

# Student Conduct Proceedings

July 2015 through June 2016

## Introduction

Violations of the Standards of Student Conduct are handled through the Student Conduct Procedures and the guidelines governing the Academic Code, which are designed to address behaviors that impede the educational activity of the University or that infringe upon the rights of others. Most charges against students stem from Department of Public Safety reports or Campus Incident Complaint Forms regarding on-campus incidents. Sometimes, however, the Office of Student Conduct adjudicates cases that arise from off-campus incidents, especially in cases where there has been harm to individuals or the community. The Student Conduct Procedures often involve a hearing at one of several levels, depending on the severity of the charges and a student's individual student conduct history, before a matter is resolved. Individuals involved in determining a student's responsibility are drawn from the student body (undergraduate, graduate, medical school), deans and administrators of the University, and faculty members.

In addition to providing information about the offenses that make up the Standards of Student Conduct and the sanctions that are available to be assigned, this report will outline the types of cases that were resolved through the Student Conduct Procedures over the 2015-2016 academic year. As students are guaranteed confidential proceedings, only basic details about cases will be provided here. Information will be provided regarding each type of hearing, including who the hearing officers are, typical offenses that are adjudicated at that level, and the sanctions available at that level. Basic statistics about the resolution of all cases heard during the academic year are also provided.

Disciplinary Dispositions	Fall 2015	Spring 2016	Total
Letter in Lieu of Hearing	8	10	18
Dean's Hearings	94	179	273
Student Organization Hearings	3	1	4
Administrative Hearings	0	1	1
Student Conduct Board (SCB) Hearings	0	1	1
Student Conduct Board (SCB) Hearings – Student Organization	1	0	1
Investigations (Ongoing)	0	1	1
Investigations (No Action Taken)	0	2	2
<b>Totals</b>	<b>106</b>	<b>195</b>	<b>301</b>

## **Offenses (2015-2016)**

- I. Behavior that disrupts or materially interferes with the educational functions of the University including, but not limited to, halting a lecture, debate, or any public forum, obstructing the passage of others, or creating an imminent threat of such disruption or obstruction.
- II. Actions that are unreasonably disruptive of the University community and/or its neighborhoods.
- III. Violation of operational rules governing various offices, departments and facilities of the University (e.g., Residential Life, Student Activities Office, Dining Services, Computing and Information Services, the Libraries).
- IV. Misrepresentation:
  - a. Lying or materially misrepresenting information to an official University body or officer, including a member of the Department of Public Safety.
  - b. Lying in the course of a student conduct hearing.
- V. Failure to comply with the proper directive(s) of a University official, including refusing to identify oneself or refusing to present University identification to a University staff member, including members of the Department of Public Safety.
- VI. Alcohol:
  - a. Illegal or unauthorized possession or use of alcohol.
  - b. Manufacture of alcohol.
  - c. Sale or possession with intent to sell/provide alcohol.
  - d. Possession of mass consumption paraphernalia.
- VII. Drugs:
  - a. Illegal possession or use of drugs.
  - b. Manufacture of drugs.
  - c. Sale, provision, or possession with intent to sell/provide drugs and/or paraphernalia.
  - d. Possession of drug paraphernalia.
- VIII. Actions that result in or can be reasonably expected to result in damage to property.
- IX. Theft or attempted theft of property and/or possession of stolen property.
- X. Possession, use, or distribution of firearms, ammunition, explosives, or other weapons on campus.

- XI. Actions that result in or can be reasonably expected to result in harm to a person or persons.
- XII. Relationship or Dating Violence.
- XIII. Sexual Assault - Having or attempting to have sexual contact with another individual without consent. Sexual contact includes:
  - a. Sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate himself or herself with a body part or an object, however slight.
  - b. Sexual touching, including, but not limited to, intentional contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body.
- XIV. Harassment:
  - a. Subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating actions.
  - b. Subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating actions, including, but not limited to, those based on race, religion, sex/gender, disability, age, economic status, ethnicity, national origin, sexual orientation, gender identity, or gender expression. (See "Civil Rights & Non-Discrimination")
- XV. Stalking - Engaging in a course of conduct toward another person under circumstances that would cause a person to fear bodily injury or experience substantial emotional distress.
- XVI. Hazing - Method of initiation into or conduct of any student organization or group, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person.
- XVII. Retaliation - Engaging in conduct that may reasonably be perceived to:
  - a. adversely affect a person's educational, living, or work environment because of their participation in the reporting, investigation, and/or resolution of a report of a violation of University policy.
  - b. discourage a person from making a report or participating in an investigation of a policy violation.
- XVIII. Violation of the terms of any student conduct hearing sanction.

*\*Please note that changes have been made to the Code for the 2016-2017 school year. Please consult the website for the most up-to-date list of offenses.*

## Sanctions and Accompanying Terms

### Sanctions

Violations of the Student Conduct Code may result in the following sanctions, in order of increasing severity. When determining an appropriate sanction, hearing officers and members of the Student Conduct Board will consider the nature of the incident and its context as well as any prior disciplinary findings. All sanctions may include accompanying terms as appropriate. Violation of any sanction will warrant a review by the Dean of Students and may result in forwarding the matter to the Student Conduct Board or an administrative hearing.

- 1. Reprimand:** A reprimand is a written notice that a student has violated the Code of Student Conduct and that another violation will likely result in a more severe sanction.
- 2. Probation:** Probation is a designated period of time during which the student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code of Student Conduct. Restrictions and/or conditions regarding participation in University-sponsored activities may be imposed. Another violation will likely result in a more severe sanction.
- 3. Deferred Suspension:** Deferred suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code of Student Conduct. A student on deferred suspension shall not represent the University as an official delegate or representative, hold an office (elected or appointed) in University groups of any kind, or participate in University-sponsored travel or study abroad. If the student is found responsible for violating any additional University code or regulation during the period of deferred suspension, the student may be immediately suspended from the University and may be subject to additional sanctions for the subsequent violation. A deferred suspension may be accompanied by a transcript remark (See "Accompanying Terms for Sanctions" below). Another violation will likely result in a more severe sanction.
- 4. Suspension:** Suspension is separation from University for a designated period of time after which the suspended student may petition the Dean of Students for readmission to the University. The petition must demonstrate that the student has satisfied any accompanying terms of the suspension. A student who has been suspended may not be on University property without the prior approval of the Dean of Students. A suspended student is prohibited from participating in any University activity or program. A suspension may be accompanied by a transcript remark (See "Accompanying Terms for Sanctions" below).
- 5. Expulsion:** Expulsion is permanent separation from the University. A student who has been expelled is prohibited from entering any University premises and participating in any University activity or program without explicit permission. An expulsion may be accompanied by a transcript remark (See "Accompanying Terms for Sanctions").

## Accompanying Terms for Sanctions

A hearing officer or body may impose accompanying terms to any sanction designed to ensure responsible behavior and the well-being of the University community, help the responsible student learn from the experience, and ameliorate the effects of the conduct on the aggrieved student(s). The following terms may accompany any of the sanctions described above, except when noted.

1. **Parent/guardian notification:** Parents/guardians may be notified, in accordance with applicable regulations, of the outcome of any student conduct hearing.
2. **University file entry:** A University file entry is a non-permanent entry into a student's official University file. A copy of the written notification to the student of the outcome of the hearing is placed in the student's official University file. A University file entry will be removed no later than at the student's graduation from the University.
3. **Restitution:** Restitution is the repayment to the University or to an affected party for damages to property resulting from a violation of the Code of Student Conduct.
4. **Removal from University housing:** Separation of a student from University-owned housing (residence halls and rental properties) may accompany the sanction of any student conduct hearing. The separation from University housing must be for a designated period of time. Conditions for readmission to University housing may be specified.
5. **Transcript remark:** A transcript remark is a notation on a student's official University transcript. A transcript remark may accompany a deferred suspension, suspension or expulsion. Following a deferred suspension, a student may petition to have a transcript remark removed after one full semester. Undergraduate students must petition the Dean of Students; graduate students must petition the Dean of the Graduate School; medical students must petition the Dean of Medicine and Biological Sciences. For suspensions and expulsions, a permanent entry will appear on a student's transcript.
6. **Fines:** When appropriate, a fine may accompany the sanction of any student conduct hearing. In general, fines may range from \$25 (e.g., damage or theft to University property, failure to evacuate when a fire alarm sounds) to \$1000 (e.g., pulling a false alarm).
7. **Other accompanying terms:** Other terms designed to ensure responsible behavior may accompany the sanction of any student conduct hearing. These terms may include, but are not limited to, educational projects, meetings with educators/counselors, community restitution, housing relocation, and other assignments as warranted.

## **Procedures**

The Student Conduct Procedures often involve a hearing at one of several levels, depending on the severity of the charges and a student's individual student conduct history, before a matter is resolved. Information will be provided in this section regarding each type of hearing, including who the hearing officers are, typical offenses that are adjudicated at that level, and the sanctions available at that level.

### **Letter in Lieu of Hearing**

Alleged minor and first offense violations of University policies may be resolved through a letter in lieu of a hearing. Students receive a letter outlining the charges and the proposed sanction and accompanying terms (if any) and may choose to accept responsibility or proceed to a Dean's Hearing. Typical offenses resolved at this level include, but are not limited to, copyright violations (repeat violations), failure to submit immunization records or updated off-campus addresses, and failure to complete accompanying terms from a prior hearing. The only sanction available at this level is a reprimand, and one or more educational accompanying terms may be assigned.

### **Dean's Hearings**

Matters that are more serious but that do not warrant separation from the University and/or a permanent record notation are resolved through Dean's Hearings. The hearing officers for these hearings are University staff members, including deans, administrators, and community directors. Typical offenses that are heard at this level include, but are not limited to, underage possession or consumption of alcohol, provision/sale of alcohol to minors, possession or use of marijuana or other drugs, property damage or theft, disruptive behavior, and second-offense minor violations. If a hearing officer determines that a student is responsible, the sanctions available at this level include a reprimand, probation, and deferred suspension, and often one or more accompanying terms are assigned.

### **Student Organization Hearings**

Alleged violations of University policies by student organizations are resolved through Student Organization Hearings. The hearing officers for these hearings are University deans and administrators. Typical offenses that are heard at this level include, but are not limited to, hosting unauthorized social events, hazing, and destruction of University property. If a student organization is found responsible, the sanctions available at this level include a reprimand, probation, and deferred suspension for the organization. Student Organization Hearings often result in suspension of privileges, fines, restitution, alcohol and other education/counseling, community restitution, and/or party management training as accompanying terms.

## Administrative Hearings

Matters that may warrant separation from the University and/or a permanent record notation are resolved through Administrative Hearings and Student Conduct Board (SCB) Hearings. In some cases, a charged student may choose an Administrative Hearing in lieu of a SCB Hearing (note: this option is not available for students charged with bias-related harassment). All Administrative Hearings are conducted by a dean or administrative officer of the University. Typical offenses heard at this level include, but are not limited to, major theft, causing serious physical or emotional harm to others, and serious drug offenses. All sanctions, including expulsion, are available at this level and may be recommended by the hearing officer to the Dean of Students.

## Student Conduct Board Hearings

Student Conduct Board panels consist of one student generally corresponding to the respondent's University status (undergraduate, graduate, or medical) and two other members who may be deans or faculty members. The Student Conduct Board reviews evidence and hears testimony before determining whether a respondent is responsible for violating the Code of Student Conduct and, as appropriate, recommending a sanction and accompanying terms to the Dean of Students. Typical offenses heard by the Student Conduct Board are similar to those heard at Administrative Hearings, with the addition of all bias-related harassment and serious student organization infractions. All sanctions and accompanying terms, including expulsion from the University, are available at this level.

## Resolution of Investigations

For cases which are more complex, the University uses an investigator model to conduct investigations. This includes interviews with the primary parties and any relevant witnesses by a Student Conduct dean or an appointed investigator as circumstances warrant. At the conclusion of the investigation, a comprehensive report is generated and used as the basis for the decision about how to resolve the issue. Investigations can lead to no action if there is no basis on which to file charges, or charges may be filed against a student to be resolved at a Dean's Hearing, an Administrative Hearing, or a Student Conduct Board Hearing.

Investigations and Resolutions	Fall 2015	Spring 2016	Total
Open	0	1	1
No Action	0	1	1
No Action (Student Organization)	0	1	1
Dean's Hearing	7	5	12
Student Organization Hearing	1	0	1
Administrative Hearing	0	1	1
Student Conduct Board Hearing	0	1	1
Student Conduct Board Hearing (Student Organization)	1	0	1
<b>Totals</b>	<b>9</b>	<b>10</b>	<b>19</b>

## Case Outcomes 2015-2016

All Hearings	Fall 2015	Spring 2016	Total
Letter in Lieu of Hearing	8	10	18
No Finding of a Violation	25	75	100
Reprimand	56	63	119
Probation	15	35	50
Deferred Suspension	3	5	8
Suspension	0	2	2
Expulsion	0	0	0
No Action Taken	0	1	1
Charges Withdrawn	0	3	3
Open Cases	0	1	1
<b>Totals</b>	<b>107</b>	<b>195</b>	<b>302</b>

## Charges and Responsibility 2015-2016

Charge	Fall 2015		Spring 2016		Totals	
	Not Responsible	Responsible	Not Responsible	Responsible	Not Responsible	Responsible
II	29	43	63	54	92	97
III	17	44	7	46	24	90
IVa	5	7	0	0	5	7
IVb	1	1	0	0	1	1
V	4	35	9	17	13	52
VIa	4	29	10	6	14	35
VIc	2	0	0	2	2	2
VIIa	5	7	9	7	14	14
VIIId	0	6	1	5	1	11
VIII	6	9	3	13	9	22
IX	2	0	1	5	3	5
X	0	1	0	2	0	3
XI	3	2	5	3	8	5
XIVa	2	5	6	2	8	7
XIVb	1	0	4	1	5	1
XV	0	0	1	0	1	0
XVIIb	0	1	0	0	0	1
XVIII	1	1	8	6	9	7
<b>Totals</b>	<b>82</b>	<b>191</b>	<b>127</b>	<b>169</b>	<b>209</b>	<b>360</b>



## **Membership and Acknowledgments**

The work represented in these hearings is both time-consuming and complex. Much appreciation is extended to all members of the Brown community who invest their time, energy, and thoughtfulness to this process, including the students who serve on the Student Conduct Board and the faculty and staff members who serve as advisors, hearing officers, and Student Conduct Board members for the various types of hearings.

The Office of Student Conduct and members of the campus community participated in a review of the Code of Student Conduct during the 2014-2015 academic year. Several changes were made to the Code as a result of this committee's efforts, and further changes and clarifications were issued in Summer 2016. For the most up-to-date information on the Code of Student Conduct, including a current list of offenses, please consult the following website: <http://www.brown.edu/about/administration/student-life/student-conduct>.