and counselors are privileged and confidential; they will not report what employees have disclosed to them about an incident to the College or to local law enforcement unless legally obligated to do so (this is rare). Victims of domestic violence may seek help for themselves and their families by calling the state-wide, [24-hour helpline](#) @ 401.765.3232

¹ See, for example, the College’s *Child Abuse or Neglect Reporting Policy*, which supersedes disclosure restrictions. Additionally, Campus Security Authorities have a duty to disclose certain information to the Chief of the Office of Public Safety, who will maintain a Crime Log and statistics, and determine whether to issue a Timely Warning–Crime Alert to the community pursuant to the Jeanne Clery Act, as amended.

4) Student and Employee Reporters.

a. **Student Reporters.** All students (reporters) and those who become aware of an incident) are strongly encouraged to report incidents of sexual misconduct to the Title IX Coordinator. Information about supportive measures and the grievance resolution process – including formal complaints and alternative resolutions (also referred to as informal resolutions) – will be reviewed and discussed with the student. Grievance information and procedures for investigating and resolving claims of sexual misconduct against students are provided in Appendix A (available [here](#)). If there are conflicts between the grievance resolution procedures outlined in Appendix A and those outlined in the Student Handbook, Appendix A will be applied to resolve complaints brought under this Policy. The College does not limit the time frame for making a complaint under this Policy, although a delay may impact the College's ability to take certain actions.

b. **No Policy Deterrent to Reporting.** The health and safety of every member of the College community is of utmost importance. Providence College recognizes that individuals who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of violence occurs, including but not limited to, sexual assault, dating violence, domestic violence, or stalking, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Providence College strongly encourages reports of violence to institution officials. A bystander acting in good faith, or a reporting individual acting in good faith, who discloses any incident of violence to College officials or law enforcement normally will not be subject to a code of conduct charge for violations of alcohol and/or drug use policies, or student guest policies, occurring at or near the time of the commission of the incident of violence.

c. **Employee Reporters.** All employees (faculty, staff, and administrators), except for those employees designated as confidential resources in this Policy (and in the *Mandatory Reporting Policy*), who become aware of a claim or report of sexual harassment allegedly perpetrated by a student, an employee, a contracted or sub-contracted employee, a volunteer, or a user of College facilities, against a student, are mandated reporters. As described previously in this Policy, mandated reporters are obligated to report the incident to a Title IX Coordinator or the Office of Public Safety at the earliest possible time and within twenty-four (24) hours after receipt of the information.

d. **Supervisor Duty.** All supervisors, directors, managers, and human resources professionals have a responsibility to report to the Title IX Coordinator all relevant details about an incident involving conduct covered under this Policy where either the complainant or the respondent is an employee. Reporting is required when supervisors, directors, managers, and human resource professionals know (by virtue of a direct or indirect disclosure), or should have known, of such conduct. For academic faculty, supervisors include department chairs, program directors, deans, and other administrators in academic affairs. Reports should be made in a timely manner and within twenty-four (24) hours. Grievance information and procedures for resolving allegations of sexual misconduct against employees are provided in Appendix B (available [here](#)). If there are conflicts between the grievance resolution procedures outlined in Appendix B and those outlined in any other College Handbook, Appendix B will be applied to resolve complaints brought under and covered by this Policy.

e. **Employee Complaints.** Employees who have experienced sexual harassment or discrimination are encouraged to file a report with the Title IX Coordinator. Information about supportive measures and the grievance resolution process – including formal complaints and alternative resolution (also referred to as informal resolutions) – will be reviewed and discussed with the employee. In addition to notifying the Title IX Coordinator, complainants who are employees may decide to provide notification of the complaint to their supervisor, and/or to the Office of Human Resources, although they are not obligated to do so. Employee grievance information and procedures for investigating and resolving claims of sexual misconduct against employees are provided in Appendix B (available [here](#)). If there are conflicts between the grievance resolution procedures outlined in Appendix B and those outlined in other College publications or Handbooks, Appendix B will be applied to resolve complaints brought under this Policy. The College does not limit the time frame for making a complaint under this Policy, although a delay may impact the College’s ability to take certain actions.

5) Third-Party Respondents. When the respondent is not a member of the College community (student or employee), the College’s ability to take appropriate corrective action will be determined by the nature of the relationship of that third party with the College. The Title IX Coordinator will determine the appropriate action to take consistent with this Policy (including the Policy Statement) and with legal mandates and federal guidance.

6) Anonymous Reporting Options. Any person may report sexual misconduct (i.e., any of the behaviors defined in this Policy) that occurs on, near, or off-campus, or as part of a College educational program or activity, to the Silent Witness Program via the Web page of the Office of Public Safety (available [here](#)). Reporters may identify themselves or remain anonymous. When reporters who identify themselves request that their identity be protected as part of any investigation, the College will make every reasonable effort to honor that request and to maintain the level of privacy requested. When reporters remain anonymous, the ability of the College to respond to the report or to pursue appropriate action against the accused person(s) may be negatively affected.

7) Federal Statistical Reporting Obligations. College officials with significant responsibility for student and campus activities are Campus Security Authorities (CSAs) who have a duty to report sexual offenses (as defined in this Policy) to the Office of Public Safety. CSAs include the following categories of employees: safety and security; student affairs staff; academic affairs administrators and deans; residence life; student health; athletic administrators and team coaches; human resources; faculty advisors and moderators to clubs, organizations, and other types of College-sponsored student groups; and, faculty and staff who lead and/or supervise short- or long-term College-sponsored trips. Personally identifiable information is kept confidential (unless a student agrees to release it); the type, date, time, and general location (on or near campus) of the incident is released for publication in the College’s Annual Security and Fire Safety Report pursuant to the Jeanne Clery Act, as amended. The Annual Security and Fire Safety Report helps to provide the community with information about the nature and extent of campus crime and about promoting safety. Additionally, statistical crime data are reported to the federal government.

8) Federal Timely Warning Reporting Obligations. When the College receives a credible report of a crime constituting a sexual offense from a member of the campus community, or a local police department, that occurred on campus or on public property immediately adjacent to campus (as defined by the Clery Act), and the circumstances surrounding that report pose a serious or ongoing threat to the campus community, the College will issue a Timely Warning-Crime Alert to heighten safety awareness to aid in the prevention of similar crimes. Personally-identifiable information about the alleged victim will not be released in the Timely Warning-Crime Alert.

B. Reporting to the Police

Students and employees are encouraged (or required based on the circumstances) to report sexual offenses, including sexual assault, relationship violence, and stalking, not only to the Title IX Coordinator and/or the Office of Public Safety, but also to law enforcement authorities. The decision to file a criminal complaint is a deeply personal choice. Students and employees often make this decision based on the circumstances surrounding the incident and the circumstances in their life at the time of the incident. Some students and employees discover that participating in a proceeding to hold the accused accountable helps them to regain some measure of control lost by virtue of the assault, and to protect themselves and others from future harm.

There are trained professionals on-campus and off-campus who can explain criminal proceedings and support students and employees through the process. As part of the Intake Meeting with a member of the Title IX Office, students and employees will be given the opportunity to speak with a Law Enforcement Advocate. The Office of Public Safety and/or the PC/Sojourner House Advocate will assist anyone wishing to file a criminal complaint. Students and employees do not need to file a criminal complaint in order to file a formal complaint of harassment or discrimination with the College, and the College may find an accused person responsible for violating this Policy regardless of the status or outcome of criminal proceedings, if any.

SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complaining party or the responding party before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment.

A disclosure of sexual harassment or discrimination by a student for the purpose of seeking supportive measures can be made to a confidential resource (e.g., Personal Counseling Center, Student Health Center, PC/Sojourner House Advocate, Chaplain), or to a Title IX coordinator/assistant/deputy coordinator. The reporter does not have to file any type of complaint in order to speak with a Title IX coordinator/deputy coordinator about the provision of supportive measures. Depending on the specific circumstances, supportive measures taken on an interim basis may be modified; they also may be effective on a temporary or long-term basis. The College will maintain the privacy of any supportive measures to the extent practicable. Types of supportive measures that may be requested by and provided to students include medical and mental health services and referrals, academic accommodations (such as extensions of deadlines or other course-related adjustments), modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties (referred to as a "No-Contact Directive"), changes in work or housing locations, leaves of absence (with a referral to the Office of Financial Aid to address any impact on federal aid), increased security and monitoring of certain areas of campus, and other similar measures. Students and employees may use the Violence Against Women Act (VAWA) Visa and Immigration Resources for visa and immigration information as the College does not provide these legal services. (More information is available from the U.S. Citizenship and Immigration Services at uscis.gov.) The Office of Public Safety can help a complaining party to file an external complaint with law enforcement authorities.

Supportive measures for employees may include measures to support work effectiveness or health. These measures may involve reasonable workplace adjustments and/or referral to the Employee Assistance Program. Requests should be made to the Title IX coordinator/deputy coordinator, who will consult with other College officials as necessary. The College will maintain the privacy of any supportive measures to the extent practicable.

RETALIATION

Upon receipt of a report of misconduct pursuant to this Policy, the College will not charge, nor will the College interfere with any right or privilege secured by Title IX by charging, an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment. For example, a student who reports a sexual assault, and who has consumed alcohol in violation of the law and/or College policy at the time of the reported assault, will not be charged with the alcohol violation; otherwise, the anticipation of an alcohol-related charge may serve as a deterrent and thereby interfere with the student's right or privilege to report.

The College will not make unauthorized disclosures of the identity of the individual who submits a report or a formal complaint, or the identity of the individual who is reported to be the perpetrator of sex discrimination, the responding party, or a witness; however, some information can and will be disclosed as part of the grievance resolution processes, and pursuant to the Family Educational Rights and Privacy Act, as amended (FERPA). Claims of retaliation may be filed with the Title IX Coordinator and/or to an employee with authority to take corrective action ([see HERE for more information](#)).

OTHER RECOMMENDED ACTIONS FOLLOWING AN INCIDENT

Students and employees who experience sexual assault or relationship violence have several options after an incident. Students and employees are encouraged to seek medical attention immediately. Any hospital emergency room is able to care for the immediate needs of all victims of sexual assault, including women, men, and transgender individuals; however, whenever possible, victims are encouraged to go to a hospital with a Sexual Assault Nurse Examiner (SANE) Program. SANE Programs have specially trained nurses who conduct examinations and collect evidence. In Rhode Island, Women & Infants Hospital and Hasbro Children's Hospital have SANE Programs. Other RI hospitals may have SANE-trained nurses on staff or available to them. Individuals do not have to provide health insurance information to the hospital and the hospital cannot refuse treatment. Individuals who do not want their insurance company to be billed should indicate to the hospital receptionist/clerk that they are "self-pay" and do not want to use insurance for the visit. There is no charge for sexual assault evidence collection (referred to as a "Rape Kit.") Medical attention is critical so that any injuries (including internal injuries) or infections that may have resulted from the incident can be treated. Getting a medical examination does not mean that persons need to file criminal charges; however, a medical exam will help to preserve evidence if they choose to press charges at some point. Students and employees are advised to preserve and record evidence, as follows: do not wash anything (body, hair, clothing), and do not comb hair, change clothes, douche or use the toilet; bring an extra set of clothing to the hospital (or bring the clothing worn at the time of the incident to the hospital in a paper bag); make notes to create a description of the assailant, where the assault occurred, and a description and direction of travel of any vehicle involved.

In some circumstances, students and employees may need safety-related assistance. For students, the Residence Life staff can assist and serve to connect you to the Office of Public Safety and/or local police as needed. Residence Life staff are available 24/7. For employees, the Office of Public Safety and/or local police can assist and are available 24/7. Beyond the normal hours of operation, when the Personal Counseling Center and Chaplain's Office are closed, students may still reach confidential resources. To talk to a crisis counselor call the regular number for the PCC (401-865-2343) and press "2" when you hear the recorded greeting. To reach a chaplain after-hours, call the Confidential Resources Answering Service (401-865-1333) and a chaplain will return the call. Students also can contact the Sojourner House 24 Hour Helpline 401.765.3232 or leave a message for the PC/Sojourner House Advocate @ 401.861.6191

DEFINITION OF KEY TERMS

The Providence College Sexual Misconduct Policy prohibits all forms of "sexual misconduct," a broad category of behavior more specifically defined in this section of the Policy. Sexual misconduct can occur between or among peers, and it can be directed to persons of a different or same sex as that of the harasser. Sexual misconduct can be carried out by and perpetrated against Providence College students, students from other colleges, employees, or third parties.

- 1) **"Actual Knowledge" by an employee with authority to take corrective action.** When the Title IX Coordinator, or other "officials with authority" listed in this Policy, become aware of a report of sexual harassment by any person, such "actual knowledge" constitutes official notice to the College. Employees designated by the College as "officials with authority" are those who have authority to institute corrective measures on the College's behalf. The mere obligation to report sexual harassment pursuant to the College's *Mandatory Reporting Policy* does not qualify an employee (or volunteer, independent contractor, or agent of the College) as one who has authority to institute corrective measures on behalf of the College.
- 2) **Education Program or Activity.** Education program or activity includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the sexual harassment occurs.
- 3) **Employee.** Generally, an individual hired by the College to perform assigned duties. (If there is a question as to the predominant category of either or both parties, the Title IX Coordinator will determine which procedures apply based on the facts and circumstances. For example, if the responding party is a full-time employee but not a full-time student, Appendix B will apply.)
- 4) **Formal Complaint.** A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator claiming sexual harassment against a respondent and requesting that the College investigate the claim. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the College's education program or activity. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. The formal complaint must include the name of the alleged harasser (if known), and a description of the incident(s) with reasonable specificity, including date(s) and place(s). The formal complaint must include the complainant's physical or digital signature, or should otherwise indicate intent to file.
- 5) **Member of the College Community or Applicant to become a member.** This is a person who is a student or employee applicant when the alleged conduct occurs, or a current student or employee. A person's status in the particular situation shall be determined by the Title IX Coordinator.

- 6) **Reporter.** Any person who informs the Title IX Coordinator of a suspected violation of this Policy is a reporter. This person does not have to be the alleged victim and may report the conduct anonymously. A reporter may be a witness to the conduct, a person to whom an alleged victim or an accused person tells about the conduct, or a person who otherwise learns about the conduct.
- 7) **Reporting Party or Complainant.** This is the person who is alleged to be the victim of conduct that could constitute sexual harassment. When referenced together in grievance resolution procedures, the complaining and responding persons may be referred to as the “parties.”
- 8) **Responding Party or Respondent.** This is the person (or student club, organization, team, or group) who had been reported to be the perpetrator of conduct that could constitute sexual harassment.
- 9) **Student.** All persons (other than administrators, staff, or faculty) who pay an acceptance fee, register, or take a course, whether or not for credit, either on a full-time or part-time basis, at the College. Persons approved to study in a domestic or foreign program, are students. For purposes of this Policy, the following persons are students: persons registered for courses but withdraw after allegedly violating the Code; persons who are not officially enrolled for a particular term/semester but have a continuing relationship with the College; and, persons who have been accepted to the College and are participants in new/transfer student orientation. If there is a question as to the predominant category of the parties, the Title IX Coordinator will determine which procedures apply based on the facts and circumstances.
- 10) **Title IX Coordinator.** This is the person designated by the College in accordance with Title IX who is authorized to coordinate the College’s Title IX obligations. The Coordinator, who is assisted by an Assistant and Deputies, receives and acts upon reports of sex discrimination, including sexual harassment, from any person. The Coordinator’s contact information (telephone number, email and office addresses) is prominently displayed on the College’s website, in its **Notice of Non-Discrimination**, in this Policy, and in designated College publications. Title IX Regulations require the Title IX Coordinator (or designee) to take certain action after receiving a report of conduct that, if substantiated, would constitute a violation of Title IX. That action is outlined in the grievance procedures, Appendices A and B. If the reported conduct would not constitute a violation of Title IX, but, if substantiated, would constitute a non-Title IX violation of this Policy, the Title IX Coordinator (or designee) will take appropriate steps under the circumstances. The Title IX Coordinator has discretion to amend procedures as necessary to promote an equitable and impartial grievance process, and/or to protect the integrity of the College’s response to reports and complaints of sexual harassment and discrimination.
- 11) **Title IX of the Education Amendments of 1972.** Title IX is a federal law that protects people from discrimination based on sex in education programs or activities at institutions that receive Federal financial assistance. Title IX states: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” Title IX prohibits sex discrimination, including sexual and gender-based harassment, and sexual offenses as described in the Jeanne Clery Act and VAWA amendments to the Act. On May 19, 2020, the U.S. Secretary of Education published a Final Rule (34 CFR 106), effective on August 14, 2020, that directs educational institutions about how to address and respond to sexual harassment under Title IX. The Department of Education’s Office for Civil Rights is charged with monitoring compliance with Title IX.

POLICY DEFINITIONS

A. Violations: Title IX Definition of Sexual Harassment

Sexual harassment is conduct on the basis of sex that satisfies one or more of the following:

- 1) Quid pro quo harassment occurs when a College employee conditions the provision of an aid, benefit, or service offered by the College on an individual's participation in unwelcome sexual conduct;
- 2) Sexual Harassment that is unwelcome conduct (verbal, physical, written/electronic, and/or visual) on the basis of sex that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity ("sexual exploitation" or "complicity" that meets this definition may constitute sexual harassment under Title IX²); or
- 3) "Sexual Assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v); "Dating Violence" as defined in 34 U.S.C. 12291(a)(10); "Domestic Violence" as defined in 34 U.S.C. 12291(a)(8); or "Stalking" as defined in 34 U.S.C. 12291(a)(30).
 - a. **Sexual Assault means** an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, as defined below.

A **Sex Offense** is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Types of Sex Offenses:

- **Rape** – The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Sodomy** – Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object** – To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age, or because of his/her temporary or permanent mental or physical incapacity;
- **Incest** – Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;

² Sexual exploitation is an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples include, but are not limited to: non-consensual observation or photographing of individuals who are undressing or engaging in sexual acts; non-consensual use of electronic or other devices to make an audio or video record of sexual activity; prostituting another person; allowing others to observe a personal consensual sexual act without the prior knowledge and consent of all involved parties; and, knowingly exposing an individual to a sexually transmitted infection without their knowledge.

- **Statutory Rape** – Non-forcible sexual intercourse with a person who is under the statutory age of consent (age 16 in Rhode Island).

b. **Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and where the existence of such a relationship is determined based on consideration of the following factors: the length, type, and frequency of interaction between the persons involved in the relationship.

c. **Domestic Violence** – Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies under VAWA, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

d. **Stalking on account of sex.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or, suffer substantial emotional distress. (“Cyberstalking” may constitute Stalking as defined in this Policy.)

B. Other Violations: Retaliation; False Reports and False Statements

- 1) **Retaliation – Title IX.** Retaliatory acts, or attempts to retaliate, against anyone who has reported in good faith sexual misconduct or discrimination, who has assisted, testified, is expected to participate, refuses to participate, or has participated in any manner, in an investigation or grievance process pursuant to this Policy, or who otherwise supports the report, are prohibited. Retaliation includes intimidation, verbal or physical threats, coercion, or discrimination. When evidence of retaliatory behavior exists, appropriate disciplinary action will be taken. Evidence of retaliation may exist even when there is a finding of “not responsible” on the underlying formal complaint. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Policy violation.

During a formal complaint process under the Title IX Regulations, no party or witness can be compelled to testify, or to appear at a meeting or hearing; therefore, the College cannot interfere with this right, or any privilege secured by Title IX, by compelling testimony or appearance, or by charging an individual with a code of conduct violation for refusing to testify or appear in a Title IX matter as referenced in this Policy and its grievance resolution procedures.

- 2) **Making a Materially False Statement in Bad Faith - Title IX and Non-Title IX.** Members of the College community are expected to provide truthful information in any report, meeting, or proceeding under this Policy and its Appendices. Providing or submitting false or misleading information in bad faith, with a motive to obtain personal advantage or to cause intentional harm to another person in connection with an incident of sexual misconduct, is prohibited, and the individual is subject to disciplinary sanctions under the relevant disciplinary system. This provision does not apply to reports made or information provided in good faith, even if the facts claimed in the report are not ultimately substantiated. A determination regarding responsibility, alone, is not sufficient to conclude that any party violated this provision.

C. Policy Violations That May Not Also be Violations of Title IX

Consistent with the Statement at the beginning of this Policy, the College encourages reports of all forms of sexual misconduct, including conduct that does not meet the standards for illegal harassment or discrimination under Title IX as promulgated in the Federal Register by the U.S. Department of Education on May 19, 2020. Additionally, in the employment setting, the College prohibits discrimination in accordance with Title VII of the Civil Rights Act of 1964. Title VII prohibits employment discrimination based on race, color, religion, sex, and national origin; claims of sexual harassment in the employment setting are covered by this Policy.

The College prohibits the following conduct:

- 1) **Sexual Assault, dating violence, domestic violence, stalking** when this conduct does not occur as part of an education program or activity (as defined in this Policy), and that occurs outside the United States; however, the conduct has continuing adverse effects on the College community or in a community member's program or activity, or, it occurs in close proximity to the College premises and is related to hostile conduct therein.
- 2) **Unwelcome conduct of a sexual nature that is severe or pervasive, and that creates a hostile or abusive learning, working, or living environment**, that does not occur in an education program or activity (as defined in this Policy), and that occurs outside the United States; however, the conduct by purpose or effect, unreasonably interferes with or limits a person's ability to learn or work, or to access or participate in a College program or activity, and the unwelcome conduct has no legitimate relationship to the subject matter of an academic course, activity, or research. Conduct is unwelcome when the person being harassed does not solicit or invite the behavior, regards it as offensive, and it is objectively offensive from the perspective of a reasonable person. The fact that persons may accept the conduct does not mean that they welcome it. Additionally, sexual harassment or discrimination can include behavior as part of a hazing incident.

To help assess whether a hostile environment exists pursuant to the Sexual Misconduct Policy, which covers certain conduct that satisfies the Title IX criteria and certain conduct that does not satisfy the Title IX criteria, the College will consider the totality of known circumstances, including but not limited to:

- a. The frequency, nature, and severity of the conduct;
- b. Whether the conduct was physically threatening;
- c. The effect of the conduct on the complaining party's mental health or emotional state;
- d. Whether the conduct arose in the context of other discriminatory conduct;
- e. Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or the complainant's participation in College programs or activities; and,
- f. Whether the conduct implicates concerns related to academic freedom or is otherwise deemed to be protected speech by the College.³

³ This Policy is not meant to be used as a mechanism for restricting or suppressing academic freedom. The higher-education academic setting necessarily accommodates themes, topics, material, and speech that are relevant to the subject matter and that, in other settings, may not be appropriate. The essential purposes of the academic setting are free intellectual pursuit and the free exchange of ideas. Wide-open debate helps to foster the search for truth, and in that search, we allow speech that might not be tolerated in other settings. Policies forbidding harassment and discrimination do not threaten academic freedoms.

Sexual harassment can include behavior not sexual in nature but behavior directed toward a person on the basis of the person's sex and/or gender, including harassment based on the person's nonconformity with gender norms and stereotypes. Sexual harassment can include behavior based on gender, sexual orientation, gender identity, or gender expression, which may include acts of bias, aggression, intimidation, or hostility, whether verbal or non-verbal, written, graphic, physical, or otherwise, when other criteria are present.

It is not possible to list all circumstances that might constitute Policy violations (Title IX or non-Title IX hostile environment sexual harassment). Depending on the circumstances, sexual harassment may include but is not limited to, the following kinds of behavior, which may be committed by individuals who are in supervisory positions, or by peers: (1) repeated propositions or requests for a sexual relationship to a person who has previously indicated that such conduct is unwelcome; (2) requests for sexual favors, whether or not accompanied by promises or threats with regard to the professional relationship; (3) unwelcome verbal or written (including cyber-harassment) expressions of a sexual nature, including graphic sexual comments about a person's sexuality, anatomy, attire, appearance, or sexual experience; the hostile use of sexually derogatory or gender-based terms, jokes, innuendo, or graffiti; intrusive sexually explicit questions or story-telling; sexual gestures, noises, remarks, jokes, or questions; (4) sexually suggestive objects, pictures, cartoons, recordings, electronic communications, or literature unrelated to employment or educational purposes, used or displayed in the employment or educational setting; (5) statements by an instructor to students that women are not capable scientists, or that men are not welcome in a women's studies course; (6) consensual sexual relationships where such relationships lead to favoritism of a student or subordinate employee with whom the faculty member or supervisor is sexually involved and where such favoritism adversely affects other students and/or employees.

- 3) **Sexual exploitation** that does not meet Title IX criteria. Sexual exploitation is an act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples include, but are not limited to: non-consensual observation or photographing of individuals who are undressing or engaging in sexual acts; non-consensual use of electronic or other devices to make an audio or video record of sexual activity; prostituting another person; allowing others to observe a personal consensual sexual act without the prior knowledge and consent of all involved parties; and, knowingly exposing an individual to a sexually transmitted infection without his or her knowledge.
- 4) **Complicity** that does not meet Title IX criteria. Complicity means assisting, facilitating, or encouraging the commission of a violation of this Policy.
- 5) **Certain Consensual Sexual Relationships Prohibited; Mandatory Report**

A dating, romantic and/or sexual relationship between two people who both genuinely desire, and voluntarily begin and continue, the relationship is "consensual." A consensual dating, romantic, or sexual relationship between an employee and a student, or between a supervisor and a subordinate employee, however, can create actual or perceived conflicts of interest or bias, and can lead to abuses of power. Employees (faculty and staff), therefore, are not permitted to have a consensual romantic and/or sexual relationship with any student (undergraduate, graduate, continuing education). Employees (including faculty, department chairpersons, managers, and supervisors) also are not permitted to have a consensual romantic and/or sexual relationship with employees who are in their line of supervision or authority.

Employees are expected to be aware of their professional responsibilities, to promote trustworthy relationships with colleagues and students, and to avoid apparent or actual conflicts of interest, favoritism, or bias. Consequently, if an employee is in a consensual romantic and/or sexual relationship with a person who subsequently becomes a student at the College, or if an existing student is in a consensual relationship with a person unaffiliated with the College who subsequently becomes an employee at the College, the employee is required to disclose the relationship in a timely manner to the Associate Vice President for Human Resources and the Title IX Coordinator. These officials will determine what, if any, actions need to be taken to protect the integrity of the educational experience for the involved student and other affected students, and to preserve equal access to education programs or activities for the involved student and other affected students.

Similarly, if Employee A and Employee B, who are not in the same line of supervision or authority, enter into a consensual relationship, and subsequently Employee A is given supervisory status or authority over Employee B, Employee A is required to disclose the consensual relationship in a timely manner to the two officials listed above. These officials will determine, what, if any, actions need to be taken to protect the integrity of the employment experience for Employee B and other affected employees. Employees who violate this Policy by neglecting their duty to disclose are subject to disciplinary action.

- 6) **Retaliation in a Non-Title IX Matter.** Retaliatory acts, or attempts to retaliate, against anyone who has reported in good faith sexual misconduct or discrimination, who has assisted, testified, is expected to participate, or has participated in any manner, in an investigation or grievance process pursuant to this Policy, or who otherwise supports the report, are prohibited. Retaliation includes intimidation, verbal or physical threats, coercion, or discrimination. When evidence of retaliatory behavior exists, appropriate disciplinary action will be taken. Evidence of retaliation may exist even when there is a finding of “not responsible” on the underlying formal complaint. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Policy violation.

The College may compel a non-party, i.e., a student witness or an employee witness, to participate in a non-Title IX grievance resolution by providing information to the College’s investigator and/or to a decision-maker, and such action does not constitute retaliation.

SUPPORTING DEFINITIONS – TITLE IX and non-TITLE-IX

- 1) **Preponderance of Evidence Standard.** The standard of proof in the College’s grievance resolution proceedings, including its Title IX proceedings, is the preponderance of evidence standard, which requires proving that it is more likely than not that reported sexual misconduct occurred, or that an appeal has merit.
- 2) **Consent.** Consent is demonstrated through mutually understandable words and/or actions that indicate a willingness to engage in specific sexual activity. Consent must be knowing and voluntary (freely given). To give consent, a person must be awake, of legal age (16 in Rhode Island), and have the capacity to reasonably understand the nature of her/his actions. A person who is physically or mentally incapacitated cannot give consent. A person may not use physical force, verbal threats, intimidation, or coercion as a method for obtaining consent. Prior consent does not imply current or future consent, even in the context of a relationship. Consent may be withdrawn by either person at any time, and once withdrawal of consent is expressed, the sexual activity must stop. Consent is automatically withdrawn if the person who had provided it becomes incapacitated.

- 3) **Incapacitation.** Incapacitation means being in a state where a person lacks the capacity to appreciate the fact that the situation is sexual or cannot appreciate (rationally and reasonably) the nature and/or extent of the situation. Incapacity can be found based on someone's physical or mental status, based on developmental disability, or based on alcohol or drug use. A person who knows or should reasonably have known that another person is incapacitated may not engage in sexual activity with that person. A person's state of incapacity is a subjective determination that is based on all of the facts available because persons reach incapacitation at different points and as a result of different stimuli.

Incapacity can result from mental disability, involuntary physical restraint, or from the ingestion of substances, including "date-rape" drugs. Administering any substance to another person, without their knowledge, for the purpose of inducing incapacity is a violation of this Policy.

Use of alcohol or other drugs does not, in and of itself, negate a person's ability to give consent. Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than being under the influence, impairment, intoxication, inebriation, or drunkenness. Common and obvious warning signs of possible incapacitation include consistently slurred or incomprehensible speech, unsteady gait, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" A person who is not incapacitated at the beginning of sexual activity, may, by virtue of alcohol or drug ingestion prior to or during the activity, reach a state of incapacitation as the activity continues and progresses. Persons who are sleeping or completely passed out are incapacitated.

Factors that can influence a person's state include body composition; tolerance for alcohol and other drugs; amount and type of alcohol or other drugs consumed, and the mixture taken; amount of food intake prior to consumption; genetics; and propensity for blacking out. A memory lapse regarding an incident is not, in itself, conclusive evidence of incapacitation. Alcohol-induced memory lapses, sometimes called "blackouts," are common. Such memory lapses, or blackouts, do not involve a loss of consciousness. An individual who is unable to form long-term memories of the incident has experienced a memory lapse; that individual may have been able to walk and talk and consent to sexual activity at the time of the incident.

When there is a determination of incapacitation, two additional questions are relevant: First, did the person initiating sexual activity know that the other party was incapacitated? If the answer to the first question is "No," ask: Should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either question is "Yes," consent was absent and the conduct is likely a violation of this Policy.

REPORTING AND OTHER RESOURCES

Title IX Coordinator/Deputy Coordinators:

Title IX Coordinator (<https://sexual-harassment.providence.edu>)

Rachel Andoscia

Direct: (401) 865.1029

Office: Slavin 102

randosci@providence.edu

Title IX Deputy Coordinator

Quincy Bevely; VP for Diversity, Equity, & Inclusion
Direct: (401) 865-2889; Administrative/Scheduling:
Office: Harkins 312
qbevely@providence.edu

Title IX Deputy Coordinator

Jill La Point, Associate VP/Deputy Athletic Director/Senior Woman Administrator
Direct: (401) 865-2588; Administrative/Scheduling: (401) 865-2265
Office: 216 Alumni Hall
jlapoint@providence.edu

Title IX Deputy Coordinator

Christopher Schmidt, Associate Director of Recreational Sports
Direct: (401) 865-2340
Peterson Recreation Center Lower Lobby (LL108)
cschmid4@providence.edu

Confidential Resources (as defined in this Policy):

- **Personal Counseling Center:** 401-865-2343; After Hours 401-865-2343 - select option “2”
- **Office of the Chaplain:** 401-865-2216
- **PC/Sojourner House Advocate:** 401.765.3232
- **Student Health Center:** 401-865-2422

Additional Campus & Community Resources:

- **Office of Public Safety** - 401-865-2222 (Emergency); 401-865-2391 (General); Huxley Ave Gate
- **Office of the Dean of Students** - 401-865-1782; Slavin 102
- **Office of Residence Life** - 401-865-2392; Slavin 105
- **Residence Life On-Call Representative** - 401-639-9110
- **Office of Human Resources** – 401-865-2987; Harkins 302
- **Sojourner House** 401.765.3232
- **Rhode Island Coalition Against Domestic Violence** - 1-800-494-8100 (24 hour helpline)
- **Women & Infants Hospital** - 401-274-1100 (General); 401-274-1750 (Emergency)
- **Rhode Island Hospital** - 401-444-4000 (General); 401-444-5411 (Emergency)
- **Providence Police Department** - Emergency: 911; General: (401) 272-312; Special Victims Unit: (401) 243-6331; Law Enforcement Advocate: (401) 243-6338
- **New Directions Employee Assistance Plan** - <https://eap.ndbh.com/> (login code: providencecollege)

Anyone may file a complaint with the Federal Office for Civil Rights:

U.S. Department of Education, OCR@ed.gov
5 Post Office Square, Boston, MA 02109-3921
617-289-0111; Fax 617-289-0150; TDD: 877-521-2172
Email: OCR.Boston@ed.gov

“OFFICIALS WITH AUTHORITY” (AS DEFINED IN THIS POLICY)

- Executive Vice President of the College
- Provost & Senior Vice President for Academic Affairs
- Dean of the School of Arts & Science
- Dean of the School of Business
- Dean of the School of Social Work
- Dean of the Graduate School
- Vice President for Student of Affairs/Dean of Students
- Director of Community Standards
- Assistant Dean, Associate & Assistant Directors - Residence Life
- Associate Vice President & Assistant Vice Presidents - Human Resources
- Chief, Deputy Chief, Lieutenants, Sergeants - Public Safety

GRIEVANCE RESOLUTION PROCEDURES FOR REPORTS OF POLICY VIOLATIONS AGAINST STUDENTS⁴

I. ROLE OF ADVISOR, DECISION-MAKER, TITLE IX COORDINATOR

A. Advisor. Reporting parties (complainants) and responding parties (respondents) may each identify one Advisor for support and consultation during any related meetings or grievance proceedings. An Advisor can be anyone from within the College or outside the College, including an attorney. No restrictions apply; however, a person asked to serve as an Advisor may decline to serve. Knowledge of the grievance resolution process is important to the Advisor’s role; therefore, an Advisor who is unfamiliar with the College’s process and rules of decorum will be asked to participate in a brief orientation program as a condition for service in this capacity. College employees who provide confidential support services, or who have an actual or perceived conflict of interest, may decline to serve as an Advisor. Even though reporting parties and responding parties are not obligated to choose an Advisor for support and consultation during each stage of the Formal Complaint resolution process, it is strongly recommended.

Generally, the Advisor’s role is limited to providing support and consultation and an Advisor may not speak on behalf of a party nor actively participate in an investigation or proceeding; however, the Advisor may ask for procedural clarifications before, during, or after meetings or proceedings, and the Advisor may ask for a brief break for the benefit of the advisee. During a hearing in a Title IX case, however, the Advisor’s role is expanded; i.e., the Advisor asks relevant questions and follow-up questions, including those challenging credibility, of witnesses and the other party that the advisee would like to ask directly but is not permitted to ask (this process is explained in the “Title IX Hearings” section of this Appendix). During a Title IX hearing, the Advisor can continue to provide support and consultation to an advisee, but cannot actively participate beyond asking questions.

The College reserves the right to remove from a meeting or proceeding any individual whose actions do not meet the College’s expectations about decorum because they are disruptive or abusive. A party should select as an Advisor a person whose schedule allows attendance at the scheduled date and time of the meeting or proceeding because, normally, lengthy or multiple delays will not be allowed due to persistent

⁴ These procedures describe the process for resolving complaints filed pursuant to Providence College’s Sexual Misconduct Policy and they should be read and interpreted in conjunction with the Policy, including the behavioral standards, definitions, and prohibition against retaliation, which are part of the Policy. References to “this Policy” or “the Policy” refer to the Sexual Misconduct Policy.

scheduling conflicts of an Advisor. Communications regarding the case, including notices about meetings and proceedings, will take place between the College and each party unless otherwise required under the Title IX regulations. It is the choice and responsibility of each party to notify the Advisor of any communications between the College and the party.

B. Decision-Maker. The role of a decision-maker is to decide whether a responding party is “responsible” or “not responsible” for violating the Policy, and thus the Code of Conduct, or whether an appeal has merit. A decision-maker objectively evaluates relevant information and reaches a conclusion based on the preponderance of evidence standard of proof. If there is a finding of “responsible,” the Director of Community Standards will determine the appropriate sanction(s) for the responding party, and the measures taken to restore or preserve equal access to the College’s education program or activity for the reporting party.

C. Title IX Coordinator. Note: The Title IX Coordinator may designate certain duties and tasks to the Assistant Coordinator or to one of the Deputy Coordinators; therefore, references to the “Coordinator” may mean the Assistant or a Deputy Coordinator. The Title IX Coordinator (or Assistant/Deputy Coordinator) promptly contacts the complainant (reporting party) to discuss the availability of supportive measures, considers the complainant’s wishes with respect to supportive measures, informs the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explains to the complainant the process for filing a formal complaint. The Coordinator (or Assistant/Deputy) is responsible for coordinating the effective implementation of supportive measures. When a formal complaint is filed, the Coordinator manages the College’s response to the complaint. The Coordinator reserves the right, in his/her sole discretion and in accordance with legal mandates, to amend procedures as necessary to assure an equitable process, and/or to protect the integrity of the process.

When a formal complaint is filed and the process results in a finding of responsible and remedial measures to restore or preserve equal access to the education program or activity to the reporting party are part of the outcome, the Title IX Coordinator will assure that such measures are provided.

II. RIGHTS AND RESPONSIBILITIES OF THE PARTIES -- TITLE IX AND NON-TITLE IX (AS APPLICABLE)

1. The right to be treated with dignity and respect throughout the process.
2. The right to be informed about reasonably available supportive services and resources.
3. The right to receive assistance from the Office of Public Safety to file a criminal report.
4. The protection of one’s privacy, with disclosures made on a need-to-know basis only or in accordance with legal requirements.
5. The protection against retaliation for making a good-faith report or participating in any proceeding under the Policy.
6. The responsibility to refrain from retaliating against anyone who makes a good-faith report or participates in any proceeding under the Policy.
7. The opportunity to have an Advisor of one’s own choosing and the opportunity to have the Advisor attend any meeting or proceeding at which the party’s presence is anticipated by these procedures.
8. The right to receive written notice of meetings or proceedings at which the party’s presence is invited or expected; this notice includes the date, time, location, participants, and purposes of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
9. The responsibility to be honest when providing information in connection with any report, investigation, hearing, or alternative resolution of a complaint.
10. The right of the responding party, prior to an initial interview with an investigator, to receive certain information about the College’s grievance process, and notice of the allegations of sexual harassment

potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.

11. The right to be informed that information gathered by the College may be subpoenaed in criminal or civil proceedings and/or may be shared with law enforcement authorities.
12. The right to an equal opportunity (a) to present witnesses, and other inculpatory and exculpatory evidence; and, (b) to inspect, review, and respond to, any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.
13. The opportunity to submit a challenge to an investigator or decision-maker based on conflict of interest or bias.
14. The right to refrain from providing incriminating statements during the investigation and/or any proceeding, knowing that the process will continue without unreasonable delay with the information available.
15. The right to receive a written determination regarding responsibility and the right to appeal the determination for specified grounds, applying the preponderance of evidence standard of proof. Where there is a finding of responsibility, the reporting party has a right to expect the College to provide remedies designed to restore or preserve equal access to the College's education program or activity; such remedies may include the same individualized services provided as "supportive measures."

III. PRELIMINARY EXCHANGE OF INFORMATION; SAFETY AND RISK ASSESSMENTS -- TITLE IX AND NON-TITLE IX

A. Intake Meeting and Subsequent Decisions

When the Title IX Coordinator has actual knowledge of a claim of sexual harassment, the Coordinator will promptly contact the complainant (herein after referred to as the "reporting party") to schedule an Intake Meeting. At this meeting, the Coordinator will discuss with the reporting party the availability of supportive measures and other important topics, including the process for filing and resolving a formal complaint and the process for pursuing an alternative resolution to the formal complaint. The Coordinator will provide the reporting party with written information related to these topics, which will include information about rights, options, and resources.

The Coordinator will discuss reasonably available supportive measures with the reporting party that are available with or without the filing of a formal complaint, and will explain the process for filing a formal complaint. Reasonably available supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. The College will maintain as confidential any supportive measures provided to either party to the extent that maintaining such confidentiality would not impair the ability of the College to provide these measures.

When the reporting party reports prohibited conduct and requests anonymity (i.e., that no personally identifiable information be shared with the responding party), and/or requests that no further action be taken, the College will seek to honor the autonomy of the party to make the choice to file a formal complaint. If, to address serious health or safety concerns related to an individual or the College community, the Title IX Coordinator determines that it cannot honor the reporting party's choice, the Coordinator will inform the party that the College intends to file a formal complaint and to investigate the matter to the extent possible, but that the reporting party is not required to participate in the investigation or in any other actions or proceedings the College pursues.

B. Emergency Removal Assessment and Process

The College may determine that a responding party should be removed from the College on an emergency basis because the responding party's presence poses an immediate threat to the physical health or safety of any student, or other individual, arising from the claim of sexual harassment. An emergency removal may be imposed with or without the filing of a formal complaint. If the College imposes an emergency removal, the responding party will be informed in writing by the Dean of Students (or designee) and will be provided with an opportunity to challenge the decision immediately after the emergency removal. Specifically, the responding party may challenge the removal by presenting oral and/or written arguments to the Vice President for Student Affairs (or designee) against the imposition of the removal, and the Vice President for Student Affairs (or designee) will provide a written response to the challenge as soon as possible thereafter but no later than five (5) days after receipt of the challenge.

A violation of the terms and conditions associated with an emergency removal is grounds for dismissal from the College.

The College will not reimburse a student for any expenses incurred related to an emergency removal or during the emergency removal period. The College reserves the right to contact a parent/legal guardian of a student who has been removed under this provision.

The College may notify the College community of the incident (without disclosing the reporting party's identity to preserve privacy) in a Timely Warning-Crime Alert or Safety Advisory. Other steps meant to reduce or eliminate health or safety risks may be taken.

IV. PRIVACY AND CONFIDENTIALITY: PROTECTING THE INTEGRITY OF THE PROCESS AND INDIVIDUALS INVOLVED IN THE PROCESS

The College will take reasonable steps to protect the privacy of individuals involved in the matter and will disclose information only to persons with a need for specific information regarding the complaint, its investigation, and/or its resolution. The identity of persons with whom information has been disclosed by the College will be made available to the parties.

Reporting parties and responding parties may seek support and advice from individuals they trust both to protect their privacy and to refrain from taking retaliatory behavior. These trusted individuals may include family, friends, colleagues, medical and mental health treatment providers, spiritual counselors, attorneys, law enforcement authorities, and advisors (as advisors are defined in this Policy), and other trusted individuals. Otherwise, reporting parties and responding parties will be asked to maintain confidentiality until the matter is finally resolved.

When seeking support and advice, parties should be aware that confidentiality is an important consideration. Disclosures of information about the case prior to resolution not only can interfere with the integrity of the grievance resolution process, but they also can cause serious and lasting harm to persons who are directly involved in the process. At each stage in the process, the reporting party, the responding party, advisors, and any witnesses will be asked to maintain confidentiality by refraining from making inappropriate disclosures, or disclosures in an imprudent or careless manner, that could compromise the integrity of the process and cause harm to the persons directly involved.

Retaliation at any time – prior to final resolution and after final resolution – is prohibited. For example, if, prior to final resolution, a responding party (or someone acting on the responding party's behalf) contacts the reporting party or a witness for the reporting party, the reporting party may make a retaliation

claim. Retaliation of any kind is a severe and separate violation of this Policy; if the College finds that a retaliation claim has merit, the conduct may result in an additional complaint and consequences.

V. FORMAL COMPLAINT

A. Filing a Formal Complaint -- Title IX and Non-Title IX

A formal resolution process or an alternative resolution process may be pursued only after a formal complaint has been filed. At the time of the filing of a formal complaint, the reporting party/complainant must be participating in or attempting to participate in the College's education program or activity. When a complaint has been filed, the Title IX Coordinator will identify the potential violations, notify the responding party of allegations, and schedule an Intake Meeting with the responding party.

The parties will receive information that includes the following: a statement that the responding party is presumed not responsible for the alleged conduct prior to the conclusion of the formal grievance process; a notice that the parties may have an advisor of their choice who may be, but is not required to be, an attorney; a notice that making knowingly false statements or knowingly submitting false information is prohibited; a notice that evidence gathered during an investigation may be inspected and reviewed; and, a notice that retaliation is prohibited. The parties will receive this information in advance of any investigation interview so that they have sufficient time for meaningful preparation.

After a formal complaint has been filed, the College retains authority to investigate the complaint and bring conduct charges against students who withdraw or are removed from the College on an emergency basis. The College also may withhold a student's diploma or transcript when a formal complaint of sexual misconduct is pending.

In rare circumstances, the Title IX Coordinator may determine that it is necessary to file a formal complaint when a reporting party decides not to or otherwise cannot file a formal complaint. In such a rare circumstance, the parties will be informed and provided with the Coordinator's rationale for taking such action.

B. Timeframes and "Good Cause" -- Title IX and Non-Title IX

The College will make a good-faith effort to conclude the formal complaint resolution process in a reasonably prompt manner, normally within one-hundred (100) business days of the filing of a formal complaint. All time frames referenced in this section may be extended for "good cause." Although not all-inclusive, examples of circumstances that would support a "good-cause" determination are: (a) law enforcement authorities are conducting a criminal investigation and gathering evidence regarding the incident, and they have formally asked the College to temporarily delay our investigation; (b) additional time is necessary to ensure the integrity and completeness of the investigation; (c) in order to accommodate the availability of witnesses; (d) in order to account for College breaks or vacations; (e) in order to account for complexities of a case (e.g., the number of witnesses and the volume of information provided by the parties); (f) in order to pursue good-faith efforts to reach an alternative resolution; (g) in order to account for the need for language assistance or accommodation of disabilities; or, (h) in order to account for other legitimate reasons. In the event of an extension of time, the Title IX Coordinator/Deputy Coordinator will notify the parties in writing and provide the reason(s) for such extension.

Time Frames:

- Provide written notice of allegations to responding party, conduct Intake Meeting with responding party, and begin investigation, within 5 business days of the filing of a formal complaint.
- If an Alternative Resolution Process is pursued, provide up to 30 business days to reach an agreement; with the formal complaint process halted during this time.

- Conclude investigation, provide preliminary report and information gathered to the parties within 35 business days of the date the investigation begins.
- If the Title IX Formal Complaint is “dismissed,” provide opportunity for parties to submit a written appeal within 3 business days of receipt of the written notification from the Title IX Coordinator.
- If the Title IX Formal Complaint is “dismissed,” and an appeal is filed, provide the parties with a written appeal decision within 5 business days of receipt of the last submitted appeal.
- Provide opportunity for parties to inspect and review the preliminary report and evidence gathered, and at least 10 days to submit a written response for the investigator to consider before completing the report.
- Within 5 business days of the date that the final investigative report is received by the Office of Community Standards, provide the parties with notice with respect to any charges and the hearing.
- Provide opportunity for parties to review and respond to the investigative report not less than 10 days prior to any hearing.
- Provide written determination to parties regarding responsibility within 10 business day of conclusion of the hearing.
- Provide 5 business days for the parties to submit an appeal.
- Within 5 business days of receipt of the last submitted appeal, provide the parties with a written appeals decision.

VI. ALTERNATIVE (OR INFORMAL) RESOLUTION PROCESS (“ARP”)

Alternative resolutions provide a path for addressing the situation at the most proximate level – as close to the source of concern – as possible. In cases involving claims of harm done to others, depending on the circumstances, an alternative resolution may be considered. Factors relevant to the decision may include: the degree of severity of the reported behavior; whether the key facts are in dispute; an assessment of intent and impact; whether the information gathered thus far suggests that there is no policy violation; and, other key considerations.

For conduct matters covered by this Policy, the Alternative Resolution Process (“ARP”) may be pursued only after a formal complaint has been filed. Either party may request that the College consider the ARP. The Title IX Coordinator, in consultation with other College officials as needed, determines whether an alternative resolution may be appropriate; if so, the parties directly involved will participate in individual conference meetings with the Coordinator and/or the official designated to facilitate the resolution to ensure they understand the ARP before agreeing to pursue this option for resolving the formal complaint. The College and each party must voluntarily consent to engage in the process.

At any time prior to the conclusion of the ARP, the College or the parties may decide to withdraw from the process and pursue the formal resolution process. If the parties are not able to resolve the complaint through this process, the complaint would be resolved through the formal process unless the complaint is withdrawn.

Alternative Resolution Agreements are signed by the parties and the Title IX Coordinator and/or the facilitator of the process, and are enforced by the College. The parties are not permitted to revoke or appeal an Agreement. A report that an Agreement has been violated will be reviewed by the Title IX Coordinator, who may refer the report to the appropriate College official for further review and action.

If the responding party is found responsible for any related violations in the future, an Alternative Resolution Agreement can be considered during the sanctioning phase of that disciplinary proceeding. Records related to the process, including an Agreement, will be maintained in the Title IX Office, and in

the Office of the Dean (for students) or the Office of Human Resources (for employees). Records related to an ARP may be subject to a lawfully issued subpoena or judicial order.

VII. INVESTIGATION – TITLE IX AND NON-TITLE IX

The investigation will be equitable, and adequate, and will be conducted by an impartial investigator assigned by the Title IX Coordinator. The Coordinator will appoint an investigator and the parties will be provided with an opportunity to challenge the appointment based on a conflict of interest or bias (this challenge must be substantiated and factual). Multiple complaints that arise out of the same set of facts or circumstances may be consolidated into one investigation. The investigation is a neutral fact-gathering process that will include interviewing and obtaining statements, and other relevant information from, the parties and witnesses, if any. The burden of proof and the burden of gathering information sufficient to reach a determination regarding responsibility rests on the College and not the parties. If, during the investigation, the scope of inquiry expands beyond the claims initially made and shared with the responding party, the College will issue a supplemental written notice with additional details.

The parties will have an equal opportunity to submit factual and corroborating information – in any format or medium, including electronic records. The parties will have the opportunity to identify witnesses, including expert witnesses, who may have relevant information, and to present other inculpatory and exculpatory evidence. If the parties choose to submit questions for the investigator to ask the other party or any witnesses, the investigator will consider those requests, ask relevant questions, and follow-up as needed. Parties and witnesses are expected to be honest and to provide accurate information during the resolution process.

A party's health, medical, and treatment records are confidential and are protected from disclosure unless the party voluntarily provides written consent to release such records. Information that is protected by a legally recognized privilege will not be considered or relied upon by the investigator unless the privilege is waived.

The sexual history of either party will not be used to prove character or reputation. Information about a person's prior sexual history and practices is not relevant unless such information is offered to prove that someone other than the responding party committed the alleged conduct, or if questions and evidence concern specific incidents of a person's prior sexual behavior with respect to the responding party and is offered to prove consent. If a party seeks to present information about prior sexual history, it should be provided to the investigator during their initial meeting. The investigator will determine whether prior sexual history is relevant and both parties will be informed if information about prior sexual history is deemed relevant.

The investigator may visit relevant sites or locations and record observations through written, photographic, or other means. The investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed to achieve a better understanding of the issues under investigation.

If the reporting party is unwilling to participate in one or more stages of the grievance resolution process, the College's ability to gather relevant evidence and to pursue a charge may be compromised or severely limited. The College will respect the reporting party's choices and continue to provide support, no matter what they decide to do, and may continue to investigate to the extent possible. If the responding party is unwilling to participate in the investigation and/or a subsequent proceeding, the grievance resolution process will continue with the information available. The investigator will not draw any adverse inference from a decision by either of the parties not to participate during any phase of the process.

VIII. DETERMINING THE APPROPRIATE HEARING PROCESS FOR RESOLVING A FORMAL COMPLAINT

- A. The College will investigate the allegations in the formal complaint. If, based on that investigation, the Coordinator concludes that the alleged conduct constitutes sexual harassment under Title IX, the Coordinator will inform the parties that the case will move forward under the Sexual Misconduct Policy in accordance with the hearing process for a Title IX case (see Section X).
- B. If, based on the College's investigation, the Title IX Coordinator concludes that the alleged conduct would not constitute sexual harassment under Title IX, the Coordinator **will** take one of the following steps: (1) inform the parties that the case will move forward under the Sexual Misconduct Policy as a Non-Title IX case in accordance with the hearing process for a non-Title IX case (see Section XI); or, (2) inform the parties that the formal complaint will be dismissed and that the matter will be referred to the Office of Community Standards to determine whether the alleged conduct would constitute a violation of another section of the Student Code of Conduct.
- C. At any time during the investigation (or during a hearing), the Title IX Coordinator **may** dismiss the formal complaint or any allegations in the complaint if: (1) the reporting party submits to the Coordinator written confirmation of intent to withdraw the formal complaint or any allegations in the complaint; (2) the responding party is no longer enrolled or employed by the College; or, (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the complaint.
- D. Right to Appeal. Both parties may submit a written appeal of the Title IX Coordinator's action pursuant to Section VIII. B. or C. to the Vice President for Student Affairs. An appeal must clearly argue one or more of the grounds for appeal provided in Section XIII of this Appendix. The Vice President for Student Affairs (or designee) will decide the appeal(s) based on information submitted by the Coordinator and in the written appeal letter(s).

IX. PRE-HEARING PROCEDURES AND EXCHANGE OF INFORMATION -- TITLE IX AND NON-TITLE IX

A. Opportunity to Review the Preliminary and Final Investigative Report and Information

The investigator will prepare a preliminary report that fairly summarizes the relevant evidence. After the investigation has been concluded, the parties will be notified in writing of the opportunity to inspect and review the preliminary report and any additional information gathered, and at least 10 days to submit a written response for the investigator to consider before the report is completed. Responses may not exceed ten (10) double-spaced pages in length. The parties and their advisors must sign a Non-Disclosure Agreement before the College will permit access to the report, other information gathered, or any other information deemed by the College to be confidential or sensitive in nature. If the College determines that the Agreement has been violated in any manner, the College will take any and all action deemed appropriate at the time, including disciplinary action against the offending party.

Within 5 business days of the date that written responses are due, the parties will be informed of conduct charges and will be provided with the opportunity to inspect and review the Final Investigative Report not less than 10 days prior to date scheduled for a hearing. The Report will fairly summarize relevant evidence. The parties also will be informed as to the identity of the hearing officer(s) and given an opportunity to challenge a hearing officer based on a conflict of interest or bias (any challenge must be substantiated and factual). Either party may request to participate in the hearing in a location or space separated from the

other party. The College may determine that the hearing will be conducted virtually, or that some participants will participate in person and others will participate virtually and remotely.

B. Pre-Hearing Meeting

The Director of Community Standards will schedule a meeting with each of the parties and their advisors to discuss the process, answer questions, and receive input. Prior to or at these meetings, the parties will provide the Director of Community Standards with a list of witnesses they would like to attend the hearing for the purpose of answering questions (including whether a proposed witness was interviewed by the investigator, and if not, the reason), and any new and relevant information they would like considered that was not provided to the investigator (and if not, the reason). The parties and their advisors will be provided with guidelines for decorum and for asking relevant questions during the hearing, instructions related to participation in the hearing in real time (whether participation will be in person or remote). At these meetings or soon thereafter, the Director of Community Standards will provide the parties with a final witness list. The parties are strongly encouraged to submit cross-examination questions they plan to ask the other party at least 48 hours in advance of the hearing. This will permit the hearing chairperson to consider these questions for relevancy and provide feedback to the parties before the hearing begins.

X. TITLE IX HEARING PROCESS

The hearing will be live. Live hearings may be conducted with all parties physically present in the same geographic location, or, at the College's discretion, any and all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. There will be a single verbatim record, such as an audio recording or a transcript, of the hearing (excluding deliberation). The recording is created for two limited purposes only: for reference by the hearing officer(s) during deliberations and for review by the appeal officer during an appeal. No other recordings of hearings are allowed, and no other access to the recording is permitted. The recording, and all other records associated with the case, are the property of the College.

The hearing is closed to persons other than those who are directly involved. The parties and their respective advisors may choose to attend the entire portion of the hearing during which information is provided to the hearing officer(s). Witnesses are permitted to attend the hearing only when they are answering questions.

Each party will be provided with the opportunity to provide an opening statement lasting approximately five (5) minutes or less. Each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Either party may ask that the hearing be conducted with the parties located in separate rooms with technology enabling the hearing officer(s) and parties to simultaneously see and hear the party of witness answering questions. Before a party or witness answers a question, a decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to ask cross-examination questions on behalf of that party.

The sexual history of either party will not be referenced during the hearing to prove character or reputation. Questions and evidence about the reporting party's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the reporting party's prior sexual behavior are offered to prove that someone other than the responding party committed the alleged conduct, or if the questions and evidence concern specific incidents of the reporting party's prior sexual behavior with respect to the responding party and are offered to prove consent. (These are referred to as rape-shield protections.)

Records with a legally-recognized privileged, such as medical treatment records, may not be used during the hearing unless the individual or entity holding the privilege waives the privilege. Any waiver must be in writing and should be executed at least 48 hours in advance of the hearing.

The standard of proof for determining whether the responding party violated the Code of Conduct for all hearings is preponderance of evidence. If the responding party is found responsible, the Director of Community Standards shall determine the respondent's sanction(s) and the measures designed to restore or preserve the complainant's equal access to the College's education program or activity.

The parties simultaneously will be provided with an Outcome Letter that includes the following information:

- a description of the allegations potentially constituting sexual harassment;
- a description of the procedural steps in the case;
- findings of fact supporting the decision;
- conclusions regarding the application of the Policy/Code to the facts;
- a statement of, and rationale for, the result for each conduct charge, to include the finding, any sanctions imposed and any remedial measures provided; and,
- the procedures and grounds for appeal.

XI. NON-TITLE IX HEARING PROCESS

The hearing will be live. The hearing is closed to persons other than those who are directly involved. The parties and their respective advisors may choose to attend the entire portion of the hearing during which information is provided to the hearing officer(s). Witnesses are permitted to attend the hearing only when they are answering questions. There will be a single verbatim record, such as an audio recording or a transcript, of the hearing (excluding deliberation). The recording is created for two limited purposes only: for reference by the hearing officer(s) during deliberations and for review by the appeal officer during an appeal. No other recordings of hearings are allowed, and no other access to the recording is permitted. The recording, and all other records associated with the case, are the property of the College.

Hearings are internal to the College and are not an extension of any external judicial system. Procedures are fundamentally fair to students and are notably different from those used in a civil or criminal proceeding. The College's procedures for Non-Title IX hearings are notably different from the Title IX regulations with respect to, for example, how questions must be asked, what type of information is relevant, the impact of parties choosing not to submit to and answer all cross-examination and follow-up questions, and what information a hearing officer may or may not consider in determining responsibility.

Information either party wishes to be considered by the hearing officer(s) must be submitted to the investigator(s) during the investigative process. In the absence of good cause, as determined by the chairperson, the parties will not be permitted to **provide documents, items, or other information, or names of potential witnesses**, at the hearing that were not provided to the investigator(s) during the investigation. The chairperson will determine whether new information will be received or a new witness will testify. If the chairperson determines that unresolved issues exist that would be clarified by the presentation of new information or the appearance of a new witness, the hearing may be suspended and reconvened in a timely manner to receive such additional information or to hear from the new witness.

Each party will be provided with the opportunity to provide an opening statement lasting approximately five (5) minutes or less. After opening statements, witnesses, if any, and the parties will answer questions from the hearing officer(s). The parties may then submit questions for witnesses (if any) to the chairperson,

who can disallow any questions that are irrelevant, repetitive, or abusive, and, if warranted, rephrase any question. Questions should be relevant and directly related to the charge. The parties may submit cross-examination questions for the other party to the chairperson, who may disallow any questions that are irrelevant, repetitive, or abusive, and, if warranted, rephrase any question. The hearing officer(s) and the parties will have an opportunity to ask follow-up questions. Questions submitted by the parties for witnesses and each other that are deemed relevant by the chairperson will not be asked by the parties nor by their advisors; rather, the chairperson will ask those questions.

The sexual history of either party will not be used during the hearing to prove character or reputation. Questions and evidence about a reporting party's sexual history and practices are not relevant unless such information is offered to prove that someone other than the responding party committed the alleged conduct, or if the questions and evidence concern specific incidents of a reporting party's prior sexual behavior with respect to the responding party and are offered to prove consent. (These are referred to as rape-shield protections.)

Records with a legally-recognized privilege, such as medical treatment records, may not be used during the hearing unless the individual or entity holding the privilege waives the privilege. Any waiver must be in writing and should be executed at least 48 hours in advance of the hearing.

The standard of proof for determining whether the responding party violated the Code of Conduct for all hearings is preponderance of evidence. If the responding party is found responsible, the Director of Community Standards shall determine the respondent's sanction(s) and the measures designed to restore or preserve the complainant's equal access to the College's education program or activity.

The parties simultaneously will be provided with an Outcome Letter that includes the following information:

- a description of the allegations potentially constituting sexual harassment;
- a description of the procedural steps in the case;
- findings of fact supporting the decision;
- conclusions regarding the application of the Policy/Code to the facts;
- a statement of, and rationale for, the result for each conduct charge, to include the finding, any sanctions imposed and any remedial measures provided; and,
- the procedures and grounds for appeal.

The reporting party shall be notified of any sanction imposed against the responding party that has an impact on the reporting party; the Family Educational Rights and Privacy Act of 1974, as amended (FERPA), permits disclosure of this information.

XII. SANCTIONS FOR A STUDENT FOUND RESPONSIBLE -- TITLE IX AND NON-TITLE IX

Students found responsible for violating the Sexual Misconduct Policy will receive appropriate, and timely sanctions. The decision is not final, and no sanction will be imposed, until after an appeal process, if any, has concluded. Possible sanctions are as follows: dismissal; suspension; degree revocation; admission revocation; deferred suspension; deferred or actual disciplinary probation, disciplinary warning; civic engagement experience assignment; educational assignment; loss or denial of certain privileges (can include athletic and other sports, club, or intramural teams or associated participation; study abroad prohibition; RA and other leadership role – paid or unpaid – prohibition; sanctions related to membership in a student club, organization, or group; suspension or termination of College recognition of a student club, organization, or group); residential hall suspension (one or more than one residential hall); residential hall or room reassignment; community mentor assignment; administrative withdrawal from a course with or

without a refund or credit; required professional evaluation or assessment with a signed release permitting the College to confirm participation and any follow-up recommendations; parental notification; and, fines and/or restitution. Sanctions are imposed with the goal of ending prohibited conduct, preventing its recurrence, and remedying its effects, while supporting the College's educational mission and legal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components.

Additionally, if a student-respondent takes a leave of absence, withdraws from, or otherwise leaves the College after an investigation of a formal complaint has begun and before a charge is filed and/or resolved, or before an alternative resolution is reached, the College may place a temporary hold on that student's diploma and transcript until the complaint can be resolved. Further, if a student-respondent takes a leave of absence, withdraws from, or otherwise leaves the College after an investigation of a formal complaint has begun and before a charge is filed and/or resolved, or before an alternative resolution is reached, the College will maintain a record for the student noting that a complaint was pending at the time of separation.

XIII. OPPORTUNITY TO FILE AN APPEAL AND GROUNDS FOR APPEAL -- TITLE IX AND NON-TITLE IX

A. Grounds for Appeal

The reporting party and the responding party have the right to appeal a determination as to responsibility to the Vice President for Student Affairs (or designee). An appeal must clearly and thoroughly present an argument for each ground referenced in the written appeal.

Possible Grounds for Appeal:

- 1) Procedural Irregularity – The departure from designated procedures resulted in significant prejudice that affected the outcome.
- 2) New Information – New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could have affected the outcome.
- 3) Conflict of Interest or Bias – The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome.
- 4) Excessive or Inappropriate Sanction – The sanction imposed is either excessive or not appropriate for the violation.

B. Procedures for Appeals

Within five (5) business days of the emailing of the Outcome Letter(s), either party, or both parties, may submit a written appeal to the appeal officer identified in the Letter. The appeal letter may not exceed ten (10) double-spaced pages in length. The parties have the opportunity to review the appellate letter and submit a written response in support of, or challenging, the outcome and the information in the appellate letter; any response must be submitted within five (5) business days of the notification that an appeal has been filed and may not exceed ten (10) double-spaced pages in length. The appeal officer has discretion to decide the appeal based on a separate meeting with each party, a meeting with other officials involved in the case, and/or written submissions and the case file. The parties will receive via email an Appeal(s) Outcome Letter within ten (10) business days of the filing of the last- filed appeal. The appeal officer has authority to grant or deny the appeal(s), to modify the findings and/or sanctions, or, to remand the case for further proceedings as directed. The decision of the appeal officer is final.

XIV. RECORDS

The College will retain the following records for a period of seven (7) years: investigations; audio recording or transcripts of hearings; outcomes (including any sanctions imposed on the respondent and any remedies designed to restore or preserve the complainant's equal access to the College's education program or activity); appeals and outcomes; alternative resolution; and, all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates alternative resolutions. The College also will retain for a period of seven (7) years, records of any action, including any supportive measures, taken in response to a report or formal complaint of sexual harassment about which it has "actual knowledge," including documentation of the basis for the College's conclusion that its response was not deliberately indifferent, and documentation that it has taken measures designed to restore or preserve equal access to the College's education program or activity; if no supportive measure is provided to the complainant, documentation will include the reasons why such a response was not clearly unreasonable in light of the known circumstances.

In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, conduct records are part of a student's educational record. These records can be released with the student's written consent or pursuant to federal and/or state law, or as otherwise required or permitted by law (e.g., a lawfully issued subpoena or judicial order). With a student's written consent (e.g., records are needed for graduate school or transfer applications, prospective employers, governmental agencies), the college typically will report findings that resulted in a sanction of deferred suspension, suspension, or dismissal; and, if the student withdrew or otherwise left the College with a pending allegation of misconduct, the College will report that fact. A student's disciplinary record may be shared with faculty, administrative staff, and other authorized employees and agents of the College who have a legitimate educational interest in the information, including but not limited to employees associated with study abroad, alcohol assessment referrals, and leadership assessments. The College's FERPA Guidelines provide additional information about a student's right to privacy and the disclosure of confidential records.

GRIEVANCE RESOLUTION PROCEDURES FOR REPORTS OF POLICY VIOLATIONS AGAINST EMPLOYEES⁵

I. ROLE OF ADVISOR, DECISION-MAKER, TITLE IX COORDINATOR

A. Role of the Advisor. Reporting parties (complainants) and responding parties (respondents) may each identify one Advisor for support and consultation during any related meetings or grievance proceedings. An Advisor can be anyone from within the College or outside the College, including an attorney. No restrictions apply; however, a person asked to serve as an Advisor may decline to serve. Knowledge of the grievance resolution process is important to the Advisor's role; therefore, an Advisor who is unfamiliar with the College's process and rules of decorum will be asked to participate in a brief orientation program as a condition for service in this capacity. College employees who provide confidential support services, or who have an actual or perceived conflict of interest, may decline to serve as an Advisor. Even though reporting parties and responding parties are not obligated to choose an Advisor for support and consultation during each stage of the Formal Complaint resolution process, it is strongly recommended.

⁵ These procedures describe the process for resolving complaints filed pursuant to Providence College's Sexual Misconduct Policy and they should be read and interpreted in conjunction with the Policy, including the behavioral standards, definitions, and prohibition against retaliation, which are part of the Policy. References to "this Policy" or "the Policy" refer to the Sexual Misconduct Policy.

Generally, the Advisor's role is limited to providing support and consultation and an Advisor may not speak on behalf of a party nor actively participate in an investigation or proceeding; however, the Advisor may ask for procedural clarifications before, during, or after meetings or proceedings, and the Advisor may ask for a brief break for the benefit of the advisee. During a hearing in a Title IX case, however, the Advisor's role is expanded; i.e., the Advisor asks relevant questions and follow-up questions, including those challenging credibility, of witnesses and the other party that the advisee would like to ask directly but is not permitted to ask (this process is explained in the "Title IX Hearings" section of this Appendix). During a Title IX hearing, the Advisor can continue to provide support and consultation to an advisee, but cannot actively participate beyond asking questions.

The College reserves the right to remove from a meeting or proceeding any individual whose actions do not meet the College's expectations about decorum because they are disruptive or abusive. A party should select as an Advisor a person whose schedule allows attendance at the scheduled date and time of the meeting or proceeding because, normally, lengthy or multiple delays will not be allowed due to persistent scheduling conflicts of an Advisor. Communications regarding the case, including notices about meetings and proceedings, will take place between the College and each party unless otherwise required under the Title IX regulations. It is the choice and responsibility of each party to notify the Advisor of any communications between the College and the party.

B. Role of the Decision-Maker. The role of a decision-maker is to decide whether a responding party is "responsible" or "not responsible" for violating the Policy, and thus the Code of Conduct, or whether an appeal has merit. A decision-maker objectively evaluates relevant information and reaches a conclusion based on the preponderance of evidence standard of proof. If there is a finding of "responsible," a decision-maker will determine the appropriate sanction(s) for the responding party, and the measures taken to restore or preserve equal access to the College's education program or activity for the reporting party. Hearing officers and appeal officers are decision-makers.

C. Role of the Title IX Coordinator. Note: The Title IX Coordinator may designate certain duties and tasks to the Assistant Coordinator or to one of the Deputy Coordinators; therefore, references to the "Coordinator" may mean the Assistant or a Deputy Coordinator. Among the Title IX Coordinator's responsibilities is the management of the College's response to reports and complaints of sexual harassment. When the Title IX Coordinator has actual knowledge of a potential Policy violation, the Coordinator (or Assistant/Deputy Coordinator) promptly contacts the complainant (reporting party) to discuss the availability of supportive measures and to inform the complainant that they are available with or without the filing of a formal complaint. The Coordinator considers the complainant's wishes with respect to supportive measures and is responsible for the effective management of supportive measures. The Coordinator also explains to the complainant the process for filing, and the options for resolving, a formal complaint. The Coordinator reserves the right, in his/her sole discretion and in accordance with legal mandates, to amend procedures as necessary to assure an equitable process, and/or to protect the integrity of the process.

When a formal complaint is filed, the Coordinator promptly contacts the responding party to provide relevant information about the complaint and the grievance resolution processes, and to discuss the availability of supportive measures. When a formal complaint is filed and the process results in a finding of responsible, and remedial measures to restore or preserve equal access to the education program or activity to the reporting party are part of the outcome, the Title IX Coordinator will assure that such measures are provided.

II. RIGHTS AND RESPONSIBILITIES OF THE PARTIES -- TITLE IX AND NON-TITLE IX (AS APPLICABLE)

1. The right to be treated with dignity and respect throughout the process.
2. The right to be informed about reasonably available supportive services and resources.
3. The right to receive assistance from the Office of Public Safety to file a criminal report.
4. The protection of one's privacy, with disclosures made on a need-to-know basis only or in accordance with legal requirements.
5. The protection against retaliation for making a good-faith report or participating in any proceeding under the Policy.
6. The responsibility to refrain from retaliating against anyone who makes a good-faith report or participates in any proceeding under the Policy.
7. The opportunity to have an Advisor of one's own choosing and the opportunity to have the Advisor attend any meeting or proceeding at which the party's presence is anticipated by these procedures.
8. The right to receive written notice of meetings or proceedings at which the party's presence is invited or expected; this notice includes the date, time, location, participants, and purposes of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
9. The responsibility to be honest when providing information in connection with any report, investigation, hearing, or alternative resolution of a complaint.
10. The right of the responding party, prior to an initial interview with an investigator, to receive certain information about the College's grievance process, and notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
11. The right to be informed that information gathered by the College may be subpoenaed in criminal or civil proceedings and/or may be shared with law enforcement authorities.
12. The right to an equal opportunity (a) to present witnesses, and other inculpatory and exculpatory evidence; and, (b) to inspect, review, and respond to, any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint.
13. The opportunity to submit a challenge to an investigator or decision-maker based on conflict of interest or bias.
14. The right to refrain from providing incriminating statements during the investigation and/or any proceeding, knowing that the process will continue without unreasonable delay with the information available.
15. The right to receive a written determination regarding responsibility and the right to appeal the determination for specified grounds, applying the preponderance of evidence standard of proof. Where there is a finding of responsibility, the reporting party has a right to expect the College to provide remedies designed to restore or preserve equal access to the College's education program or activity; such remedies may include the same individualized services provided as "supportive measures."

III. INTAKE MEETING WITH THE REPORTING PARTY -- TITLE IX AND NON-TITLE IX

When the Title IX Coordinator has actual knowledge of a claim of sexual harassment, the Coordinator will promptly contact the complainant (hereinafter referred to as the "reporting party") to schedule an Intake Meeting. At this meeting, the Coordinator will discuss with the reporting party the availability of supportive measures and other important topics, including the process for filing and resolving a formal complaint, and the process for pursuing an alternative resolution to the formal complaint. The Coordinator will provide the reporting party with written information related to these topics, which will

include information about rights, options, and resources.

The Coordinator will discuss reasonably available supportive measures with the reporting party that are available with or without the filing of a formal complaint. Reasonably available supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment. The College will maintain as confidential any supportive measures provided to either party to the extent that maintaining such confidentiality would not impair the ability of the College to provide these measures.

When the reporting party reports prohibited conduct and requests anonymity (i.e., that no personally identifiable information be shared with the responding party), and/or requests that no further action be taken, the College will seek to honor the autonomy of the party to make the choice to file a formal complaint. If, to address serious health or safety concerns related to an individual or the College community, the Title IX Coordinator determines that it cannot honor the reporting party's choice, the Coordinator will inform the party that the College intends to file a formal complaint and to investigate the matter to the extent possible, but that the reporting party is not required to participate in the investigation or in any other actions or proceedings the College pursues.

IV. PRIVACY AND CONFIDENTIALITY: PROTECTING THE INTEGRITY OF THE PROCESS AND INDIVIDUALS INVOLVED IN THE PROCESS

The College will take reasonable steps to protect the privacy of individuals involved in the matter and will disclose information only to persons with a need for specific information regarding the complaint, its investigation, and/or its resolution. The identity of persons with whom information has been disclosed by the College will be made available to the parties.

Reporting parties and responding parties may seek support and advice from individuals they trust both to protect their privacy and to refrain from taking retaliatory behavior. These trusted individuals may include family, friends, colleagues, medical and mental health treatment providers, spiritual counselors, attorneys, law enforcement authorities, and advisors (as advisors are defined in this Policy), and other trusted individuals. Otherwise, reporting parties and responding parties will be asked to maintain confidentiality until the matter is finally resolved.

When seeking support and advice, parties should be aware that confidentiality is an important consideration. Disclosures of information about the case prior to resolution not only can interfere with the integrity of the grievance resolution process, but they also can cause serious and lasting harm to persons who are directly involved in the process. At each stage in the process, the reporting party, the responding party, advisors, and any witnesses will be asked to maintain confidentiality by refraining from making inappropriate disclosures, or disclosures in an imprudent or careless manner, that could compromise the integrity of the process and cause harm to the persons directly involved.

Retaliation at any time – prior to final resolution and after final resolution – is prohibited. For example, if, prior to final resolution, a responding party (or someone acting on the responding party's behalf) contacts the reporting party or a witness for the reporting party, the reporting party may make a retaliation claim. Retaliation of any kind is a severe and separate violation of this Policy; if the College finds that a retaliation claim has merit, the conduct may result in an additional complaint and consequences.

V. FORMAL COMPLAINT

C. Filing a Formal Complaint -- Title IX and Non-Title IX

A formal resolution process or an alternative resolution process may be pursued only after a formal complaint has been filed. At the time of the filing of a formal complaint, the reporting party/complainant must be participating in or attempting to participate in the College's education program or activity. When a complaint has been filed, the Title IX Coordinator will identify the potential violations, notify the responding party of allegations, and schedule an Intake Meeting with the responding party.

The parties will receive information that includes the following: a statement that the responding party is presumed not responsible for the alleged conduct prior to the conclusion of the formal grievance process; a notice that the parties may have an advisor of their choice who may be, but is not required to be, an attorney; a notice that making knowingly false statements or knowingly submitting false information is prohibited; a notice that evidence gathered during an investigation may be inspected and reviewed; and, a notice that retaliation is prohibited. The parties will receive this information in advance of any investigation interview so that they have sufficient time for meaningful preparation.

After a formal complaint has been filed, the College retains authority to investigate the complaint and bring conduct charges against employees who resign or are placed on administrative leave from the College on an emergency basis.

In rare circumstances, the Title IX Coordinator may determine that it is necessary to file a formal complaint when a reporting party decides not to or otherwise cannot file a formal complaint. In such a rare circumstance, the parties will be informed and provided with the Coordinator's rationale for taking such action.

D. Administrative Leave Assessment

The College may determine that a responding party should be placed on administrative leave during the pendency of a grievance resolution process. If the College imposes an administrative leave, the Associate Vice President for Human Resources (or designee) will inform the responding party in a letter that also will include the terms and conditions for the leave. A violation of the terms and conditions associated with an administrative leave is grounds for termination from the College.

The College may notify the College community of the incident(s) giving rise to the formal complaint (without disclosing the reporting party's identity to preserve privacy) in a Timely Warning-Crime Alert or Safety Advisory. Other steps meant to reduce or eliminate health or safety risks may be taken.

E. Timeframes and "Good Cause" -- Title IX and Non-Title IX

The College will make a good-faith effort to conclude the formal complaint resolution process in a reasonably prompt manner, normally within one-hundred (100) business days of the filing of a formal complaint. All time frames referenced in this section may be extended for "good cause."

Although not all-inclusive, examples of circumstances that would support a "good-cause" determination are: (a) law enforcement authorities are conducting a criminal investigation and gathering evidence regarding the incident, and they have formally asked the College to temporarily delay our investigation; (b) additional time is necessary to ensure the integrity and completeness of the investigation; (c) in order to accommodate the availability of witnesses; (d) in order to account for College breaks or vacations; (e) in order to account for complexities of a case (e.g., the number of witnesses and the volume of information provided by the parties); (f) in order to pursue good-faith efforts to reach an alternative

resolution; (g) in order to account for the need for language assistance or accommodation of disabilities; or, (h) in order to account for other legitimate reasons. In the event of an extension of time, the Title IX Coordinator/Deputy Coordinator will notify the parties in writing and provide the reason(s) for such extension.

Time Frames:

- Provide written notice of allegations to responding party, conduct Intake Meeting with responding party, and begin investigation, within 5 business days of the filing of a formal complaint.
- If an Alternative Resolution Process is pursued, provide up to 30 business days to reach an agreement; with the formal complaint process halted during this time.
- Conclude investigation, provide preliminary report and information gathered to the parties within 35 business days of the date the investigation begins.
- If the Title IX Formal Complaint is “dismissed,” provide opportunity for parties to submit a written appeal within 3 business days of receipt of the written notification from the Title IX Coordinator.
- If the Title IX Formal Complaint is “dismissed,” and an appeal is filed, provide the parties with a written appeal decision within 5 business days of receipt of the last submitted appeal.
- Provide opportunity for parties to inspect and review the preliminary report and evidence gathered, and at least 10 days to submit a written response for the investigator to consider before completing the report.
- Within 5 business days of the date that written responses are due, provide the parties with notice with respect to any charges and the hearing.
- Provide opportunity for parties to review and respond to the investigative report not less than 10 days prior to any hearing.
- Provide written determination to parties regarding responsibility within 10 business day of conclusion of the hearing.
- Provide 5 business days for the parties to submit an appeal.
- Within 5 business days of receipt of the last submitted appeal, provide the parties with a written appeals decision.

VI. ALTERNATIVE (OR INFORMAL) RESOLUTION PROCESS (“ARP”)

Although this process is the same for Title IX and Non-Title IX matters, the criteria for utilizing this process in Title IX matters differs from the criteria for utilizing this process in Non-Title IX matters. Specifically, an alternative resolution is not an option when an employee has been accused of Title IX-sexual harassment by a student; however, it is an option when an employee has been accused of non-Title IX sexual harassment that is covered under the Sexual Misconduct Policy by a student.

Alternative resolutions provide a path for addressing the situation at the most proximate level – as close to the source of concern – as possible. In cases involving claims of harm done to others, depending on the circumstances, an alternative resolution may be considered. Factors relevant to the decision may include: the degree of severity of the reported behavior; whether the key facts are in dispute; an assessment of intent and impact; whether the information gathered thus far suggests that there is no policy violation; and, other key considerations.

For conduct matters covered by this Policy, the Alternative Resolution Process (“ARP”) may be pursued only after a formal complaint has been filed. Either party may request that the College consider the ARP. The Title IX Coordinator, in consultation with other College officials as needed, determines whether an alternative resolution may be appropriate; if so, the parties directly involved will participate in individual conference meetings with the Coordinator and/or the official designated to facilitate the resolution to ensure

they understand the process before agreeing to pursue this option for resolving the formal complaint. The College and each party must voluntarily consent to engage in the process.

At any time prior to the conclusion of the ARP, the College or the parties may decide to withdraw from the process and pursue the formal resolution process. If the parties are not able to resolve the complaint through this process, the complaint would be resolved through the formal process unless the complaint is withdrawn.

Alternative Resolution Agreements are signed by the parties and the Title IX Coordinator and/or the facilitator of the process, and are enforced by the College.

The parties are not permitted to revoke or appeal an Agreement. A report that an Agreement has been violated will be reviewed by the Title IX Coordinator, who may refer the report to the appropriate College official for further review and action.

If the responding party is found responsible for any related violations in the future, an Alternative Resolution Agreement can be considered during the sanctioning phase of that disciplinary proceeding. Records related to the process, including an Agreement, will be maintained in the Title IX Office, and in the Office of the Dean (for students) or the Office of Human Resources (for employees). Records related to an ARP may be subject to a lawfully issued subpoena or judicial order.

VII. INVESTIGATION – TITLE IX AND NON-TITLE IX

The investigation will be equitable and adequate, and will be conducted by an impartial investigator assigned by the Title IX Coordinator. The Coordinator will appoint an investigator and the parties will be provided with an opportunity to challenge the appointment based on a conflict of interest or bias (this challenge must be substantiated and factual). Multiple complaints that arise out of the same set of facts or circumstances may be consolidated into one investigation. The investigation is a neutral fact-gathering process that will include interviewing and obtaining statements, and other relevant information from, the parties and witnesses, if any. The burden of proof and the burden of gathering information sufficient to reach a determination regarding responsibility rests on the College and not the parties. If, during the investigation, the scope of inquiry expands beyond the claims initially made and shared with the responding party, the College will issue a supplemental written notice with additional details.

The parties will have an equal opportunity to submit factual and corroborating information – in any format or medium, including electronic records. The parties will have the opportunity to identify witnesses, including expert witnesses, who may have relevant information, and to present other inculpatory and exculpatory evidence. If the parties choose to submit questions for the investigator to ask the other party or any witnesses, the investigator will consider those requests, ask relevant questions, and follow-up as needed. Parties and witnesses are expected to be honest and to provide accurate information during the formal complaint resolution process.

A party's health, medical, and treatment records are confidential and are protected from disclosure unless the party voluntarily provides written consent to release such records. Information that is protected by a legally recognized privilege will not be considered or relied upon by the investigator unless the privilege is waived.

The sexual history of either party will not be used to prove character or reputation. Information about a person's prior sexual history and practices is not relevant unless such information is offered to prove that someone other than the responding party committed the alleged conduct, or if questions and evidence concern specific incidents of a person's prior sexual behavior with respect to the responding party and is offered to prove consent. If a party seeks to present information about prior sexual history, it should be provided to the investigator during their initial meeting. The investigator will determine whether prior sexual history is relevant and both parties will be informed if information about prior sexual history is deemed relevant.

The investigator may visit relevant sites or locations and record observations through written, photographic, or other means. The investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed to achieve a better understanding of the issues under investigation.

If the reporting party is unwilling to participate in one or more stages of the grievance resolution process, the College's ability to gather relevant evidence and to pursue a charge may be compromised or severely limited. The College will respect the reporting party's choices and continue to provide support, no matter what they decide to do, and may continue to investigate to the extent possible. If the responding party is unwilling to participate in the investigation and/or a subsequent proceeding, the grievance resolution process will continue with the information available. The investigator will not draw any adverse inference from a decision by either of the parties not to participate during any phase of the process.

VIII. DETERMINING THE APPROPRIATE HEARING PROCESS FOR RESOLVING A FORMAL COMPLAINT

- A. The College will investigate the allegations in the formal complaint. If, based on that investigation, the Coordinator concludes that the alleged conduct constitutes sexual harassment under Title IX, the Coordinator will inform the parties that the case will move forward under the Sexual Misconduct Policy in accordance with the hearing process for a Title IX case (see Section X).
- B. If, based on the College's investigation, the Title IX Coordinator concludes that the alleged conduct would not constitute sexual harassment under Title IX, the Coordinator will take one of the following steps: (1) inform the parties that the case will move forward under the Sexual Misconduct Policy as a Non-Title IX case in accordance with the hearing process for a non-Title IX case (see Section XI); or, (2) inform the parties that the formal complaint will be dismissed and that the matter will be referred to the Office of Human Resources to determine whether the alleged conduct would constitute a violation of another College policy or code of conduct.
- C. At any time during the investigation (or during a hearing), the Title IX Coordinator **may** dismiss the formal complaint or any allegations in the complaint if: (1) the reporting party submits to the Coordinator written confirmation of intent to withdraw the formal complaint or any allegations in the complaint; (2) the responding party is no longer enrolled or employed by the College; or, (3) specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations in the complaint.
- D. Right to Appeal. Both parties may submit a written appeal of the Title IX Coordinator's action pursuant to Section VIII. B. or C. to the Executive Vice President. An appeal must clearly argue one or more of the grounds for appeal provided in Section XIII of this Appendix. The Executive Vice President (or designee) will decide the appeal(s) based on information submitted by the Coordinator and in the written appeal letter(s).

IX. PRE-HEARING PROCEDURES AND EXCHANGE OF INFORMATION -- TITLE IX AND NON-TITLE IX

A. Opportunity to Review the Preliminary and Final Investigative Report and Information

The investigator will prepare a preliminary report that fairly summarizes the relevant evidence. After the investigation is concluded, the parties will be notified in writing of the opportunity to inspect and review the preliminary report and any additional information gathered, and at least ten (10) days to submit a written response for the investigator to consider before the report is completed. The parties are advised to make a reasonable effort to submit a response that does not exceed ten (10) double-spaced pages in length. The parties and their advisors must sign a Non-Disclosure Agreement before the College will permit access to the report, other information gathered, or any other information deemed by the College to be confidential or sensitive in nature. If the College determines that the Agreement has been violated in any manner, the College will take any and all action deemed appropriate at the time, including disciplinary action against the offending party.

Within five (5) business days of the date that written responses are due, the parties will be informed of conduct charges and will be provided with the opportunity to inspect and review the Final Investigative Report not less than ten (10) days prior to the date scheduled for a hearing. The Report will fairly summarize relevant evidence. The parties also will be informed as to the identity of the hearing officer(s) and given an opportunity to challenge a hearing officer based on a conflict of interest or bias (any challenge must be substantiated and factual). Either party may request to participate in the hearing in a location or space separated from the other party. The College may determine that the hearing will be conducted virtually, or that some participants will participate in person and others will participate virtually and remotely.

B. Pre-Hearing Meeting

The individual appointed to serve as the hearing chairperson will schedule a meeting with each of the parties and their advisors to discuss the process, answer questions, and receive input. Prior to or at these meetings, the parties will provide the chairperson with a list of witnesses they would like to attend the hearing for the purpose of answering questions (including whether a proposed witness was interviewed by the investigator, and if not, the reason), and any new and relevant information they would like considered that was not provided to the investigator (and if not, the reason). The parties and their advisors will be provided with guidelines for decorum and for asking relevant questions during the hearing, instructions related to participation in the hearing in real time (including whether participation will be in person or remote). At these meetings or soon thereafter, the chairperson will provide the parties with a final witness list. The parties are strongly encouraged to submit cross-examination questions they plan to ask the other party at least 48 hours in advance of the hearing. This will permit the hearing chairperson to consider these questions for relevancy and provide feedback to the parties before the hearing begins.

X. TITLE IX HEARING

The hearing will be live. Live hearings may be conducted with all parties physically present in the same geographic location, or, at the College's discretion, any and all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. There will be a single verbatim record, such as an audio recording or a transcript, of the hearing (excluding deliberation). The recording is created for two limited purposes only: for reference by the hearing officer(s) during deliberations and for review by the appeal officer during an appeal. No other recordings of hearings are allowed, and no other access to the recording is permitted. The recording, and all other records associated with the case, are the property of the College

The hearing is closed to persons other than those who are directly involved. The parties and their respective advisors may choose to attend the entire portion of the hearing during which information is provided to the hearing officer(s). Witnesses are permitted to attend the hearing only when they are answering questions.

Each party will be provided with the opportunity to provide an opening statement lasting approximately five (5) minutes or less. Each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Cross-examination will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Either party may ask that the hearing be conducted with the parties located in separate rooms with technology enabling the hearing officer(s) and parties to simultaneously see and hear the party or witness answering questions. Before a party or witness answers a question, a decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the College will provide without fee or charge to that party, an advisor of the College's choice, who may be, but is not required to be, an attorney, to ask cross-examination questions on behalf of that party.

The sexual history of either party will not be referenced during the hearing to prove character or reputation. Questions and evidence about the reporting party's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the reporting party's prior sexual behavior are offered to prove that someone other than the responding party committed the alleged conduct, or if the questions and evidence concern specific incidents of the reporting party's prior sexual behavior with respect to the responding party and are offered to prove consent. (These are referred to as rape-shield protections.)

Records with a legally-recognized privilege, such as medical treatment records, may not be used during the hearing unless the individual or entity holding the privilege waives the privilege. Any waiver must be in writing and should be executed at least 48 hours in advance of the hearing.

The standard of proof for determining whether the responding party violated the Sexual Misconduct Policy for all hearings is preponderance of evidence. If the responding party is found responsible, the decision-maker(s) shall determine the respondent's sanction(s) and the measures designed to restore or preserve the complainant's equal access to the College's education program or activity.

The parties simultaneously will be provided with an Outcome Letter that includes the following information:

- a description of the allegations potentially constituting sexual harassment;
- a description of the procedural steps in the case;
- findings of fact supporting the decision;
- conclusions regarding the application of the Policy/Code to the facts;
- a statement of, and rationale for, the result for each conduct charge, to include the finding, any sanctions imposed and any remedial measures provided; and,
- the procedures and grounds for appeal.

XI. NON-TITLE IX HEARING

The hearing will be live. The hearing is closed to persons other than those who are directly involved. The parties and their respective advisors may choose to attend the entire portion of the hearing during which information is provided to the hearing officer(s). Witnesses are permitted to attend the hearing only when they are answering questions. There will be a single verbatim record, such as an audio recording or a transcript, of the hearing (excluding deliberation). The recording is created for two limited purposes only:

for reference by the hearing officer(s) during deliberations and for review by the appeal officer during an appeal. No other recordings of hearings are allowed, and no other access to the recording is permitted. The recording, and all other records associated with the case, are the property of the College.

Hearings are internal to the College and are not an extension of any external judicial system. Procedures are fundamentally fair to the parties and are notably different from those used in a civil or criminal proceeding. The College's procedures for Non-Title IX hearings are notably different from the Title IX regulations with respect to, for example, how questions must be asked, what type of information is relevant, the impact of parties choosing not to submit to and answer all cross-examination and follow-up questions, and what information a hearing officer may or may not consider in determining responsibility.

Information either party wishes to be considered by the hearing officer(s) must be submitted to the investigator(s) during the investigative process. In the absence of good cause, as determined by the chairperson, the parties will not be permitted to **provide documents, items, or other information, or names of potential witnesses**, at the hearing that were not provided to the investigator(s) during the investigation. The chairperson will determine whether new information will be received or a new witness will testify. If the chairperson determines that unresolved issues exist that would be clarified by the presentation of new information or the appearance of a new witness, the hearing may be suspended and reconvened in a timely manner to receive such additional information or to hear from the new witness.

Each party will be provided with the opportunity to provide an opening statement lasting approximately five (5) minutes or less. After opening statements, witnesses, if any, and the parties will answer questions from the hearing officer(s). The parties may then submit questions for witnesses (if any) to the chairperson, who can disallow any questions that are irrelevant, repetitive, or abusive, and, if warranted, rephrase any question. Questions should be relevant and directly related to the charge. The parties may submit questions for the other party to the chairperson, who may disallow any questions that are irrelevant, repetitive, or abusive, and, if warranted, rephrase any question. The hearing officer(s) and the parties will have an opportunity to ask follow-up questions. Questions submitted by the parties for witnesses and each other that are deemed relevant by the chairperson will not be asked by the parties nor by their advisors; rather, the chairperson will ask those questions.

The sexual history of either party will not be used during the hearing to prove character or reputation. Questions and evidence about a reporting party's sexual history and practices are not relevant unless such information is offered to prove that someone other than the responding party committed the alleged conduct, or if the questions and evidence concern specific incidents of a reporting party's prior sexual behavior with respect to the responding party and are offered to prove consent. (These are referred to as rape-shield protections.)

Records with a legally-recognized privilege, such as medical treatment records, may not be used during the hearing unless the individual or entity holding the privilege waives the privilege. Any waiver must be in writing and should be executed at least 48 hours in advance of the hearing.

The standard of proof for determining whether the responding party violated the Sexual Misconduct Policy for all hearings is preponderance of evidence. If the responding party is found responsible, the decision-maker(s) shall determine the respondent's sanction(s) and the measures designed to restore or preserve the complainant's equal access to the College's education program or activity.

The parties simultaneously will be provided with an Outcome Letter that includes the following information:

- a description of the allegations potentially constituting sexual harassment;
- a description of the procedural steps in the case;

- findings of fact supporting the decision;
- conclusions regarding the application of the Policy/Code to the facts;
- a statement of, and rationale for, the result for each conduct charge, to include the finding, any sanctions imposed and any remedial measures provided; and,
- the procedures and grounds for appeal.

XII. SANCTIONS FOR AN EMPLOYEE FOUND RESPONSIBLE -- TITLE IX AND NON-TITLE IX

Employees found responsible for violating the Sexual Misconduct Policy will receive appropriate, and timely sanctions. The decision is not final, and no sanction will be imposed, until after an appeal process, if any, has concluded. Possible sanctions are as follows: termination; suspension; tenure revocation; non-renewal of a contract or non-reappointment; issuance of a No-Contact Directive; loss or denial of certain privileges; work reassignment or restructuring of position and duties; rescission of committee or other types of special or leadership appointments; administrative withdrawal from a course with or without a refund or credit; required professional evaluation or assessment with a signed release permitting the College to confirm participation and any follow-up recommendations. Sanctions are imposed with the goal of ending prohibited conduct, preventing its recurrence, and remedying its effects, while supporting the College's mission and legal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components.

Additionally, if an employee-respondent takes a leave of absence, resigns from, or otherwise leaves the College after an investigation of a formal complaint has begun and before a charge is filed and/or resolved, or before an alternative resolution is reached, the College will maintain a record for the employee noting that a complaint was pending at the time of separation.

XIII. OPPORTUNITY TO FILE AN APPEAL AND GROUNDS FOR APPEAL -- TITLE IX AND NON-TITLE IX

A. Grounds for Appeal

The reporting party and the responding party have the right to appeal a determination as to responsibility to the Executive Vice President (or designee). An appeal must clearly and thoroughly present an argument for each ground referenced in the written appeal.

Possible Grounds for Appeal:

1. Procedural Irregularity – The departure from designated procedures resulted in significant prejudice that affected the outcome.
2. New Information – New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made that could have affected the outcome.
3. Conflict of Interest or Bias – The Title IX coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that affected the outcome.
4. Excessive or Inappropriate Sanction – The sanction imposed is either excessive or not appropriate for the violation.

B. Procedures for Appeals

Within five (5) business days of the emailing of the Outcome Letter(s), either party, or both parties, may submit a written appeal to the appeal officer identified in the Letter. The parties will have the opportunity to review the appellate letter and submit a written response in support of, or challenging, the outcome and the information in the appellate letter; any response must be submitted within five (5) business days of the notification that an appeal has been filed. The appeal officer has discretion to decide the appeal based on a separate meeting with each party, a meeting with other officials involved in the case, and/or written submissions and the case file. The parties will receive via email an Appeal(s) Outcome Letter within ten (10) business days of the filing of the last-filed appeal. The appeal officer has authority to grant or deny the appeal(s), to modify the findings and/or sanctions, or, to remand the case for further proceedings as directed. The decision of the appeal officer is final.

XIV. RECORDS

The College will retain the following records for a period of seven (7) years: investigations; audio recording or transcripts of hearings; outcomes (including any sanctions imposed on the respondent and any remedies designed to restore or preserve the complainant's equal access to the College's education program or activity); appeals and outcomes; alternative resolution; and, all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates alternative resolutions. The College also will retain for a period of seven (7) years, records of any action, including any supportive measures, taken in response to a report or formal complaint of sexual harassment about which it has "actual knowledge," including documentation of the basis for the College's conclusion that its response was not deliberately indifferent, and documentation that it has taken measures designed to restore or preserve equal access to the College's education program or activity; if no supportive measure is provided to the complainant, documentation will include the reasons why such a response was not clearly unreasonable in light of the known circumstances.

INFORMATION ON REGISTERED SEX OFFENDERS

The Adam Walsh Child Protection and Safety Act of 2006 creates a national sex offender registry and instructs each state to collect information about sex offenders and to make it available to members of the public. The Campus Sex Crimes Prevention Act requires sex offenders residing in Rhode Island who must register under state law to provide notice to authorities of enrollment or employment at any Rhode Island institution of higher education, as well as notice of each change of enrollment or employment status at that institution of higher education. In the State of Rhode Island, sex offenders are registered with the local police department in their respective municipalities. In Providence, sex offenders must register with the Providence Police Department. Persons seeking information related to the Sex Offender Registry and access to related information should contact the Providence Police Department at 272-3121, or the Sex offenders Community notification Unit with the Rhode Island Parole Board at 462-0905, or online at <http://www.paroleboard.ri.gov/>.

CHILD ABUSE OR NEGLECT REPORTING POLICY AND CODE OF CONDUCT

The College's Child Abuse or Neglect Reporting Policy requires all administrators, faculty, staff, students, volunteers, contracted or sub-contracted employees, trustees, and external organizations using College facilities for programs and activities that include children (persons under the age of 18), to report suspected child abuse or neglect immediately to the Chief of Public Safety (401-865-2391). If in doubt about whether there are grounds for making a report, ask: Would a reasonable person in the particular circumstances suspect that abuse or neglect is occurring or has occurred? The report should include all relevant information available to the reporter at the time, including: the date, time, and location of the incident; the date the incident was reported to you; and, the identities and ages of the victim and, if known, the alleged perpetrator(s). If a child is in imminent danger, the witness should call both the Police – 911, and on-campus Public Safety (401-865-2222) to obtain immediate protection for the child. Depending on the particular circumstances, the reporter may have additional reporting obligations pursuant to Rhode Island law.

Willful failure to report a case of suspected child abuse will result in disciplinary action, up to and including dismissal from the College. Anyone making a good-faith report of suspected abuse pursuant to this Policy is immune from disciplinary action and should feel safe and empowered to make the report. Retaliation against a reporter or a witness in an investigation is prohibited. However, any person who knowingly and willfully makes, or causes to be made, a false report of child abuse or neglect shall be subject to disciplinary action, up to and including dismissal from the College. The Policy is available at: <https://human-resources.providence.edu/policies/>.

To help guide persons working with minors either on-campus or in College-sponsored programs and activities that take place off-campus, the College created a Code of Conduct that establishes limits on personal behavior and describes appropriate interactions with children. The Code is at: <https://general-counsel.providence.edu/policy-manual/#c>.

NEW AND ONGOING AWARENESS, PREVENTION, BYSTANDER INTERVENTION, AND RISK-REDUCTION PROGRAMS, TRAININGS, AND INITIATIVES ON POLICY AND CRIME – INCLUDING SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, AND STALKING

Introduction. The College's security awareness and prevention efforts include but are not limited to programs for the following groups: students who reside on campus and students who reside in the surrounding community; parents during orientation; international students during orientation; members of residence life staff and other groups within student affairs; members of key College committees and administrators; drivers of College vehicles and drivers who transport members of the community; and, leaders of College-sponsored or approved trips involving students.

The Office of Public Safety distributes crime prevention material to students, faculty, and staff, and participates in many programs and demonstrations to inform and educate the College community regarding security measures. Crime prevention is a major and ongoing priority. Public Safety officers' partner with local law enforcement officials to perform neighborhood and campus patrols and monitor local crime activity. The Office provides training courses for students and staff on key crime prevention measures, and self-defense. The Office participates in meetings and serves on committees to address crime and safety issues. The Office participates in all new student orientation programs, distributing educational and awareness materials to all new students and their families.

The Office engages in a liaison program with residence halls in order to foster regular communication with residence life staff. In collaboration with residence hall directors, officers routinely attend dormitory floor meetings to discuss with residents current safety and security issues on- and off-campus that may have an impact on students.

During the overnight and weekend hours, Providence College Emergency Medical Services (PCEMS), a State-licensed ambulance service, provides basic life support services to the Providence College community. Information about crime prevention and personal safety is available at the College's Public Safety website: <https://safety.providence.edu/>.

Awareness and Prevention Programs. Sexual assault, dating violence, domestic violence, and stalking prevention programs are culturally relevant, inclusive of diverse communities and identities, responsive to community needs, and informed by research. They consider environmental risk and protective factors on multiple levels. Awareness programs, initiatives, and strategies are community-wide or audience-specific aimed at preventing violence, promoting safety, and reducing perpetration. These education programs include primary prevention and awareness programs for all incoming students and new employees. These education programs will include: a statement that these crimes are prohibited at the College; definitions of consent, domestic violence, dating violence, sexual assault, and stalking in the College's jurisdiction; safe and positive bystander intervention when there's a risk of one of those incidents; information on risk reduction to recognize warning signs of abusive behavior; and information about the institutional disciplinary procedures.

All new freshmen and transfer students complete the online Vector Solutions "AlcoholEDU" and "Sexual Violence Prevention" before arriving on campus. During orientation, they attend an educational program called "Sexual Assault Awareness and Prevention: Understanding and Avoiding the Red Zone," which addresses assault, relationship violence, and stalking and the "You're Never Alone in Friartown" bystander intervention program. Small-group trainings are offered to all club sports, student groups and resident units.

All first-year student athletes complete the online Vector Solutions "Sexual Violence Prevention Essentials for Athletes" and along with the rest of the first-year students, take the online Vector Solutions "AlcoholEDU" and "Sexual Violence Prevention" courses, and participate in the "You're Never Alone in Friartown" Bystander Intervention Training and "Sexual Assault Awareness and Prevention: Understanding and Avoiding the Red Zone," programs during orientation. Small-group trainings are offered to all athletic teams, and all coaches and athletic administrators participate in yearly, online and/or in-person prevention education specifically focused on the athletic environment.

Culture of Respect. Providence College enrolled in the NASPA (National Association for Student Affairs Administrators) Culture of Respect program in the spring of 2019. The Culture of Respect is NASPA's key initiative to build the capacity of educational institutions to end sexual violence through ongoing, expansive organizational change. The program is a six-pillar strategic road map that engages students, faculty, administrators, health professionals, athletes, and other campus stakeholders in implementing leading practices to shift campus culture to one that is free from sexual violence. Providence College identified a

50-person Culture of Respect Campus Leadership Team (CLT) which included students, faculty, and staff across all divisions of the College. Guided by the NASPA Culture of Respect team, the CLT completed a comprehensive self-assessment evaluation that allows institutions to inventory their efforts to prevent and respond to sexual violence. Results of this assessment drove the creation of the Sexual Violence Advisory & Implementation Task Force, who oversees the implementation action plan developed as a result of the Culture of Respect initiative. The Sexual Violence Advisory Implementation Action Plan outlines key goals and objectives for achieving meaningful programmatic and policy changes. While the first version of this plan was approved in Fall 2019, the effort to address campus sexual violence is an ongoing and iterative process, and the CLT continues to meet to update and revise the action plan as necessary.

Grant Award from the Avon Foundation. The College is still benefiting from a three year grant from the Avon Foundation for Women through its Speak Out Against Domestic Violence initiative for continuing and expanding the Step Up! Bystander Training program. This \$10,000 grant was used to train student facilitators, expand training offerings, and make bystander training part of the Providence College “Friar Family” culture. Six administrators from across the campus were selected to attend the National Leadership Institute: Changing the Narrative on Campus Gender-Based Violence. PC was one of 20 colleges nationwide selected to receive this award. While the grant funding has completed, the lessons learned and the infrastructure that was built continue to energize our efforts in bystander training and sexual assault prevention.

Bystander Intervention Campaign. This campaign seeks to build on, and substantially expand, the College’s efforts to reduce sexual violence, relationship abuse, and discrimination based on gender, race, ethnicity, or sexual orientation. In a survey of incoming first year students in the summer of 2013, forty-two percent (42%) admitted that they would not feel comfortable intervening if they witnessed abusive behavior. Given possible expectation bias, the College speculates that the percentage of students who would be uncomfortable in such a situation is even higher. Moreover, social psychology research would suggest that in the presence of a high-status perpetrator or numerous non-intervening peers, intervention would be even more daunting. Helping students identify themselves as members of a community with responsibility to others is vital; thus, this program helps them to develop intervention skills and the ability to overcome the formidable obstacles to intervention.

The College undertook a comprehensive study of various bystander intervention models, conducting research as well as sending staff for national training in several models. After careful consideration, it was decided that the Step Up! model developed at the University of Arizona was the best fit for our campus. The Step Up! model is rooted in higher education and is based on well-established social psychology theory and research. It has received recognition and support by the NCAA and is a model well-received by student athletes and the general student population. An interdepartmental Step Up! advisory group has been created to move the initiative forward. This group has representatives from Student Life, Counseling, Athletics, Media Services, Residential Life, Chaplains Office, and Recreation Sports.

The Step Up! Active Bystander Training helps participants overcome obstacles to helping others. It encourages participants to use the following five-step decision-making model to intervene: 1) Notice the event; 2) Interpret the event as a problem — investigate!; 3) Assume personal responsibility; 4) Know how to help; and, 5) Implement the help: Step UP!. All bystanders should be comfortable utilizing safe and positive intervention options to help prevent sexual assault, dating violence, or stalking.

The Friar Family Step Up! Bystander Intervention Campaign is led by student leaders and is one example of how students can do a better job of looking out for and protecting each other. By joining together, they will practice and commit to being active interveners instead of passive bystanders when it comes to sexual misconduct, overuse of alcohol, bias incidents, hazing, and helping peers in emotional distress. Bystander intervention programs include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. More information regarding Step Up! can be found on their website <http://stepupprogram.org/>. Members of the faculty and staff will have the opportunity to be involved in this campaign as trainers or participants. All new students participate in this program, and the program will be presented to student leaders, athletes, and other groups within the community.

Take Back the Night. This program, led by the student group called Women Will, is a program aimed at drawing attention to sexual violence in the community. A large space on campus is converted into a safe space (lighting is minimal) where students can anonymously share their stories of sexual abuse or assault. Counselors from the Personal Counseling Center are present in the event that someone needs immediate support and attention that evening. The event takes place each April (note that COVID-19 caused the cancellation of the 2020 & 2021 events).

Resource Stickers. Resource sticker posters, designed to provide resource information for Sexual Assault, Relationship Violence, Discrimination, and Mental Health Concerns, have been placed on the backs of bathroom stall doors in all residence halls, academic buildings, student center, the library, recreation facilities, sports medicine facilities, campus ministry facilities, student health center, and the personal counseling center. Stickers are updated as needed based on changes in campus resources/staffing. These stickers continue to garner appreciative comments from students, staff and faculty.

Campus Climate Survey: As part of the College's ongoing efforts to ensure all students feel welcome, supported, and safe at Providence College, in April of 2022 we conducted a campus climate survey on the topics of sexual misconduct, relationship violence, and stalking. The survey was distributed to all undergraduate students, graduate students and faculty/staff. The purpose of this survey was to identify the scope and nature of sexual violence experiences on our college campus; to measure the likelihood of student intervention in high-risk situations; and to capture attitudes with respect to gender and sexual violence. Providence College partnered with HEDS (The Higher Education Data Sharing Consortium) to administer the survey. Results of surveys from 2015, 2016, 2018 and 2022 can be viewed by members of the College community on the MyPC Portal. Results have helped the College to strengthen policies and prevention efforts aimed at eliminating sexual misconduct and relationship violence, and to enhance support systems for people who have experienced sexual misconduct or relationship violence.

Training for Key Administrators/Staff. Employees and others with key roles in the receipt, processing, and resolution of sexual misconduct reports receive training on at least an annual basis. The Title IX Coordinator and Deputy Title IX coordinators participate in additional sessions each academic year. New faculty and staff participate in a sexual harassment training program to increase their level of awareness, to learn about campus policies, to understand reporting obligations, to help prepare them to work effectively with campus violence prevention efforts, and to learn how to support students who may become involved in the grievance resolution process.

Training for Residence Life Staff. Members of the Residence Life staff participate in a number of training sessions focused on discrimination and harassment/sexual harassment (including consent and incapacitation). These sessions present critical information about sexual assault, dating violence, stalking, bystander intervention, and how to assist residential students and their peers. Additionally, "Title IX and

U!” is an exercise to prepare staff to respond to students who report sexual misconduct and to support other affected students.

Risk Reduction – Avoiding Dangerous Situations (adapted from RAINN’s suggested risk-reduction strategies):

IMPORTANT NOTE: Perpetrators are *always* responsible for their behavior and victims are *never* responsible for the violent and abusive behavior of others. While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted. Be aware of your surroundings as this may help you to find a way to get out of a bad situation. Try to avoid isolated areas as it is more difficult to get help if no one is around. Trust your instincts; if a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be. Try not to load yourself down with bags or other items, or to walk with music headphones in both ears, as this can make you appear more vulnerable. Make sure your cell phone is with you and charged, and that you have money for a cab.

In social settings, attend gatherings with a group of friends, arriving together, checking in with each other periodically, and leaving together. Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one. Don’t accept drinks from people you don’t know or trust. Avoid drinking from punch bowls or other large, common-open containers. Watch out for your friends, and ask them to keep an eye on you. Get friends to a safe place immediately if you suspect that something is not right with them or with how they are being treated by another person. Have a code word with your friends or family so that if you don’t feel comfortable you can call them and communicate your discomfort without alerting the person you are with that you are seeking help. Your friends or family then can come to get you or you can create an excuse for why you need to leave.

Reducing Risk – Recognizing Warning Signs of Abusive Behavior

Intimate Partner Violence. The scope of behavior included under the umbrella of “relationship violence” is broader than that associated with “battered woman syndrome.” Intimate partner violence follows a specific pattern of behavior, described as a “cycle of violence.” It begins with a period of extreme tension. The abused partner may feel like she or he is “walking on eggshells.” This tension heightens and finally explodes in violence, emotional and/or physical, and may include rape. The violence often ends with a “honeymoon” period, when the batterer is remorseful, repentant and loving. This behavior entraps the victim even more, as she or he truly believes the abuser’s promises to change. Then the cycle begins again. Over time, the honeymoon periods can grow shorter and sometimes disappear entirely.

The following questions help to analyze the nature of a troubled relationship (pronouns used in this section reflect gender as more women are victims of relationship violence than are men):

Does one partner embarrass or ridicule the other in the presence of friends or family? ...deny her feelings? ...diminish her worth, accomplishments or goals? ...call her derogatory names? ...make her feel that she is unable to make decisions? ...use intimidation or threats to gain compliance? ...hit walls, throw things, try to scare her? ...tell her that she is nothing without him? ...treat her roughly (grab, push, pinch, shove, or hit)? ...call, text, or show up repeatedly to make sure she is where she said she would be? ...isolate her from friends or family? ...use drugs or alcohol as an excuse for saying hurtful things or abusing her? ...blame her for his feelings or actions? ...pressure her to do things sexually that she doesn’t want to do? ...make her feel that there is no viable way to get out of the relationship? ...act jealous of others? ...accuse her of cheating? ...threaten to commit suicide if she leaves him? Does one partner make excuses to others for the partner's behavior? ...believe that she can get the partner to change only if she changes something about herself? ...try not to do anything that would cause conflict or make her partner angry? ...stay with her partner because she is afraid of what the partner would do if they separate?

Sexual Victimization of Men. Men can be victims of sexual misconduct. Men who are sexually assaulted may feel rage, shame, guilt, powerlessness, helplessness, concern regarding their safety, and/or demonstrate symptoms of physical illness. This impact is similar to that for women. Due in part to the way men are socialized in our culture and sex-stereotypes, male victims may have doubts about sexuality or masculinity. Men may be reluctant to receive medical care. Men are often hesitant to report the sexual violence to law enforcement, and/or to friends and family, because they fear being ridiculed or deemed not credible. Gay and transgender men may fear for their safety or feel “survivor’s guilt” if they survived a hate crime. Men may be fearful because the assailant may be an acquaintance, friend, colleague, date, or partner. These fears often serve as access barriers to support and resources. Men need to know that strong or weak; outgoing or withdrawn; gay, straight, bisexual, or transgender; old or young; regardless of physicality; they have done nothing to justify violence against them and resources are available – both on- and off-campus – to assist them.

Alcohol and Drug-Related Initiatives. All incoming students are required to attend training that includes vital information about the harmful connection between the use and abuse of alcohol and incidents of sexual assault. They also complete the Vector Solutions “Alcohol & Other Drugs” online education course.

Within the residential environment, the number and frequency of late-night and weekend programming events have increased; further, The SAIL Office and Recreational Sports offer a significant number of programs and activities on weekends, and during the late-night to early morning hours. Hard alcohol is banned within all residence halls and apartment complexes. Four residential halls (Raymond, McVinney, Guzman, and McDermott) are alcohol-free. Within the off-campus living environment, the Office of Public Safety collaborates with local police and neighborhood organizations to minimize alcohol abuse and to promote awareness regarding alcohol policies and state laws.

Staff training and development initiatives for hall directors include learning to facilitate the CHOICES program for all new students. Additionally, McPhail’s, residence life, and public safety staff receive Training for Intervention Procedures (“TIPS”). At McPhail’s, certified bartenders only serve alcohol. Evidence-based alcohol interventions have been implemented for students who have self-identified as at-risk for abusing harmful substances and for students who have been found responsible for certain Code of Conduct violations. Regarding discipline, the Office of Community Standards has focused sanctions for alcohol offenses on educational objectives, including research and reflection papers/assignments, civic and community engagement opportunities, community mentoring program, alcohol intervention meetings, and counseling referrals. The College’s Caller Amnesty Policy encourages students to seek medical assistance on behalf of another person due to use or abuse of alcohol or drugs by removing the fear of judicial charges for the use, possession, or distribution of alcoholic beverages or drugs.

Intoxicated students are transported to a medical facility for treatment and most often are evaluated by mental health professionals before returning to campus. Their parent/legal guardian may be notified of the transport. Once back on campus, they participate in a counseling session with the Substance Use Clinical Counselor and complete the Brief Alcohol Screening and Intervention for College Students (B.A.S.I.C.S.) program. As appropriate, the PCC uses screening methods (Cage Aid and AUDIT); they refer students to Alcoholics Anonymous and Narcotics Anonymous community groups; and they refer students for intensive substance-abuse treatment to community providers (Adcare, Butler, CODAC, Providence Center, Gateway) and confer with those providers as needed.

Parent Education. The College seeks to collaborate with parents by asking for their help in proactively addressing the use and abuse of alcohol by students. An evidence-based intervention involves sending a Parent Handbook to the parents of all incoming first year and transfer students. The content of this handbook is supported by years of research at colleges and universities across the United States. The intervention is based on several assumptions:

- The transition from high school to college provides parents with an ideal time period to talk about alcohol to their students.
- Research shows that having an authentic, personal conversation between parent and student just prior to starting college can have a positive effect on the student's attitude towards alcohol.

The Parent Handbook is made available in both English and Spanish.

Personal Counseling Center Services. The College's Personal Counseling Center ("PCC") offers individual and group counseling, crisis intervention, substance use assistance, and educational workshops and outreach programs. Personal Counseling Center staff collaborate with on-campus staff (for example, public safety officers, Residence Life staff, PC/Sojourner House Advocate, and student health-center professionals) and community-based service providers, in the service of students. When the office is closed, students are provided the option to speak with an after-hours crisis counselor by calling the PCC direct line and pressing option 2. The PCC offers and co-sponsors a wide range of programs and workshops designed to educate the PC community on many aspects of sexual assault, relationship violence, and personal safety. Personal counseling services are free of charge for students and are confidential within the limits of the law and ethical guidelines. **The PCC does not employ undergraduate student workers;** thus, undergraduate students seeking counseling from the PCC should feel comfortable making an appointment, visiting the Center, and accessing services without fear that their privacy might be compromised. For more information, go to: <https://personal-counseling.providence.edu/>.

In addition to informing students about the services they provide, Personal Counseling Center staff inform students about the services provided by the Student Health Center, the Chaplain's Office, PC/Sojourner House Advocate, the Office of Residence Life & Housing, the Title IX Coordinator, the Office of Public Safety, Women & Infants Hospital, and RI Hospital, and refers students as appropriate. The Personal Counseling Center works closely with various local community and mental health agencies. These long-standing relationships between the PCC and outside agencies, particularly with Sojourner House, Gateway Health Services, the Providence Center, and Butler Hospital, have been beneficial to students, including student victims of sexual assault seeking outpatient treatment.

In addition to individual counseling with a substance use counselor, the Personal Counseling Center continues to offer a weekly group called Anonymous for students who are struggling with alcohol and drug issues.

Emergency Procedures Guide for Responding to Active Threats. The Office of Public Safety and Emergency Management publishes an Emergency Procedures Guide for faculty, staff and students. This guide explains steps individuals could take if an Active Shooter or other harmful incident were to happen on the PC campus. The guide is available on the Providence College public-facing website, intra-portal and via the College's mobile app located under the Office of Public Safety Resources.

EMERGENCY NOTIFICATION POLICY

The College's emergency notification system is tested each semester. The director of emergency management, or designee, notifies the campus community of the test, including information on the system and procedures for adding or changing personal information for notification purposes.

Any member of Providence College who becomes aware of a possible or actual emergency should notify the Office of Public Safety. The primary responsibility for monitoring emergency threats and events resides within the Office of Public Safety. The Office of Public Safety operates on a continuous 24/7/365 basis and is always available to receive emergency communications from a variety of official and public sources.

If, in the professional judgment of responsible authorities, there is a confirmed, significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees, the chief of public safety or his designee will be immediately notified. The chief of public safety will then confer with persons with the relevant expertise to help assess the type(s) of threat, including the executive vice president and the director of emergency management. If the emergency is deemed an imminent threat to the campus community, the College's emergency notification system will be activated without delay considering the safety of the community, unless doing so would compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. Included among the types of circumstances that may warrant emergency notifications are safety-related emergencies regarding an incident or suspected incident either on-campus or near the campus, and health-related issues (such as the diagnosis of a serious or life threatening communicable/infectious disease or evidence of bioterrorism).

EMERGENCY RESPONSE AND EVACUATION PROCEDURES AND DRILLS

In the event of an emergency, Providence College will utilize multiple means of communicating with members of its community. The Providence College Emergency Notification System is designed to produce mass notification of a campus emergency through campus-telephone, cellphone, text messaging, email communications and social media platforms. The system allows messages to be delivered that will direct the campus community regarding safety measures during a critical incident on the campus or in the surrounding community. The system can be customized to include specific locations or populations of the campus depending on the risk assessment. The larger College community will be notified primarily through website updates; in the event of an emergency on campus the main Providence College webpage will be redirected to an emergency webpage with information about the incident. Telephone emergency hotlines, email, and local news and media outlets also are means of notifying the larger campus community.

More than 61 emergency "Blue Light" emergency phones are located throughout campus. All emergency calls are received in the Office of Public Safety, which has the ability to monitor activity in the area through remote cameras. More than half of these emergency telephones include a "Red Light" signal and message capability that can be activated by the College in the event of a campus-wide emergency to send an audible message with instructions about what immediate actions individuals should take. The College can also use campus radio and television communications systems to issue emergency messages. Most Public Safety vehicles have public address systems to enable the broadcast of emergency alerts and/or instructions. When information or instructions are broadcast through any of the above communication channels, all members of the campus community should immediately follow the specific instructions provided in that broadcast.

For the purposes of assessing and evaluating emergency plans and capabilities, the College's director of emergency management plans to facilitate an annual series of emergency response drills for groups of faculty, staff, and students, including an overall test of emergency response and evacuation procedures. Information regarding the College's emergency response procedures is published to the College community in conjunction with the annual test. Records related to the annual test are maintained in the Office of Public Safety. Additionally, residence hall fire drills are conducted five times a year by residence life administrators, and fire safety procedures are discussed regularly with all students who live in campus residence halls.

EMERGENCY MANAGEMENT DRILL

The College's Crisis Response Team meets regularly to evaluate and measure risks, prepare for emergencies, and test our response systems with simulated practical exercises. The College prepares for campus-wide evacuations, active shooter response and shelter-in-place drills among others. These drills, when practicable, typically involve the entire campus to ensure that our community understands the procedures to follow should we face a real-world disaster or emergency.

The Office of Public Safety and Emergency Management conducts annual training events and practical exercises. These include, but not limited to, campus-wide drills, tabletop exercises and crisis response exercises with campus, local, state and federal first-response agencies. Officers, dispatchers, EMS and various campus stakeholders participate in these scenario-based training exercises.

Multi-Hazard Emergency Management: Safety and Emergency Response Committee for Policy, Training and Response

The Safety and Emergency Response Committee's Crisis Response Team, and the Safety and Emergency Response Committee-Policy Group (SERC-PG) are responsible for planning, reviewing, implementing, and exercising an all-hazards emergency operations plan (EOP). These committees are charged with emergency management planning, campus crisis support, response and recovery. These groups meet for intensive planning sessions and interactive tabletop exercises (TTX). They are complemented by train-the-trainer and group training events and practical exercises. Larger tabletop exercises continue to focus on real-world scenarios. They also incorporate consequence management planning and response support for every Hurricane season. These sessions reinforced the efficacy of the campus emergency operations plan, and supported centers of gravity for campus-wide business continuity operations within the current operating environment.

Topics reviewed:

- Overview of emergency management drills and procedures
- Identifying hazards and using a risk assessment process
- Managing Emergency Operations Center (EOC) using ICS (Incident Command System)
- Collaborating with Providence Emergency Management Agency (PEMA) & Local Emergency Planning Committee (LEPC), Providence Fire / Police and RI Emergency Management Agency
- Developing and/or revising the All-Hazards Emergency Operations Plan (EOP)
- Training and validating the current plans
- Geo-political consequences (Ukraine) and effects on Global studies / Study Abroad programs

All Table-top exercises, practical exercises and training included validating the following processes and procedures:

- Providence College Emergency Notification System
- Providence College Emergency Operations Plan and response procedures
- EMS medical and disaster response for emergency response personnel
- Covid-19 standard operating procedures (SOPs)
- Policy and procedures of the Student Health Center and Emergency Medical Services
- EOC and ICS Procedures

- Follow-up actions resulted in editing emergency operations center personnel assignments and changes to the organizational structure of the safety and emergency response committee and crisis response team
- Emergency plans were evaluated and edited as needed
- Identification of the college's core capabilities for emergency response were evaluated
- After action reviews and lessons learned resulted in updates and corrective actions in emergency planning and procedures.

Drills complied with federal Higher Education Opportunity Act of 2008, requiring Colleges and Universities to conduct an annual campus-wide emergency drill, utilizing established procedures, protocols, notification systems, and trained personnel. Training drills helped the College test emergency procedures, identify vulnerabilities, and determine which resources are needed to assist in ongoing efforts to prepare for actual emergencies. Learning and practicing how to stay safe, what emergency procedures to follow, where to report in an emergency, and how to assist others, can help the College community to effectively deal with an actual crisis.

GENERAL SAFETY GUIDELINES

FriarALERT is our emergency notification system that has text, voice, email and social media alert capabilities to quickly alert and instruct the PC community. Students enroll in the emergency notification program when they provide the college with proper emergency contact information upon acceptance.

In addition to improving the College's web information and policies, the College had two safety apps and a bystander intervention program. The **PC Guardian** app transforms mobile phones into personal safety devices. It has a panic button with a direct connection to campus safety, tip texting, local 9-1-1, and a personal guardian system that allows users to identify friends, roommates, and family as contacts. There is a direct link in the PC Mobile app. While emergencies are best reported to Public Safety on their emergency line (401-865-2222) or by calling 911, the **PC CARE Student Network** App can be used to request more general help for a student you are concerned about. This app is also available through the PC Mobile app.

Information on FriarALERT can be found at:

<https://safety.providence.edu/emergency/emergency-communications/>

Emergency Procedures Guide can may be found at:

<https://safety.providence.edu/emergency/emergency-guide/>

Providence College's Safety Apps for iPhone and Android devices:

<https://safety.providence.edu/emergency/apps/>

Please review the following list of recommendations, many of which apply to everyone on campus:

1. Report all suspicious activity to the Office of Public Safety immediately.
2. Never take personal safety for granted.
3. Never prop open exterior dormitory doors and never permit any person to enter the dorm without proper identification.

4. Always lock the door to your residence hall room whether you are there or not. Be certain that your door is locked when you go to sleep and keep the windows locked when you are not at home.
5. ALWAYS carry your dorm room key with you and do not lend it to anyone. Do not share access codes where applicable.
6. Carry only small amounts of cash. Never leave valuables (wallets, purses, books, computers, etc.) unattended.
7. When leaving your car, lock doors and close windows. Avoid leaving valuables in your car, especially if they are visible. Lock bicycles to bike racks.

The Office of Public Safety works closely with the Student Health Center, Personal Counseling, Residence Life, Office of the Dean of Students, Office of the VP for Student Affairs, Human Resources, Information Technology, Environmental Health and Safety, Academic Affairs, the Office of Mission and Ministry, Public Affairs, Community and Government Relations, and General Counsel/Risk Management staffs. Please contact any of these offices with concerns or visit their websites for additional information. Links can be found at: <http://www.providence.edu/>.

For more information about the Office of Public Safety and Emergency Management: <https://safety.providence.edu/>

OFF-CAMPUS TRANSPORTATION

To travel downtown and throughout the state of Rhode Island, students may utilize Rhode Island Public Transit Authority (RIPTA) service, free of charge. Students must present a valid Providence College ID when boarding the bus. This service is available seven days a week, 12 months of the year. Bus #55 has stops on Huxley Avenue, making downtown's Kennedy Plaza, the Amtrak Station, and North Providence's Shaw's Plaza easily accessible to students. From Kennedy Plaza, students can transfer to lines serving the entire state, including T. F. Green Airport. For route and schedule information, please pick up a schedule at the Slavin Information Desk, call RIPTA at (401) 781-9400, or visit www.ripta.com. Students may also utilize a fleet of Zipcars on Campus for a fee and subject to availability.

OFF-CAMPUS SHUTTLE SERVICES

Friar Nite Shuttle

The Friar Nite Shuttles will make continuous loops throughout Providence College campus and through some streets in the area near the Eaton Street gate, including Oakland Ave., Chad Brown St., Pembroke Ave., Radcliffe Ave., Pinehurst Ave., Tyndall Ave., Pasteur St., and Huxley Ave.

The hours of operation for the Academic year are Thursday, Friday, and Saturdays from 7pm-3am.

Community Service Shuttle—Runs Monday through Friday

This shuttle will take students to local community service sites not easily accessible by RIPTA or to a common drop off/pick up point between several sites. Automated transportation information is available 24 hours a day/seven days a week by calling 401-865-2234.

ACCESS TO CAMPUS BUILDINGS POLICY

Except for the residential halls, the Office of Public Safety unlocks the administrative and academic campus buildings in the morning and secures them in the evening; most are open to the public during normal business hours. The Office of Public Safety monitors facilities when in use beyond normal business hours. Emergencies may necessitate changes to any posted schedules.

With regard to some facilities, such as the Concannon Fitness Center and the Phillips Memorial Library, the hours of operation vary depending on the time of year, student needs, and special events and activities. Security measures for such facilities are in accord with the schedules developed by schools and departments that occupy specific space.

Students residing on campus have controlled access to their assigned residence hall through an electronic card-access system that utilizes the student's College identification card; otherwise, residence hall access is denied. All students have controlled access to shared, common-area lounge and study space in designated buildings. Students should review the *Student Handbook* and regulations promulgated by the Office of Residence Life for Guest Program policies and procedures.

SECURITY OF AND ACCESS TO FACILITIES, INCLUDING RESIDENCE HALLS, FOR MAINTENANCE POLICY

As coordinated by the College's Physical Plant Department or the Office of Public Safety, and with advance notice to the Office of Residence Life, contractors may access residential space for maintenance purposes; however, advance notice may not be practical in the event of an emergency. Contractors wear identification badges that are visible to students and staff.

During the academic year and at other times (summer, semester breaks) when residential halls are occupied by students (e.g., athletes, resident assistants), maintenance work in all residential space, whether performed by physical plant staff or contractors, is performed after 10:00 a.m., except for emergencies; maintenance work in the common areas of men's residential halls may be performed prior to 10:00 a.m. Upon entering a student's living space, a worker should announce his/her presence and provide his/her name, explain the nature of the visit, and show proper identification. While in the living space, the worker should ensure that the entrance door is propped open. Workers may enter living space when the resident is not present if they have a work order (the worker should have a copy of the order) or in the case of an emergency; also, the worker should post a work tag on the entrance door to the living space describing the work completed. Depending on the nature of the work to be performed, residents may be contacted by telephone or email by residence life or physical plant staff to schedule the maintenance. If personal items must be moved or disturbed in order to complete the task, either the student or a member of residence life staff should be present for the work unless there is an emergency.

Card access for vendors is granted on a temporary basis through the Office of Business Services, which manages card distribution and access permissions. Site safety plans for contractors working on campus are submitted to the Office of Environmental Health and Safety for approval and are maintained on file in that office.

SAFETY IN THE RESIDENCE HALLS

The *Student Handbook*, which is available via the Student Life page of the Providence College website (<https://student-affairs.providence.edu/handbook-student/>), includes policies and regulations governing on-campus living. Each residence hall is staffed with a hall director and several resident assistants who regularly monitor compliance with safety and security requirements. These staff members also rely on the cooperation of residential students to enforce regulations and report violations that may compromise the safety and security of residents. The Office of Public Safety and residence hall directors must be notified immediately if students or other members of the community discover that any safety and security system, including doors and locks, appear to have been tampered with and/or are not in proper working order. In addition, students are prohibited from using objects to prop-open doors. Doors to living spaces should not be left ajar or unlocked.

DAILY CRIME AND FIRE LOG

In addition to disclosing crime and fire statistics to the US Department of Education and in its Annual Security and Fire Safety Report, the Office of Public Safety maintains a combined Daily Crime and Fire Log that includes criminal incidents, alleged criminal incidents, and fire-related incidents that are reported to or identified by the Office. The Log includes the date the incident was reported, the date and time the incident occurred, the nature of the incident, the general location of the incident, and the disposition of the complaint, if known. The Office reserves the right to exclude certain reports or temporarily withhold information from the log under circumstances permitted by law. The Log for the most recent 60-day period is available for public inspection, upon request, during normal business hours at the Office of Public Safety.

MISSING STUDENT POLICY

Pursuant to the federal Higher Education Opportunity Act, Section 485(j), Providence College students, faculty, and staff should be aware of the College's policy regarding missing students. Providence College's missing student notification policy applies to students who reside in on-campus or hybrid housing. In accordance with this Policy, each student who resides in such housing may identify an individual to be contacted by Providence College after such student is determined to be missing for more than twenty-four (24) hours, in accordance with procedures that have been established by the Office of Residence Life and the Office of Public Safety.

In the event that a student who resides in on-campus or hybrid housing is reported missing for more than twenty-four (24) hours, an official missing-person report should be filed with the Office of Public Safety in person or via telephone (865-2222). If, after investigation of the official report, the Office of Public Safety determines that the student has been missing for more than twenty-four (24) hours, the following action shall be taken:

- If the missing student is age 18 or older, the person designated as the "emergency contact person," if any, by the missing student shall be contacted immediately.
- If the missing student is under 18 years of age and not an emancipated individual, the custodial parent or legal guardian shall be contacted immediately.
- If the missing student is age 18 or older and has not designated an "emergency contact person," the appropriate law enforcement agency shall be contacted immediately.

An investigation into a report of a student, who, voluntarily, decides to be out of contact, decides not to attend classes, decides to leave campus on an impromptu trip, or declines to respond to emails and phone

calls, is very serious. In order to prevent undue concern about students' safety and well-being, students living in on-campus or hybrid housing bear the responsibility for communicating their whereabouts to those with whom they live (roommates, resident assistants, etc.) especially if and when they expect to be away from campus for a period of time.

Public Law 108-21, Title II, Section 204, otherwise known as "Suzanne's Law," amends Section 3701(a) of the Crime Control Act of 1990 and requires law enforcement to notify – without a waiting period – the National Crime Information Center of the Department of Justice when someone under the age of 21 is reported missing as part of the national "Amber Alert" Bill. This reporting requirement also is part of the Higher Education Opportunity Act of 2008, amending the Higher Education Act. This Federal law is named for Suzanne Lyall, a State University of New York at Albany student who has been missing since 1998.

Incoming first-year and transfer students submit emergency contact information through the Admission process. Students are able to review and edit emergency contact information twice a year. Rising sophomores, juniors, and seniors submit emergency contact information via the online housing information form in February. Students have the option to edit their emergency contact information during the fall and spring semester check-in process. Each student may designate a primary emergency contact person and a person to be notified if the College determines that the student is missing. This information should be updated as necessary (for example, when phone numbers change or to change the name of your emergency contact person). Students are advised that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

If you, as a member of the College community, are concerned that another student might be missing or otherwise in danger, please immediately notify the Office of Public Safety by dialing (401) 865-2222 (or ext. 2222 from an on-campus telephone).

POLICIES GOVERNING ALCOHOL AND OTHER DRUGS

Those who use alcoholic beverages or sponsor events serving alcohol are obliged to comply with state law and College policies and regulations. Under Rhode Island law, alcoholic beverages may be legally delivered, sold or served to persons 21 years of age or older only. State law forbids the misrepresentation of one's age in order to purchase and consume alcoholic beverages. Students who consume alcohol are responsible for their behavior and may face sanctions if they violate College policy.

Providence College prohibits the unlawful possession, manufacture, use, abuse, or distribution of alcohol and controlled substances. Any violation of College policies and/or local, state, or federal laws will result in disciplinary action at the College and, when deemed appropriate, the involvement of law enforcement agencies. For more information, please see the *Student Handbook*.

Medical Amnesty Policy. A student who calls for medical assistance on behalf of another person, or for oneself, due to use or abuse of alcohol or drugs will not be subject to disciplinary action for the following conduct violation(s) only: use, possession, or distribution of alcoholic beverages and drugs. There is no limit to the number of times a student can call on behalf of someone else who needs medical attention and be immune from these specific Code violations. The College will not notify Providence Police of the incident as a result of a call for medical attention unless Providence Police assistance is needed to address other criminal activity; including the sale of an illegal drug and/or the possession of a large quantity of illegal drugs. In that event, the College's caller amnesty policy does not preclude law enforcement authorities from making alcohol and drug related arrests or filing criminal charges.

If a student, or student group, calls on behalf of another student, that student/group is required to remain with the student experiencing the emergency until medical attention arrives. The Medical Amnesty Policy will not be granted to students who are confronted by College personnel prior to the request for medical assistance.

The student needing medical assistance will be required to meet with the dean of students, or designee, and may be expected to participate in an alcohol/drug education program and/or referral for assessment. This also does not preclude the College from contacting the student's parent(s) or guardian(s). The student also will be responsible for the costs associated with a hospital transport, treatment, assessment, or property damages. In cases where extreme or repeat violations of the Code of Conduct occur, the dean of students will determine if interim measures and/or disciplinary action are required out of concern for the safety and welfare of the student and the College community.

Hospital Transports. In the event a College official in his/her official capacity and at his/her sole discretion believes a student requires medical assessment and/or transportation to a hospital due to alcohol consumption, or altered mental status, emergency medical technicians (EMTs) or other medical professional(s) will be summoned to evaluate the student. A student who is determined to need medical attention for intoxication by an EMT or other medical professional will be transported to an area hospital with or without that student's consent.

Students transported due to substance use are required to meet with the substance use counselor from the Counseling Center for a one-time assessment/psychoeducational appointment. All information students share with the substance use counselor during the appointment is confidential. Students will receive documentation indicating that they attended this required appointment that they can share with the Office of Community Standards.

Alcohol and Drug-Free School and Workplace Policy. In accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989, Providence College has adopted the "Alcohol and Drug-Free School and Workplace Policy" for all members of the College community, which is distributed annually to all employees. The policy prohibits the unlawful manufacture, distribution, dispensing, possession, or use of illegal drugs and controlled substances on Providence College property or during the course of College business. The community receives written information regarding implementation of the program. Providence College is committed to ensuring that all employees attend work confident that they will not be endangered by the use or abuse of drugs. Employees are encouraged to work together to maintain a safe, healthful and efficient working environment free from the harmful effects of drug abuse. For more information, please see: <https://human-resources.providence.edu/policies/>

The possession, use, distribution, and/or sale of any illegal drug, and the misuse of prescription drugs, are violations of federal and state law and College policy. The College cooperates with federal, state, and local law enforcement investigations and efforts aimed at controlling the possession, use, distribution, and sale of illegal drugs, including the non-medical use, sale, or distribution of prescription drugs. By law, use of prescription drugs is limited to those for whom the prescription has been issued. It also is illegal to sell, provide, or distribute prescription drugs to others without proper authorization. Students are prohibited from being present in a room or space where illegal drugs are being used, whether or not they are using or observed using the illegal drugs.

Any student using, dealing, selling, or distributing illegal drugs on campus or off campus may be dismissed from the College pursuant to the College's disciplinary procedures. The possession, use, or distribution of drug paraphernalia (e.g., pipes, glassware, and other items) is strictly forbidden. For purposes of any disciplinary hearing, the College will conclude that a student is dealing in drugs if the student is found to

have possessed a large quantity of illegal drugs. For example, more than two ounces of marijuana and more than four grams of cocaine would constitute a large quantity of these illegal drugs. Judgments with respect to quantity will be made concerning any other illegal drugs. The College may be obligated to notify law enforcement authorities for drug violations on campus.

Employees (permanent or temporary, full-time or part-time) are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances on the College premises, in vehicles provided by Providence College, at any worksite or location at which College duties are being performed by employees, or as part of any other College activities. Violations of this policy constitute grounds for immediate termination. Common examples of controlled substances, as defined by law, are cocaine, marijuana, methamphetamines, and heroin. Drugs and substances that may be used and abused include, among others, alcohol, pain killers, sedatives, stimulants and tranquilizers. Employees under the influence of drugs or alcohol that impairs judgment or performance while on campus or on College business will be subject to discipline up to and including termination. Employees are required to notify the Office of Human Resources of any criminal conviction for a drug offense.

In order to provide useful information and to emphasize Providence College's commitment to maintaining a drug-free campus, employees will be provided with written materials containing reminders about the dangers of drug abuse in the workplace. This material will describe the scope and availability of any drug counseling, rehabilitation, and employee assistance programs, and will restate the penalties that may be imposed for drug abuse violations in the workplace.

WEAPONS POLICY

The College forbids the unauthorized use, distribution, manufacture, or possession of a dangerous weapon or material of any type or description, including but not limited to firearms, explosive devices, dangerous chemicals, compressed-air guns, slingshots, pellet guns, BB guns, knives, metal-dipped darts, laser pointers, incendiary devices, fireworks, ammunition, bow or crossbow designed to shoot arrows, or any other item deemed to be dangerous by College officials.

Please see the *Student Handbook* and *Staff Handbook* for additional information regarding the above policies.

CLERY ACT CRIME DEFINITIONS

A. General Crimes

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (Injury is not necessary because when a gun, knife, or other weapon is used, the aggravated assault could and probably would result in a serious personal injury if the crime were successfully completed.)

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Burglary is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the these acts.

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle. (Classify as a theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

Murder and Non-negligent Manslaughter is the willful (non-negligent) killing of one human being by another.

Negligent Manslaughter is the killing of another person through gross negligence. (Does not include traffic fatalities.)

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

B. Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Report program.

Sex Offenses are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

--**Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

--**Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

--**Incest** is non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

--**Statutory rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent. (Age of consent for intercourse in Rhode Island is sixteen (16).)

C. Dating Violence, Domestic Violence, and Stalking

Dating Violence is violence by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship. This includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence is a felony or misdemeanor committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or, by any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. *Course of conduct* means two or more acts, including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. *Reasonable*

person means a reasonable person under similar circumstances and with similar identities to the victim. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

D. Hate Crime: A criminal offense (one of the crimes listed above) committed against a person or property that is motivated, in whole or in part, by the offender's bias. Bias is a pre-formed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

The following crimes should be reported only if they occurred as a Hate Crime:

Larceny-Theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. *Constructive possession* means that there is not physical custody or possession; rather, the person exercises dominion or control over a thing.

Simple Assault is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property means to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

E. Drug, Liquor, and Weapons Criminal Violations

Drug Law Violations are defined as the violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and, dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations are defined as the violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate persons; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Weapons Violations are defined as the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

CRIME STATISTICS

NOTE: Crime statistics are based on incidents reported within the Clery geography as described in the Annual Security Report. A criminal incident is reported when it is brought to the attention of the Office of Public Safety or the local police by a victim, witness, or other third party. Reports of alleged criminal incidents are counted if there is a reasonable basis for belief that the report was provided in good faith. Clery Act crime statistics include all reports regardless of their investigative status or result; i.e., it is not necessary for the reported crime to be investigated by police or campus public safety, nor must it result in a finding of guilty or responsible, in order for it to be included in the College's crime statistics.

Crime Statistics Reporting Table					
Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder / Non-Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Negligent Manslaughter	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Robbery	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	1
Aggravated Assault	2020	1	0	0	2
	2021	0	0	0	1
	2022	0	0	0	2
Burglary	2020	2	2	0	0
	2021	2	2	0	0
	2022	0	0	0	0
Motor Vehicle Theft	2020	1	0	1	0
	2021	0	0	0	0
	2022	0	0	0	0
Arson	2020	0	0	0	0
	2021	0	0	0	0
	2022	2	0	0	0

Sex Offenses					
Rape	2020	2	2	0	0
	2021	4	4	0	0
	2022	4	4	3	0
Fondling	2020	0	0	0	0
	2021	3	3	0	0
	2022	5	5	0	0
Incest	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Dating Violence, Domestic Violence, and Stalking					
Stalking	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Domestic Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Dating Violence	2020	0	0	0	0
	2021	0	0	0	0
	2022	5	5	0	0

ARRESTS AND DISCIPLINARY REFERRALS FOR CRIMINAL VIOLATIONS*	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Arrests: Weapon Law Violations	2020	0	0	0	0
	2021	0	0	0	3
	2022	0	0	0	0
Arrests: Drug Law Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0	0
	2021	0	0	0	0
	2022	0	0	0	0
Disciplinary Referrals: Weapon Law Violations	2020	1	1	0	0
	2021	1	1	0	0
	2022	2	2	0	0

Disciplinary Referrals: Drug Law Violations	2020	0*	0*	0	0
	2021	0*	0*	0	0
	2022	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	526	513	0	0
	2021	478	462	0	0
	2022	533	513	0	0

Note: Disciplinary referral data in this report reflect the number of violations of College policies that also were criminal law violations and/or criminal law violations only, in accordance with the Clery Act.

***Years 2020 and 2021 Disciplinary Referrals: Drug Law Violations have been amended to 0 reportable violations in light of legislative changes to Rhode Island Statutory Laws. The Legislature decriminalized possession of less than one ounce of marijuana in the Rhode Island Controlled Substances Act, R.I.G.L. 1956 § 21-28-4.01(c), and later legalized possession of less than one ounce of marijuana in the Rhode Island Cannabis Act, § 21-28.11-22. Therefore, possession of less than one ounce of marijuana does not constitute a Clery reportable offense and is not reported in the above chart of statistics.**

HATE CRIMES:

2022: One intimidation incident characterized by racial bias on public property.

2021: No Hate Crimes were reported.

2020: One on-campus Hate Crime that consisted of a vandalism incident based on religion bias in which swastikas were painted on gravestone surfaces in the on-campus cemetery.

FIRE SAFETY REPORT - REGULATIONS

Fire Reporting. ALL fires needing emergency response should be *reported immediately* to the Office of Public Safety at 401-865-2222 by dialing 9-1-1. Fires occurring in a residence hall also should be reported to the Hall Director or Office of Residence Life & Housing at 401-865-2392.

Fire Safety Log/Statistics. The Fire Safety Log and statistics are maintained in the Office of Public Safety. Information is incorporated into the Annual Security and Fire Safety Report.

Fire Safety Systems. Providence College residence halls are compliant with local, state, and federal fire codes. All residence halls are equipped with smoke detectors, and sprinkler systems, and are monitored 365 days per year by the Office of Public Safety as well as Providence Fire Department. Fire systems in all residence halls are in compliance with local fire codes and tested regularly, in accordance to state and local requirements.

Fire-Safety Systems by Residence Hall:

Residence Hall	Supervised Fire Alarm	Smoke Detectors	Sprinkler System
Aquinas	Yes	Yes	Wet/Dry
Bedford Hall	Yes	Yes	Wet/Dry
Cunningham	Yes	Yes	Wet/Dry
Davis	Yes	Yes	Wet/Dry
DiTraglia	Yes	Yes	Wet/Dry
Guzman	Yes	Yes	Wet
St. Joseph	Yes	Yes	Wet/Dry
Koffler	Yes	Yes	Wet/Dry
Mal Brown	Yes	Yes	Wet/Dry

McCarthy (Suites)	Yes	Yes	Wet/Dry
McDermott	Yes	Yes	Wet
McVinney	Yes	Yes	Wet
Meagher	Yes	Yes	Wet
Raymond	Yes	Yes	Wet
Shanley	Yes	Yes	Wet
Sullivan	Yes	Yes	Wet/Dry

Residence Hall Rules. NO SMOKING – Smoking/Vaping is expressly prohibited in College-owned and operated buildings and vehicles, including but not limited to residence facilities, suites and apartments, work spaces and offices, auditoriums, classrooms, conference and meeting rooms, elevators, hallways and stairwells, cafeterias, lounges, and restrooms. The College updated its Smoking Policy in May 2023. The updated policy can be found [here](#). his policy applies to students, faculty, staff, contractors, and visitors. Evidence of indoor smoking/vaping, including the ashes of cigarettes, cigars, pipes, or other smoking equipment or products, or vaping paraphernalia (e.g. electronic cigarettes and “vape pens”) will result in disciplinary action.

The Rhode Island Public Health and Workplace Safety Act prohibits smoking in all enclosed public places within the state, including post-secondary education facilities (R.I.G.L. 23-20.10, et seq).

Walls and Windows. Posters and wall hangings of any size are allowed one foot from the ceiling and anchored on all four corners; they cannot cover windows. Duct tape is not allowed on any surface.

Doors. Room entrance doors are to remain free of all unauthorized materials, including wipe boards, decorations, and pictures. All rooms must have a fire exit chart provided by the College on the room facing side of the entrance door; nothing is allowed to cover this chart. Nothing should impede the complete opening of an entrance door; there should be full clearance into and out of any room.

Ceilings. Nothing can be hung on/from the ceiling at any time, including stickers, toys, posters, wind chimes, bed sheets, blankets, hooks, wires and/or curtain rods. Nothing can be hung from sprinkler heads or smoke detectors

Room Access. Students cannot arrange furniture in a manner that fully or partially blocks physical access into a room. There must be 4.5 feet of entry space into each room; one should not have to turn sideways or squeeze to enter a room.

Furniture. Prohibited furniture includes: couches and love seats, PC lounge furniture, tables larger than 2’ x 2’, cement blocks/bricks/pipes for raising beds (i.e., home-made bed raisers), hammocks, dressers.

Permissible furniture includes: adjustable wheeled desk chairs, bookshelves (must reasonably fit with other furniture in room), knee-high coffee tables, 1’ x 1’ eating trays, end table/bed stand (no bigger than 1’ x 1’), “husband” bed pillows, bean bags, inflatable furniture, ottomans, collapsible beach/camping chairs, small entertainment centers, under-the-bed storage containers, small folding work tables (no larger than 2’ x 2’), College-approved bed raisers, Attachments such as privacy or bed sheets, blankets, and/or curtains are not allowed on beds by any methods (tape, string, etc.).

Candles. Candles of any kind are NEVER PERMITTED. Incense, potpourri burners and/or any items that have the potential of an open flame are prohibited.

Lights/Decorations. One string light per person in the room.

Hallways. Hallways must remain clear of all items including but not limited to drying racks, welcome mats, clothing, shoes, and athletic equipment. Items left in the hallway are subject to confiscation and owners may be disciplined.

Pets. Pets are not permitted except for fish in small aquariums (10 gallons or less).

Electrical Appliances, Cords, and Items. Prohibited items include: halogen lamps, hot plates, broiler ovens, toasters and toaster ovens (except in apartment kitchens), air fryers, space heaters or immersion

heaters, 2-prong extension cords (no ground available), Air-conditioning units are prohibited in the Residence halls unless authorized by the Director of Residence Life or his/her designee.

Permissible items in traditional rooms include: refrigerators (5.0 cubic or less), microwave ovens, must use 3-prong extension cords, surge protectors, lamps.

Items that can be used in bathrooms and kitchens ONLY include: popcorn makers, curling and flat irons, coffee makers, clothing irons.

All extension cords must meet or exceed the following safety standards: UL-approved/listed only, grounded plug (possess the third prong) only, 14 gauge only, 15 amps only, three-prong multi plugs must have surge protection (limited to 1 per outlet).

Items Prohibited in Residence Hall Rooms. Providence College takes fire safety seriously; therefore, use of the following items in traditional hall student rooms is not permitted: clothing irons, coffee makers, and heated styling tools; however, these items can be used in common areas such as kitchens and bathrooms. Owners of the following prohibited items will be disciplined and items will be confiscated: electric blankets, popcorn poppers, hot plates/pots, rice cookers, waffle irons, griddles, broiler ovens, toasters, grill, propane, flammable liquid, charcoal, immersion heaters, halogen lamps, neon lights, paper lights, or Christmas/string lights, candles (including for decoration), incense, and items carrying a live flame, duct tape, pets (except fish in ten gallon tanks or less), weapons, projectile devices (includes dart boards, pellet guns, foam dart guns), etc., two-prong extension cords -- Note: students are encouraged to bring extenders with surge protection or 3-prong extension cords (these items are available in the PC Bookstore).

Grilling. Students and guests are prohibited from indoor and outdoor grilling within any area deemed to be property of the College. This includes but is not limited to: residence halls, athletic/intramural fields, office/administrative buildings, and common areas. Students are not permitted to store any flammable or combustible items in any area of the residence halls, including individual rooms, common areas, and kitchens.

FIRE EVACUATION

In the event of a fire, call 911 (9-911 from a campus phone), then 865-2222 to notify the Office of Public Safety. Familiarize yourself with the College's Emergency Evacuation Plan for your building. Be aware of the locations of emergency exits and building fire alarm pull stations. If you discover a fire, pull the nearest fire alarm. When a fire alarm sounds, always assume an emergency exists and evacuate the building immediately and report to the designated rally point. Failure to evacuate may result in disciplinary action. Assist persons with disabilities to exit. Do not attempt to extinguish the fire on your own. Do not use elevators. Alert others of the fire upon evacuating.

Smoke is the greatest danger in a fire. During evacuation, or if you are trapped, always stay low to the floor where the air is less toxic. If trapped, shout at regular intervals to alert rescue personnel of your location. Find a window and place an article of clothing outside as a marker for rescue personnel. Should your clothes catch on fire, cover your face with your hands and STOP, DROP, and ROLL to smother flames.

In classrooms, faculty should take the class roster with them when evacuating and get to a safe location at least 500 feet away from the building. If it is safe to do so, close the classroom door as you exit, but do not lock the door. Once at a safe location 500 feet away from the building, take attendance and await further instruction from the College's Emergency Response Commander or his/her designee. Report any missing persons, or person's left behind and their location to emergency responders immediately.

GENERAL EVACUATION AND PROCEDURES

Although fire is the most likely cause for evacuation, malicious or terrorist attacks might also necessitate an evacuation of your building. Governmental authorities cannot reliably estimate the likelihood of a terrorist attack in any American community, and college campuses are just as vulnerable to attacks without warning as are other areas within their respective communities. Those who perpetrate violent attacks use various weapons, including but not limited to explosions, bomb threats, or suspicious packages, and chemical or biological agents. If the response to a crisis on campus requires an emergency evacuation of your building, you will be notified via the College's Emergency Notification System, which includes the fire alarm system. Whether the evacuation is due to a fire or some other circumstance, the College's Emergency Evacuation Plan should be followed. The Plan is outlined at the "Fire" tab of the emergency response guide at: <https://safety.providence.edu/emergency/emergency-guide/>.

When, via fire alarm or other methods of communication, persons are directed to evacuate a building, evacuation must occur immediately. Assist persons with disabilities to exit. Do not use elevators. Evacuate to at least 500 feet away from the effect building, to a safe area. If it is safe to do so, close the doors as you exit, but do not lock the door. Once at a safe location, take attendance and await further instruction from the College's Emergency Response Commander or his/her designee.

EVACUATION OF PERSONS WITH DISABILITIES

Visual Impairments – Inform the person of the nature of the emergency and offer to guide the person to the nearest exit.

Hearing Impairments – Alert the person that there is an emergency situation by using hand gestures or by turning the light switch on and off. Verbalize or mouth instructions, or provide the person with a short note containing instructions.

Mobility Impairments – Since elevators should not be used, individuals who can walk may be able to evacuate themselves with some assistance. For individuals unable to walk: if there is no immediate danger, escort the individual to a safe place to await rescue personnel. Whenever possible, someone should remain with the person while another individual exits the building and notifies rescue personnel of the person's exact location. Only in extreme situations should you try to evacuate a person in a wheelchair yourself. The mobility-impaired person is the best authority on how he/she should be moved. Ask before you move someone. While it is best to let rescue personnel conduct the evacuation, the person can be carried by two people who have interlocked their arms to form a "chair," or the person can be carried in a sturdy office chair. An evacuation chair is available via Office of Public Safety (extension 2222).

FIRE SAFETY EDUCATION

Fire safety training is provided to Residence Assistants ("RAs") during orientation and training. This training includes evacuation procedures, rally point locations, fire extinguisher usage, as well as general fire safety tips. Residential floor meetings conducted by RAs and Hall Directors focus on fire and residence hall safety. Educational fire safety inspections of all residence hall rooms are conducted by Residence Life administrators. Students found in violation of the fire policies are required to receive counseling from Residence Life administrators. Fire safety literature and video information is provided to the students and available anytime from the Residence Life Office. As part of the educational process, the Office of Residence Life conducts 5 fire drills per year in each of the campus residential housing facilities.

PROVIDENCE COLLEGE ANNUAL DISCLOSURE AND SUMMARY OF FIRE STATISTICS:

ON-CAMPUS STUDENT HOUSING FACILITIES

One Cunningham Square, Providence, RI 02918

2020					
Residence Hall	Fire	Cause	Injuries	Death	Damage
Aquinas Hall	0	0	0	0	0
Bedford Hall	0	0	0	0	0
Cunningham Hall	0	0	0	0	0
Davis Hall	0	0	0	0	0
DiTraglia Hall	0	0	0	0	0
Fennell Hall	0	0	0	0	0
Guzman Hall	0	0	0	0	0
Mal Brown Hall	0	0	0	0	0
Koffler Hall	0	0	0	0	0
McDermott Hall	0	0	0	0	0
McVinney Hall	0	0	0	0	0
Meagher Hall	0	0	0	0	0
Raymond Hall	0	0	0	0	0
St. Joseph Hall	1 Trash Can	Cigarette	0	0	\$40.00
Suites Hall	0	0	0	0	0

2021					
Residence Hall	Fire	Cause	Injuries	Death	Damage
Aquinas Hall	0	0	0	0	0
Bedford Hall	0	0	0	0	0
Cunningham Hall	0	0	0	0	0
Davis Hall	0	0	0	0	0
DiTraglia Hall	0	0	0	0	0
Fennell Hall	0	0	0	0	0
Guzman Hall	0	0	0	0	0
Koffler Hall	0	0	0	0	0
Mal Brown Hall	0	0	0	0	0
McDermott Hall	1 Trash Can	Cigarette	0	0	\$40.00
McVinney Hall	0	0	0	0	0
Meagher Hall	0	0	0	0	0
Raymond Hall	0	0	0	0	0
St. Joseph Hall	0	0	0	0	0
Suites Hall	0	0	0	0	0

2022					
Residence Hall	Fire	Cause	Injuries	Death	Damage
Aquinas Hall	0	0	0	0	0
Bedford Hall	0	0	0	0	0
Cunningham Hall	0	0	0	0	0
Davis Hall	0	0	0	0	0

DiTraglia Hall	0	0	0	0	0
Fennell Hall	0	0	0	0	0
Guzman Hall	0	0	0	0	0
Koffler Hall	0	0	0	0	0
Mal Brown Hall	0	0	0	0	0
McCarthy Hall	0	0	0	0	0
McDermott Hall	0	0	0	0	0
McVinney Hall	0	0	0	0	0
Meagher Hall	0	0	0	0	0
Raymond Hall	0	0	0	0	0
St. Joseph Hall	0	0	0	0	0

APPENDIX A: Student Conduct Code - Disciplinary Sanctions

Formal Hearings or Board Hearings: Possible Findings with Respect to Each Charge

Not Responsible – The accused student is not responsible for a violation of one or more standards of the Code of Conduct.

Responsible – The accused student is responsible for a violation of one or more standards of the Code of Conduct.

Range of Sanctions

One or more of the following sanctions may be imposed upon any student found to have violated the Code of Conduct and Community Standards. Failure to complete an assigned sanction by the established deadline will result in a temporary disciplinary hold placed on the student's account and possible referral to the Office of the Vice President for Student Affairs for further review.

Disciplinary Hold – Students with a disciplinary hold will be prevented from registering for courses until the hold is resolved.

Disciplinary Warning – A written notice to the student that the student is violating or has violated the Code of Conduct.

Deferred Disciplinary Probation – A more serious written notice that the student has violated the Code of Conduct.

Disciplinary Probation – A written reprimand for violation of the Code of Conduct. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found responsible for violating the Code during the probationary period. Probationary status may include a loss of privileges.

Loss of Privileges – Denial of specified privileges for a designated period of time. Fines – Previously established and published fines may be imposed.

Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

Community Mentor Referral – A one-on-one meeting with an appointed Providence College faculty or staff member to engage in meaningful dialogue, identify resources, and help plan the completion of assigned sanctions. The program provides an opportunity for students to connect with campus services and adds another form of support and guidance outside of a conduct hearing.

Community Service/Educational Project – Assignment of community service opportunities, research projects, educational program attendance, or other appropriate learning experiences.

Alcohol/Drug Education – Participation in an alcohol/drug education program which may include BASICS, Brief Motivational Interview (BMI), CHOICES, referral for assessment, and/or any other appropriate program.

Discretionary Sanctions – Work assignments, reflection essay, no-contact directive, removal of guest privileges, activity privilege ban, parental notification, or other related discretionary assignments.

Residence Hall Probation/Room Relocation – A formal warning that further violations of the Code of Conduct will constitute grounds for loss of the privilege of living in a particular residence hall/room, or campus housing, for a specified period of time or until a specific condition or conditions are met. The

student may be relocated from his/her assigned on- campus housing at the discretion of the Office of Residence Life.

Weekend(s) at Home- Requirement to spend weekends at home for a designated period of time.

Residence Hall Suspension – Temporary or Permanent – Separation of the student from the residence halls for a definite period of time. If the suspension is temporary, conditions for readmission may be specified.

Removal from Campus – A student that has been found responsible for any section of the Student Code of Conduct is subject to, removal from campus (while being allowed to attend classes remotely), and/or the denial of access to all or specified educational programs or activities on a temporary or permanent basis.

Deferred Suspension – Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the College's expectations of behavior articulated in the Code of Conduct. Deferred suspension may include the loss of privileges and likely will result in suspension (or dismissal) if the student is found responsible for violating the Code during this period.

Suspension – Separation of the student from the College for a definite period of time. Conditions for readmission may be specified.

Dismissal – Permanent separation of the student from the College.

Withholding Degree – The College may withhold awarding a degree otherwise earned until the completion of the process set forth in the Code of Conduct Grievance Procedures, including the completion of all sanctions imposed, if any.

Revocation of Admission and/or Degree – Admission to, or a degree awarded from, the College may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

Repeated Violations – A prior disciplinary record is not relevant in determining responsibility for a code violation; however, once a student is found responsible for a violation, such history is relevant in determining appropriate sanctions. In the case of repeated violations involving the same or similar type of behavior, a student may receive more severe sanctions than s/he otherwise would receive. In the case of multiple violations involving different or dissimilar types of behavior, a student may receive more severe sanctions than s/he otherwise would receive.

Sanctions for Alcohol and Drug Violations

The Office of Community Standards (OCS) and the Office of Residence Life (ORL) may employ whatever sanctions deemed appropriate by the hearing officer(s) as pertains to a particular alcohol or drug conduct violation. At a minimum, every student found responsible for an alcohol or drug conduct violation will be required to participate in an appropriate educational sanction and will receive a disciplinary warning. In addition, a student found responsible for an alcohol or drug violation will automatically have his/her housing assignment and privileges (including on- or off-campus eligibility and the ability to participate in housing selection) reviewed. The OCS has enunciated general and graduated guidelines for alcohol or drug conduct violations below; however, these guidelines are not absolute or exhaustive. Sanctions are applied as appropriate given all circumstances.

The following sanctions may be imposed for violation of the alcohol policy:

First Offense: Disciplinary warning, mandatory participation in an alcohol educational offering, civic engagement experience, reflection component, \$60 fine, review of housing privileges. Referral to the Personal Counseling Center for assessment as appropriate. Students transported to the hospital due to alcohol use face additional requirements (see above).

Second Offense: Disciplinary probation (for an offense that occurs within one calendar year of the first offense), mandatory participation in an alcohol educational offering, civic engagement experience, reflection component, parental notification, \$100 fine, and review of housing privileges. Referral to Personal Counseling Center for assessment as appropriate.

Third Offense: Possible deferred suspension, suspension or dismissal, \$150 fine, mandatory participation in an appropriate alcohol intervention offering, civic engagement experience, parental notification, community mentor assignment, referral to the Personal Counseling Center for assessment and review of housing privileges.

The following sanctions may be imposed for violation of the drug policy regarding use or possession of marijuana and derivative(s):

First Offense: Disciplinary probation, mandatory participation in a drug educational offering, parental notification, civic engagement experience, reflection component, \$100 fine, review of housing privileges. Referral to the Personal Counseling Center for assessment as appropriate.

Second Offense: Disciplinary probation and possible deferred suspension, suspension, mandatory participation in a drug educational offering, civic engagement experience, reflection component, parental notification, \$150 fine, review of housing privileges, and referral to the Personal Counseling Center for assessment.

Third Offense: Suspension.

The following sanctions may be imposed for violation of the drug policy regarding distribution or sale of marijuana and derivative(s), or drug paraphernalia:

- Providing marijuana to others, compensation not involved: \$200 fine, disciplinary probation or possible suspension or dismissal, notification to parents/guardian, participation in drug educational offering.
- Providing marijuana, compensation involved: Suspension or possible dismissal.
- Possession of drug paraphernalia: \$100 fine, disciplinary probation, notification to parents/guardian, confiscation of paraphernalia.

It should be noted that fines are used in part to support educational opportunities and alcohol- and drug-free social/recreational opportunities for students.

Possible Sanctions for Groups, Clubs, or Organizations

In addition to those sanctions listed above, one or more of the following additional sanctions may be imposed upon student groups, clubs, or organizations:

1. Loss of Some Privileges – Loss of certain privileges for a specified period of time.
2. Loss of Official Recognition – Loss of all privileges, including official recognition, for a specified period of time.

Other Fines

- Violation Code Section 21J (Good Neighbor Policy) - \$500 fine divided among members of the house when items are thrown but the Providence Police do not formally list an address as a 'Public Nuisance Property'.

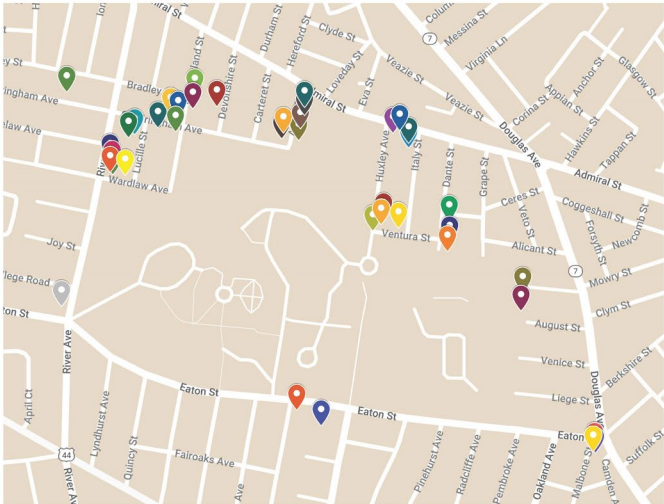
Other Possible Consequences of Conduct Violations

A history of findings that the Code of Conduct has been violated may have a negative impact on a student's ability to assume leadership roles on campus, including but not limited to the following organizations or positions: Resident Assistant; Student Congress; Friars Club; Board of Programmers; Orientation Leader; Urban Action. Students placed on disciplinary probation may not be permitted to participate in international student programs during their probationary status. Students should be aware that they may be obligated to report academic and disciplinary sanctions, including pending disciplinary action, if they submit an application to attend or transfer to another undergraduate college or to attend graduate school; additionally, such disclosures may be necessary on some employment applications, particularly for governmental (federal, state, local) positions, and on some licensure applications.

1	Albertus Magnus Hall	22	Phillips Memorial Library	45	Lennon Family Field
2	Alumni Hall	23	Physical Plant	46	Raymond Dining Hall
3	Aquinas Hall	24	Power Plant	47	Taylor Natatorium
4	Bedford Hall	25	Raymond Hall	48	Science Complex
5	Ceramics Building	26	Schneider Arena	49	Ruane Friar Development Center
6	Accinno Hall	27	Service Building	50	Shanley Hall
7	Cunningham Hall	28	Slavin Center		
8	Davis Hall	29	Sowa Hall		
9	DiTraglia Hall	30	Sullivan Hall		
10	Feinstein Academic Center	31	St. Dominic Chapel		
11	Guzman Hall	32	Smith Center for the Arts		
12	Harkins Hall	33	Concannon Fitness Center		
13	Howley Hall	34	Chapey Field at Anderson Stadium and Tennis Courts		
14	Hunt-Cavanagh Hall	35	Glady Field		
15	St. Joseph Hall	36	Arthur F. and Patricia Ryan Center for Business Studies		
16	Mal Brown Hall	37	Center for Catholic and Dominican Studies		
17	Martin Hall	38	Hickey Hall		
18	Meagher Hall	39	Koffler Hall		
19	McDermott Hall	40	The Center at Moore Hall		
20	McVinney Hall	41	Ruane Center for the Humanities		
21	Peterson Recreation Center	42	St. Catherine of Siena Hall		
		43	McCarthy Hall		
		44	Ray Treacy Track & Field Complex		

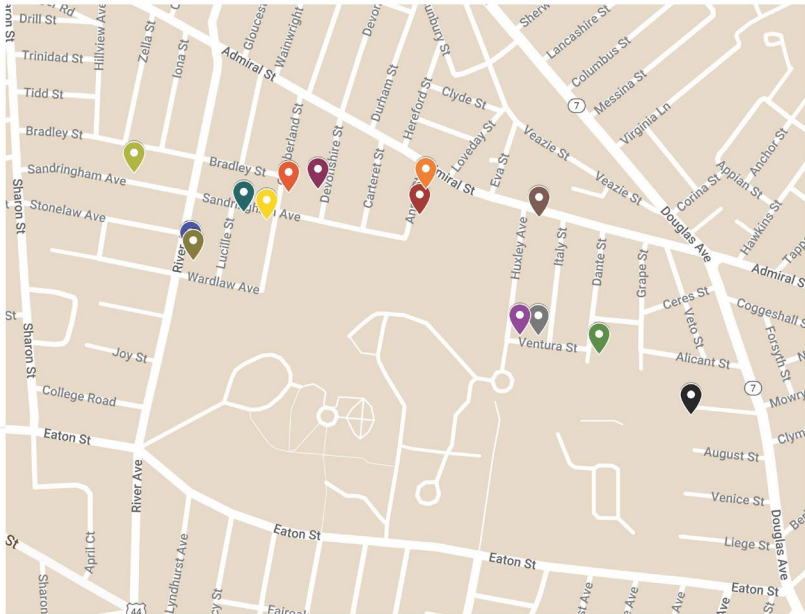
Appendix B College Owned Off-Campus Property 2022-2023

- 476 Admiral St
- 4 Annie St
- 20 Annie St
- 28 Annie St
- 31 Annie St
- 32 Annie St
- 43 August St
- 198 Camden Ave, apt 1
- 204 Camden Ave
- 206 Camden Ave
- 47 Cumberland St
- 55 Cumberland St
- 95 Dante St
- 101 Dante St
- 111 Dante St
- 58-60 Devonshire St
- 178 Eaton St
- 105 Hilltop Ave
- 247-249 Huxley Ave
- 251 Huxley Ave
- 309 Huxley Ave
- 7 Italy St
- 9 Italy St
- 67 Italy St
- 2 Lucille St
- 30 Lucille St
- 34 Lucille St
- 1 Mowry St
- 560 River Ave
- 653 River Ave
- 661 River Ave
- 665 River Ave
- 1 Sandringham Ave
- 64 Sandringham Ave
- 67 Sandringham Ave
- 71 Sandringham Ave
- 74 Sandringham Ave
- 135 Sandringham Ave
- 67 Ventura St
- 181 Wardlaw Ave
- 232 Comd Oliver Hazard Perry Highway, South Kingston



Appendix B College Owned Off-Campus Students Housing 2022-2023

- 476 Admiral St
- 4 Annie St
- 28 Annie St
- 47 Cumberland St
- 101 Dante St
- 58-60 Devonshire St
- 247-249 Huxley Ave
- 67 Italy St
- 1 Mowry St
- 661 River Ave
- 665 River Ave
- 64 Sandringham Ave
- 74 Sandringham Ave
- 135 Sandringham Ave



Appendix B

Non-College Owned Student Housing 2022-2023

