

<b>Policy Title:</b>	<b>Sexual Misconduct or Relationship Violence Policy and Grievance Procedures</b>
<b>Applicability:</b>	<b>Campus-Wide</b>
<b>Oversight:</b>	<b>Title IX Coordinator</b>
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## **I. POLICY STATEMENT**

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. Sexual harassment is a form of sex discrimination when the conduct creates a hostile environment, which means that the behavior is sufficiently serious to limit or deny a person's ability to participate in or benefit from the College's educational programs and activities, or that the behavior is sufficiently serious to create a hostile employment environment. Sexual misconduct, sexual violence, and relationship violence are forms of sexual harassment.

The Sexual Misconduct or Relationship Violence Policy ("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, conduct is prohibited 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, sexually harassing behavior may not be severe or pervasive enough to create a hostile environment; yet, it can make others feel unreasonably uncomfortable and cause unwarranted trauma. Accordingly, the College considers such

behavior to be inappropriate and will take action as needed, regardless of whether the behavior is unlawful.

All students, staff, and faculty 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 or relationship violence are encouraged to report the incident so that the College can respond promptly, effectively, and equitably, in accordance with our Title IX Grievance Procedures. For grievance resolution procedures, please see Appendix A (Grievance Resolution Procedures for Reports of Policy Violations Against Students), Appendix B (Grievance Resolution Procedures for Reports of Policy Violations Against Staff), and Appendix C (Grievance Resolution Procedures for Reports of Policy Violations Against Faculty) 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 Safety and Security; generally, "responsible employees" must report such information when the incident involves any student.

## **II. REPORTING AND PRIVACY**

### **A. Reporting to the College**

**1) Introduction.** We strongly encourage students and employees to report sexual misconduct or relationship violence. We recognize individual's right 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 V.A.S.E. Coordinator (Victim Advocacy, Support, and Education) 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 V.A.S.E. Coordinator, however, will provide the Title IX Coordinator with a limited report (nature, date, time, and general location of the incident, if known). Beyond the normal hours of operation, when the Personal Counseling Center and Chaplain's Office are closed, students wishing to speak with one of the confidential resources can call the Confidential Disclosures Dispatch Number and a staff member will return the call. Students also can leave a message for the V.A.S.E. Coordinator who will respond as soon as possible.

- b) **Mandated Reporters.** All other faculty, staff, and administrators are “responsible employees” and thus mandated reporters. Mandated reporters who become aware of a claim or report of sexual harassment, including sexual misconduct, attempted or actual sexual assault, intimate partner violence (i.e., dating or domestic violence), stalking, sexual exploitation, or sexual coercion 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 a Title IX Coordinator or the Office of Safety and Security at the earliest possible time and within twenty-four (24) hours after receipt of the information. Persons who are mandated reporters include residence life staff (administrators, hall directors, and resident assistants), security officers, deans, work-study supervisors, faculty, staff, and athletics coaches and administrators. When an incident is reported to a “responsible employee,” students have the right to expect the College to take immediate and appropriate steps to investigate and resolve the complaint promptly and equitably, and to ensure that confidentiality will be protected to the extent possible under the law and College policy, i.e., that relevant information will be shared on a need-to-know basis only. 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.<sup>1</sup>

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<sup>1</sup> 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 Executive Director of the Office of Safety & Security, 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.

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.

- 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 [Day One: The Sexual Assault and Trauma Resource Center](#). Conversations with Day One 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.

**Off-Campus Confidential Disclosures.** Employees may disclose and/or receive confidential, trauma-informed counseling support from [Day One: The Sexual Assault and Trauma Resource Center](#) or the [E4 Health Employee Assistance Plan](#) (formerly called LifeScope). Conversations with Day One and/or E4 Health 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. Victims of domestic violence may seek help for themselves and their families by calling the state-wide, 24-hour helpline: <http://www.ricadv.org/en/help-services>.

**4) Student and Employee Reporters.**

- a) **Student Reporters.** All students (complainants and those who become aware of an incident) are strongly encouraged to report incidents of sexual misconduct and relationship violence to a Title IX Coordinator or the Office of Safety and Security so that the College can provide support services, implement safety and interim measures, investigate and resolve the complaint. Grievance information and procedures for resolving allegations of sexual misconduct and relationship violence 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, 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 designated “responsible employees” and thus 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 Safety and Security 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 and relationship violence against staff/administrators are provided in Appendix B (available [here](#)) and for allegations against faculty in Appendix C (available [here](#)). If there are conflicts between the grievance resolution procedures outlined in Appendix B or Appendix C and those outlined in any other College Handbook, Appendix B and Appendix C will be applied to resolve complaints brought under this Policy.
- e) **Employee Complaints.** Complainants who are employees may decide to provide notification of the complaint to their supervisor and/or to the Office of Human Resources, though they are not obligated to do so. 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, staff, administrator, faculty), 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 formal federal guidance.

**6) Duty to Provide Truthful Information – Knowingly False Reports Prohibited.** 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.

**7) Anonymous Reporting Options.** Any person may report sexual assault or relationship violence that occurs on or near campus 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.

Any person can provide information about a sexual assault or relationship violence to the Office of Safety and Security using email or a mobile device ([PC@tipnow.org](mailto:PC@tipnow.org) or 401.281.9933). The TipNow email and text messaging system sends an anonymous, timely message to the College's Security Office.

**8) 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 assault or relationship violence to the Office of Safety and Security. 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.

**9) Federal Timely Warning Reporting Obligations.** When the College receives a credible report of sexual assault or relationship violence 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 to report sexual assault and relationship violence not only to a Title IX Coordinator/Deputy Coordinator or the Office of Safety and Security, 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 Title IX Intake Meeting, students and employees will be given the opportunity to speak with a Law Enforcement Advocate. The Office of Safety and Security and/or the V.A.S.E. Coordinator will assist anyone wishing to file a criminal complaint. Students and employees do not need to file a criminal complaint in order to initiate disciplinary proceedings 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.

## **III. INTERIM MEASURES; RETALIATION**

### **A. Interim Measures – Availability of Supportive Services**

Interim measures are actions the College can take at any point in time in order to help protect the safety and health of a person who has disclosed behavior that would constitute a violation

of the Sexual Misconduct or Relationship Violence Policy. Such disclosure can be to a confidential resource (e.g., Personal Counseling Center, Student Health Center, V.A.S.E. coordinator, Chaplain), to a Title IX coordinator/deputy coordinator, to the Office of Human Resources, or, to the Office of Safety and Security, and the reporter does not have to file any type of complaint in order to speak with a College official about the implementation of interim measures. Depending on the specific circumstances, remedial or protective measures taken on an interim basis may be modified; they also may be temporary or permanent. The College will make every effort to honor requests for interim measures if such changes are reasonably available. The College will promptly address violations of protective measures.

The College will maintain the privacy of any remedial or protective measures to the extent practicable. Types of interim supportive and protective measures that may be requested and provided include medical and mental health services and referrals, academic accommodations, living accommodations, campus escort and transportation accommodations, work accommodations, suspension and other disciplinary action, and the issuance of a No-Contact Directive. A No-Contact Directive is a written document that informs the person to whom it is issued that certain conduct directed toward a specific person is prohibited and that violation of the Directive will result in disciplinary action. Students and employees may use the VAWA Visa and Immigration Resources for visa and immigration information as the College does not provide these legal services. The Office of Safety and Security can help a complainant to file an external complaint with law enforcement authorities.

An employee (staff/administrator) who is a respondent may request interim measures. These may include measures to support the employee's work effectiveness as well as his or her mental and physical health. These measures could involve reasonable workplace adjustments and/or referral to the Employee Assistance Program. Requests will be considered by the employee's supervisor and the Office of Human Resources, who will consult with other College officials as necessary.

## **B. Retaliation**

Retaliatory acts, or attempts to retaliate, against anyone who has reported in good faith sexual misconduct or relationship violence, who has participated (or is expected to participate) in any manner in an investigation or proceeding pursuant to this Policy, or who otherwise supports the report, are prohibited. Retaliation includes, but is not limited to, intimidation, verbal or physical threats, harassment, coercion, or other adverse action. When evidence of retaliatory behavior exists, appropriate disciplinary action will be taken.

#### **IV. 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. 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 exam does not mean that persons have to press 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. The Office of Safety & Security, Residence Life staff 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 wishing to speak with one of the confidential resources can call the Confidential Resources Answering Service and a staff member will return the call. Students also can leave a message for the V.A.S.E. Coordinator or a Title IX Coordinator who will respond as soon as possible.

#### **V. POLICY DEFINITIONS AND VIOLATIONS**

This Policy prohibits all forms of sexual misconduct, including sexual violence and intimate partner violence, broad categories of behavior more specifically defined below. This behavior is prohibited when it occurs between or among peers, and when it is directed to persons of a different or same sex as that of the harasser. Sexual misconduct can be carried out by students, students from other colleges, employees, or third parties.

## A. Key Definitions

1) **Sexual Harassment.** Unwelcome conduct of a sexual nature that is severe or pervasive, and that creates a hostile or abusive learning, working, or living environment, thereby unreasonably interfering with a person's ability to learn or work, or to access or participate in a College program or activity, and the 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 and regards it as offensive. The fact that a person may accept the conduct does not mean that s/he welcomes it. Sexual harassment can include behavior as part of a hazing incident.

Sexual harassment includes sexual advances or conduct, requests for sexual favors, or other conduct of a sexual nature when: (1) submission to or rejection of such conduct is made, explicitly or implicitly, a basis for an academic or employment decision, or a term or condition of either, or a term or condition for participation in any College program or activity (often referred to as "*quid pro quo*" harassment"); or, (2) such conduct is sufficiently severe or pervasive (assessed both subjectively and objectively) that it has the purpose or effect of unreasonably interfering with or eliminating access to programs and activities because it creates an intimidating, hostile, humiliating, or sexually offensive learning, living, or working environment. To help assess whether a hostile environment exists, 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 complainant's mental or emotional status;
- 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.<sup>2</sup>

Sexual harassment includes behavior not sexual in nature but behavior directed toward a person because of the person's sex and/or gender, including harassment based on the

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<sup>2</sup> 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 of truth, and in that search, we allow speech that might not be tolerated in other settings. Policies forbidding discriminatory harassment do not threaten academic freedoms.

person's nonconformity with gender norms and stereotypes. Sexual harassment includes 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 the conditions outlined in (1) or (2) in the above paragraph are present.

It is not possible to list all circumstances that might constitute 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 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.

For purposes of this Policy, the various forms of Sexual Harassment are referred to as "Sexual Misconduct." In addition to the above, specific examples of sexual harassment constituting violations of this Policy are:

**2) Sexual Assault – Non-Consensual Sexual Intercourse or Attempted Sexual Intercourse.** Any form of sexual intercourse (anal, oral, or vaginal) however slight, or attempted sexual intercourse, without consent. Intercourse means penetration by a penis, object, tongue, or finger, and oral copulation by mouth to genital contact or genital to mouth contact.

**3) Non-Consensual Sexual Contact.** Any intentional sexual touching, or attempted sexual touching, without consent. Intentional sexual contact includes contact with the breasts, buttocks, groin, genitals, mouth, or touching another with any of these body parts, or making another person touch any of these body parts; any intentional bodily contact in a sexual manner; any disrobing of another or exposure to another without consent.

**4) Intimate Partner Violence – also referred to as "Relationship Violence" includes:**

**Dating Violence.** Causing or attempting to cause physical or sexual assault or abuse, placing another in reasonable fear of serious bodily injury, restricting another's liberty or freedom of movement, or stalking, where such conduct is directed against a person by someone with whom she/he is or has been in a romantic or intimate relationship. Whether there was such a relationship will be determined by its length, type, and frequency of interaction.

**Domestic Violence.** Causing or attempting to cause physical or sexual assault or abuse, placing another in reasonable fear of serious bodily injury, restraining another's liberty or freedom of movement, or stalking, where such conduct is directed against a person by his/her current or former spouse or intimate partner, or any other person from whom the targeted person is protected under federal or Rhode Island law.

**5) Sexual Exploitation.** 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.

**6) Stalking.** A pattern of conduct with a continuity of purpose composed of a series of acts or communications over a period of time, including following the targeted person, without proper justification. The conduct causes a reasonable person to suffer substantial emotional distress, or to be in fear of bodily injury. Stalking can occur face-to-face; by telephone calls, voice messages, electronic messages, web-based messages, and text messages; by delivery of unwanted gifts; by trespassing; and by surveillance or other types of unwanted observation.

**7) Complicity.** Assisting, facilitating, or encouraging the commission of a violation of the Sexual Misconduct or Relationship Violence Policy.

**8) Retaliation.** Retaliatory acts, or attempts to retaliate, against anyone who has reported in good faith sexual misconduct or relationship violence, who has participated (or is expected to participate) in any manner in an investigation or hearing pursuant to this Policy, or who otherwise supports the report. Retaliation includes, but is not limited to, intimidation, verbal or physical threats, harassment, coercion, or other adverse action. 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 complaint. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Policy violation.

**9) Consensual Sexual Relationship.** A sexual relationship between two people who both genuinely desire, and voluntarily enter into and continue, the relationship. A consensual romantic or sexual relationship between a faculty member and a student, or between a supervisor and a subordinate employee, can have the effect of undermining the atmosphere of trust and professional responsibility, and can create both an appearance of impropriety and an actual conflict of interest. Faculty members are not permitted to have a consensual sexual relationship with students who are enrolled in their courses, who are majors or graduate students in their departments, or over whom they either currently exercise, or could reasonably be expected to exercise within the foreseeable future, any type of supervision or academic/professional judgment. Likewise, department managers and supervisors should not have a consensual sexual relationship with students or employees who are in their line of supervision or authority.

Faculty members and employees who enter into a sexual relationship with a student or subordinate employee must realize that if a charge of sexual harassment is subsequently filed, it will be exceedingly difficult to prove immunity on grounds of mutual consent. The respect and trust accorded a professor by a student, as well as the power exercised by the professor, make a claim that the student voluntarily consented suspect; therefore, this type of relationship may create the presumption of sexual harassment due to the unfair exploitation of the power inherent in the position of the professor. Employees are expected to be aware of their professional responsibilities and to avoid apparent or actual conflicts of interest, favoritism, or bias.

Employees who, despite this Policy, are in a sexual relationship with persons over whom they have, or are reasonably anticipated to have, authority, control, or supervisory responsibility are required to immediately report the relationship to their respective supervisor, the Office of Human Resources, and/or the Title IX Coordinator. Complaints regarding consensual relationships by non-participating persons will be treated as third-party sexual harassment or sexual misconduct complaints.

## **B. Supporting Definitions**

**1) Preponderance of Evidence Standard.** The standard of proof in the College's Title IX proceedings for resolving complaints of sexual misconduct or relationship violence. The preponderance of evidence standard requires proving that it is more likely than not that sexual misconduct occurred.

**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. 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 status 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.

## **VI. REPORTING AND OTHER RESOURCES**

### **Title IX Coordinator/Deputy Coordinators:**

#### Title IX Coordinator

Dr. James Campbell, Assistant Vice President for Student Development & Compliance

Direct: (401) 865-2676; Administrative/Scheduling: (401) 865-2813

Office: Slavin 203

James.Campbell@providence.edu

#### Title IX Deputy Coordinator

Quincy Bevely; Assistant Dean of Students, Director of Cultural Education

Direct: (401) 865-1525; Administrative/Scheduling: (401) 865-1782

Office: Slavin 104

qbevely@providence.edu

#### Title IX Deputy Coordinator

Tiffany Gaffney, Associate Dean of Students

Direct: (401) 865-2191; Administrative/Scheduling: (401) 865-1782

Office: Slavin 104

tgaffne1@providence.edu

#### Title IX Deputy Coordinator

Dr. Deborah Johnson, Professor of Art

Direct: (401) 865-2187

Office: Hunt-Cavanagh 205

doctorj@providence.edu

#### Title IX Deputy Coordinator

Dr. Sandra Keating, Associate Professor of Theology, Director DWC Program

Direct: (401) 865-2230

Office: Ruane 232

skeating@providence.edu

#### Title IX Deputy Coordinator

Jill La Point, Assistant 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

Malin Marin-Bean; Director of Employment/Associate Director for Human Resources  
Direct: (401) 865-2987; Administrative/Scheduling: (401) 865-2745  
Office: Harkins 302  
mmarin@providence.edu

Title IX Deputy Coordinator

Marissa Mezzanotte; Academic Coordinator for Men's Basketball  
Direct: (401) 865-2667  
Office: Library 231  
mzadrozn@providence.edu

Title IX Deputy Coordinator

Judy Morse, Assistant Professor of Accounting  
Direct: (401) 865-2721  
Office: Ryan Center 254  
jmorse@providence.edu

Title IX Deputy Coordinator

Stanley Vieira; Director of Citizenship & Off-Campus Life  
Direct: (401) 865-2428; Administrative/Scheduling: (401) 865-2392  
Office: Slavin 105  
svieira@providence.edu

**Confidential Resources (as defined in this Policy):**

Personal Counseling Center - 401-865-2343; After Hours 401-865-1333  
Office of the Chaplain - 401-865-2216; After Hours 401-865-1333  
VASE (Victim Advocacy, Support, & Education) Coordinator - 401-865-1177  
Student Health Center - 401-865-2422  
Confidential Resources Answering Service - 401-865-1333

**Additional Campus & Community Resources:**

Office of Safety and Security - 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  
Day One: The Sexual Assault & Trauma Resource Center - 1-800-494-8100 (24 hour helpline); 401-421-4100 (General)  
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) 272-3121  
Special Victims Unit: (401) 243-6331; Law Enforcement Advocate: (401) 243-6338

**Anyone may file a complaint with the Federal Office for Civil Rights:**  
U.S. Department of Education, 5 Post Office Square, Boston, MA 02109-3921  
617-289-0111; Fax 617-289-0150; TDD: 877-521-2172  
Email: OCR.Boston@ed.gov

## **VII. PREVENTION AND AWARENESS PROGRAMS AND TRAINING**

The College’s awareness and prevention programs, initiatives, and strategies are community-wide or audience-specific and are aimed at preventing violence, promoting safety, and reducing perpetration. Educational efforts focused on prevention, risk minimization, and bystander intervention include primary prevention and awareness programs for incoming students and new employees, and ongoing training and related education for students and employees. The Annual Security and Fire Safety Report (available [here](#)) provides additional information about programming and training.

## **VIII. RELATED POLICIES AND INFORMATION**

**Title IX/Sexual Harassment:** Visit <https://sexual-harassment.providence.edu/>  
[Family Educational Rights and Privacy Act \(FERPA\) Guidance](#)  
[Mandatory Reporting of Sexual Misconduct Policy](#)  
[Child Abuse or Neglect Reporting Policy](#)  
[Hazing Policy](#)

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