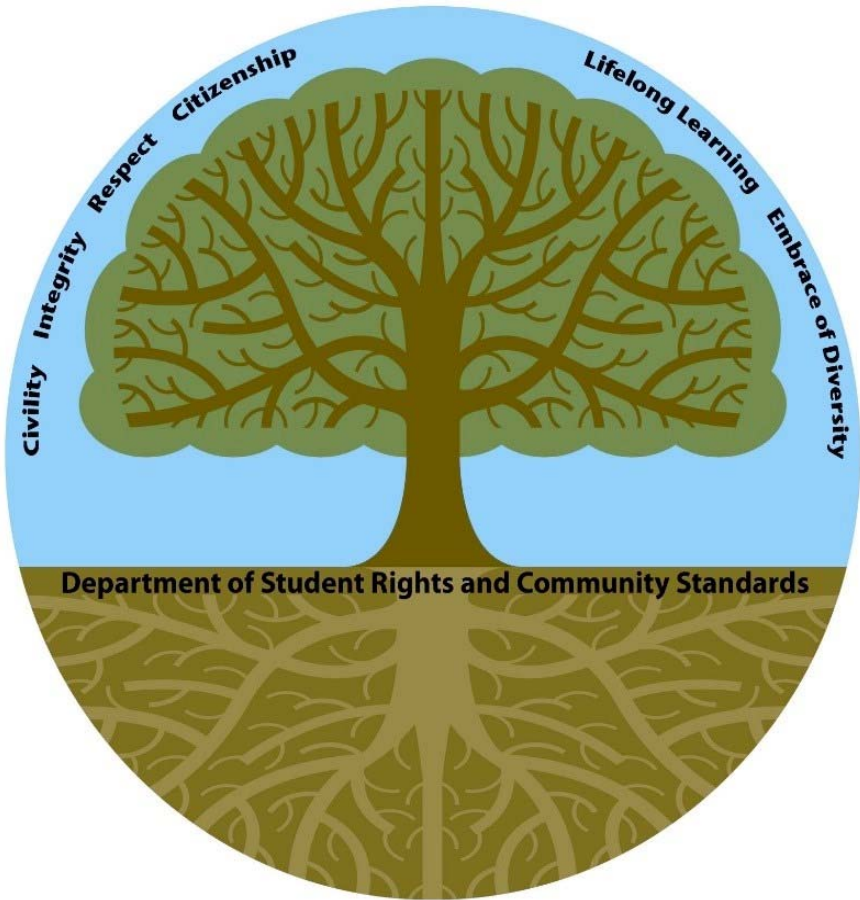


Rights and Responsibilities



2014 – 2015

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Introduction

The vibrant Brandeis University community and its compact and complex campus necessitate that safeguards be provided to insure the freedom to explore the resources we enjoy and to express ourselves appropriately. In protection of these freedoms, the University must establish certain standards of personal and interpersonal conduct. The University may apply sanctions or take other appropriate action when the conduct of individuals interferes with the freedom to teach and learn, the safety and health of persons in the community, the maintenance or protection of property, the maintenance of necessary records, the provision of living accommodations and other services or the sponsoring of non-classroom activities such as lectures, concerts, athletics events and social functions.

All students enrolled in any undergraduate, graduate or advanced academic course or program, on our campus or via Internet-based programs or courses are members of the University community, and therefore are responsible for meeting all standards in this code. Resident students and nearby commuters are also citizens of the City of Waltham or another municipality within the Commonwealth of Massachusetts. As citizens, students are responsible to the community of which they are a part, and the University neither substitutes for nor interferes with regular legal processes. Students are also accountable for offenses against the academic community. Therefore, an action involving a student in a legal proceeding in a civil or criminal court does not free the student from responsibility for conduct in a University proceeding. If a student is charged in both jurisdictions, the University will proceed with its internal review according to its own timetable.

These policies and procedures are set forth in writing in order to give all students a general notice of community standards. A student who decides to study at another institution, whether domestically or abroad, while remaining enrolled at Brandeis, either as an undergraduate, graduate or continuing education student, including Internet-based distance learners, must adhere to Brandeis policies, including but not limited to those set forth in this code. Students who violate campus or community standards may face disciplinary action at Brandeis and/or the host institution.

The University reserves broad latitude in defining and interpreting standards of behavior, and in construing these policies and procedures. The University routinely updates these policies and procedures, and updates will be posted online and distributed to all enrolled students via campus email. The most recent version of these policies and procedures, inclusive of any updates, will be applied to any new issues that arise, and it is the responsibility of all students to be aware of any updates.

Community Standards of Behavior

Terms and conditions

The following definitions and conditions are operative for all sections of "Rights and Responsibilities." Some sections contain additional terms that are specific to their topic.

Exclusion to Privacy Rights for Court Order/Subpoena: Any records or other evidence retained by the University can be subject to production by court order.

Brandeis Community Member: Any individual with an active status as a faculty member, staff member or student. Students who are inactive for any reason are not community members for the purpose of “Rights and Responsibilities.” Faculty and staff members on involuntary leave and alumni are not community members with regard to “Rights and Responsibilities” unless they hold another active affiliation.

Student: Any person enrolled in any (undergraduate or graduate) academic program or course at Brandeis University, including Brandeis-sponsored distance or Internet-based courses, up to and including the student’s commencement day or the last day of evaluation for non-degree students.

Faculty: Any person, currently employed by Brandeis University, who instructs a course that is listed on an official transcript or who is listed in the Faculty Guide.

Staff: Any person who is employed by Brandeis University. Staff may include faculty or employed students. The term “administrator” is incorporated into this definition. Sub-contracted individuals are typically incorporated into this definition also.

Class Days: Days on which the University Registrar has indicated classes are in session. Final exam periods and Senior Week are also included as class days. University holidays (during which classes are suspended) and recesses are excluded from class days.

Business Days: Days on which the University’s business operation is active as indicated by the Office of Human Resources. Floating holidays are considered business days.

Calendar Days: All days on the calendar, including weekends, holidays, recesses, class days and business days.

Accuser: Any Brandeis community member who has submitted a Community Standards Report and has made the choice to initiate a formal adjudication process.

Accused: Any Brandeis student who has been charged with a violation of “Rights and Responsibilities” in a formal adjudication process by an accuser.

Discloser: Any person, anonymous or known, who informs a Brandeis community member about the behavior of a student or other person verbally or in writing by means other than submitting a Brandeis Police Report or a Community Standards Report.

Disclosure: Any verbal or written description made in good faith of a student’s behavior by means other than a Brandeis Police Report or a Community Standards Report. Emailed or posted correspondence is a disclosure. A disclosure cannot initiate a formal adjudication process.

Report: An official University disclosure document that describes the behavior of a student or another person. Reports include Brandeis Police Reports and Community Standards Reports. Emailed or posted correspondence is not a report.

Reporter: Any person who has filed a Community Standards Report in good faith that includes the filer's identity. Anonymous persons are not reporters.

Advisor: Any Brandeis community member who serves as a passive support person to an accuser or accused during an official meeting of a formal adjudication process. Though a potentially important source of support and guidance, the advisor's participation is not required for the party's progression through the adjudication process. An advisor may not also serve as a witness. This role is described in greater detail in following sections where it is relevant.

Community Standards Report (CSR): An official report to the University's DOS Office about the behavior of a student or another person. A CSR may be submitted by a person who self-identifies or by a person who wishes to remain anonymous. A CSR is required to initiate a formal adjudication process, though a CSR does not automatically initiate a formal adjudication process. The reporter must choose to initiate a formal adjudication process. Upon the choice to initiate a formal adjudication process, the reporter becomes an accuser.

Brandeis Police Report: An official report to the University's Department of Public Safety and Campus Police about the behavior of a student or another person. A Brandeis Police Report does not automatically initiate a formal adjudication process. **Note:** Section 3 offers additional reporting options for behavior related to sexual assault/misconduct.

Dean of Students (DOS): The DOS typically oversees the policies and procedures found in "Rights and Responsibilities," including formal and informal adjudication processes. Whenever the position of DOS is referenced in "Rights and Responsibilities," it also includes any Dean's designee. The Dean of Students receives his/her authority from the chief student affairs officer of the University as designated by the President of the University. The current chief student affairs officer is the Senior Vice President for Students and Enrollment (SVPSE), who may also serve, or designate a staff member to serve, in the role of DOS for any given case as circumstances require.

Department of Student Rights and Community Standards (DSRCS): The department that oversees the Peer Review Process, in conjunction with the Director of Academic Integrity. The DSRCS reports to the DOS Office. The Director of the Department of Student Rights and Community Standards will be known as the DDSRCS. The DOS or SVPSE may serve, or designate a staff member to serve, in the role of the DDSRCS for any given case as circumstances require.

Director of Academic Integrity (DAI): The staff person who oversees academic integrity — related Peer Review Processes. The Director of Academic Integrity reports to the DOS Office. The DOS or SVPSE may serve or designate a staff member to serve in the role of the DAI for any given case as circumstances require.

Peer Review Process (PRP): A formal adjudication process that addresses alleged violations of "Rights and Responsibilities," except for allegations of sexual misconduct or gender-based violence/harassment. The PRP is detailed in section 18.

Special Examiner's Process (SEP): A formal adjudication process that addresses allegations of sexual misconduct or gender-based violence/harassment. The SEP is detailed in section 22.

University Official: Any person who is a faculty or staff person acting on behalf of the University.

Student Conduct Board (SCB): An entity that formally adjudicates students in the PRP. The SCB shall hear cases of alleged violations of community standards of behavior or University policies referred to it by the DDSRCS or the DAI, with the exception of cases related to gender-based allegations.

University Appeals Board (UAB): The UAB shall hear appeals of decisions of the SCB, the SEP and appeals of decisions of any *ad hoc* board, which may be formed at the discretion of the DOS.

Formal Adjudication: An internal, University adjudication process that requires that a CSR has been submitted by a reporter who wishes to serve as a willing accuser and the result of the adjudication will contain sanctions and/or protective measures if the accused is found responsible for one or more violations of “Rights and Responsibilities.” The PRP, the SEP and University Sanctions in section 21.4 are examples of formal adjudications.

Informal Adjudication: An internal University adjudication that requires a disclosure. If a CSR exists, the discloser or reporter has decided not to serve as an accuser. No formal charges are levied against a student whose behavior is described. No sanctions can be issued, because there is no formal opportunity for the described student to refute the disclosure or report. A Misconduct Inquiry is an example of an informal adjudication.

Sanction/Protective Measure: When a student is found responsible for one or more allegations in a formal adjudication process, sanctions and/or protective measures will be identified as outcomes.

Records: Data, regardless of its medium (digital, handwritten, typed and so on) that is retained in a student’s conduct history file. CSRs, Choice of Action Forms, Hearing Reports and Special Examiner’s Reports are a few examples of records.

Amnesty: Leniency offered to reporters or disclosers that is intended to maximize safety and well-being when one or more associated persons may also have been engaged in behavior that conflicts with community standards. Amnesty is described in greater detail in following sections where it is relevant.

Section 1. Personal Identification and Representation

1.0. Honest Self-Representation: The climate of life in the academic community must be one of honesty, acceptance of responsibility and willingness to represent clearly and accurately oneself, one’s own work (including academic assignments — see section 4) and one’s activities. A student is expected to respect the following standards.

1.1. True, Complete Information: Furnish correct, truthful and complete information to University officials, committees, examiners or boards.

1.2. Preservation of Evidence: Preserve and maintain evidence so as not to deny its presentation to University officials, committees, examiners or boards.

1.3. Appearance before Officials: Appear before a University official, committee, examiner or board when properly notified to appear if you are a principal party to a report.

1.4. Preservation of Records: Preserve the integrity, legitimacy and accuracy of all records, documents, writings and identifications, inclusive of all media types, used or maintained by the University so as to avoid injury, fraud or misrepresentation.

1.5. Self-Identification: Self-identify with a University Identification Card when requested by an authorized University official. The official must, in turn, provide identification if the student requests it. If a service or access to a space or resource requires the production or reading of your ID, you are expected to possess the ID on your person at the time the service or access is sought.

1.6. Identification Cards: Utilize the University Identification Card exclusively for the student's own use in obtaining University services and privileges. A student may obtain an Identification Card at the Campus Card Office at the beginning of the student's first academic year. A student's Identification Card and its applications are not transferable. Lost cards can be reported online through the Campus Card Office website by clicking on the appropriate link. This will disable your card and protect your meal plan accounts and access. If you find your card before you have a chance to replace it, you can use the same steps to re-activate your card. Damaged cards will be replaced free of charge, but there is a fee to replace a lost card. The student must turn in the damaged card to the Campus Card Office, located in Kutz Hall.

See <http://www.brandeis.edu/services/campuscard/index.html>.

1.7. Proper Entitlement to Privileges: Seek and/or obtain only those University privileges or services (check cashing, student elections, athletic events, group examinations, registration, library, campus technologies, etc.) to which the student is properly entitled.

1.8. Encouragement of Others to Violate Policy: Refrain from encouraging, enticing, influencing, assisting or enlisting another student to violate any of the University standards or policies listed in this code or other official University documents.

1.9. Official Correspondence via Brandeis Email: Maintain currency with the use of the University-issued email account. This account is the University's primary means of communicating information important requests, updates, policies, procedures and events. Students will be responsible for emailed notices and instructions and should take care to forward their Brandeis email to a preferred account if another account is preferred.

Section 2. Respect for the Health, Safety and Rights of Community

Note Regarding Amnesty: Amnesty is granted to students who report behaviors described in this section. This means reporting students will not be subject to disciplinary action for minor code infractions discovered as a result of contacting University officials or support staff (see section 5.0 Medical Amnesty Policy). The DOS Office reserves the right to take action to protect the health and safety of the individual and the community (see section 21.1).

All members of the community share the responsibility for protecting and maintaining community health and safety and the rights of other persons. Concentrated housing, varied activities and the needs of students, faculty and staff for freedom to pursue their own educational and co-curricular tasks and to complete job-related responsibilities free from hazards and unreasonable intrusions, bias and discrimination requires the cooperation of all in maintaining these standards of respect. In furtherance of these goals, students must:

2.0 Non-Discrimination and Harassment Policy: Refrain from engaging in discriminatory or harassing conduct. Brandeis University is committed to providing its students, faculty and staff with an environment conducive to learning and working where all people are treated with respect and dignity. Toward that end, it is essential that Brandeis be free from discrimination and harassment on the basis of race, color, ancestry, religious creed, gender identity and expression, national or ethnic origin, sex, sexual orientation, age, genetic information, disability, veteran status or any other category protected by law.

Note: Title IX of the Education Amendments of 1972 requires the prohibition of sex and gender discrimination. Questions about Title IX should be referred to the Title IX Coordinator, Ms. Linda Shinomoto, Director of Employee Relations and Title IX Coordinator in the Office of Human Resources. She may be reached by phone: 781-736-4456, by email: shinomoto@brandeis.edu or at her office: Bernstein-Marcus Administration Building, Room 108.

The Office for Civil Rights (OCR), a part of the United States Department of Education, can also respond to questions about Title IX. Contact the OCR at its Boston office: 617-289-0150 or at its National Headquarters: 800-421-3481. Find the OCR online at <http://www2.ed.gov/about/offices/list/ocr/index.html>.

It is the University's responsibility to help prevent harassment and discrimination from occurring, to pursue concerns of which it is aware, to objectively investigate concerns, and to take immediate and appropriate action to remedy issues of harassment and discrimination. Brandeis takes this responsibility seriously. Therefore, violations of this policy will not be tolerated and may result in corrective actions up to and including dismissal from school or release from employment.

Harassment is a form of discrimination and will not be tolerated. It is regarded as harassment when the conduct has the purpose or effect of unreasonably interfering with a person's education or work performance by creating an intimidating, hostile or offensive environment in which to work, study or live; or otherwise adversely affects a

person's employment or educational opportunities. This may include, but is not limited to, hiring, firing, salary increases, promotions, grades, recommendations, scholarly or teaching opportunities, participation in extracurricular activities and student organizations.

Examples of Harassment/Discrimination: There are many forms of harassment/discrimination that create a hostile educational or work environment. Depending on the circumstances, the following are examples of behaviors that may constitute harassment/discrimination under this policy. This is not an exhaustive list:

2.0.a. Jokes, comments or innuendoes that make fun of, denigrate or are based on an individual's or group's protected class status. Bullying.

2.0.b. Epithets or slurs based on an individual's or group's protected class status.

2.0.c. Objects, posters, cartoons or pictures that make fun of, denigrate or are based on an individual's or group's protected class status whether directed to an individual, placed on University premises or displayed or circulated on campus.

2.0.d. Displaying, sending, forwarding, downloading or otherwise distributing materials via the Internet, cellular data network, computer or email that make fun of, denigrate or are based on protected class status.

2.0.e. Other verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or group based on protected class status.

2.1. Compliance with Instructions of Officials: Comply with instructions of University officials, Special Examiners, committees or boards.

2.2. Compliance with Adjudicative Decisions: Comply with the final decision of the Student Conduct Board, the PRP, the SEP, the University Appeals Board and with any Administrative Action or University Action.

2.3. Obstruction of University Functions: Recognize and allow for the legitimate functions of the University. Obstructing or disrupting teaching, research, administrative, public service, disciplinary or other authorized functions is unacceptable.

2.4. Threats Against Public Safety: Refrain from initiating a false fire alarm or issuing any type of threat, actions which are strictly prohibited. Use safety equipment and/or initiate safety procedures only when it is necessary (this includes, but is not limited to, fire equipment, fire alarms, fire drills and exit lights) (see sections 8 and 9.15.m).

2.5. Weapons: Not possess or use firearms (including blank pistols and replicas, bb guns and pellet guns), explosives, knives, fireworks, nun-chucks, paintball guns and other articles or substances usable as weapons on University property. All such items are prohibited at Brandeis.

2.6. Loudspeakers: Obtain clearance from the Department of Student Activities for the use of loudspeakers or other sound amplification equipment at outdoor events.

2.7. Animals on Campus: Refrain from bringing any dog or other animal onto the campus without a leash. Students are prohibited from allowing any unrestrained animal to enter any campus building or allowing any restrained or unrestrained animal (other than guide and service animals) to enter dining service buildings, campus centers, residence halls or libraries (see section 9.4). Service or assistance animals may be approved by Disabilities Services in collaboration with the Department of Community Living.

2.8. Host Responsibility for Guests: Assume responsibility for the actions, damage or injuries caused by or costs incurred for the services related to hosting a guest on campus. The University reserves the right to impose requirements related to the safety or security concerns of a visit by a guest, and to assess the host for the cost of meeting these requirements (see sections 9.6 and 9.10).

2.9. Compliance with Official University Policies in Other Publications: Comply with the regulations enumerated in other official University publications and documents (e.g., library policies, computer use policies, Dining Services policies, the Residence Halls and Meal Plan License, traffic and parking policies, and financial aid policies).

2.10. Respect for the Integrity and Personal Rights of Others: (Note: Due to the seriousness of any accusations regarding these policies, any students involved in these incidents may be placed on campus restrictions or emergency suspension pending the outcome of any investigation or conduct process.) Refrain from any behavior that:

2.10.a. intimidates.

2.10.b. threatens.

2.10.c. harasses or bullies (see above regarding harassment).

2.10.d. physically harms or is considered unwanted physical contact (some examples: hitting, pushing or physical altercations/violence of any kind).

2.10.e. invades personal privacy.

2.10.f. endangers the health, safety or welfare of any other person on or off campus.

2.10.g. defames or slanders.

2.11. Electronic Devices and Privacy: Refrain from using computers, cellular phones, tablets, cameras or other electronic devices in any manner that causes disruption to or invades another individual's privacy in a classroom, library or other campus facility or any campus event. This includes misuse of computer and/or cellular devices with photographic, audio or video recording or streaming, or text messaging capability (see sections 3.3.e, 10.2, 10.3, 10.4 and 16.1). The interception or recording of another person by any technological means without the subject's consent, including offline or Internet-connected devices, will be considered a violation of this section.

2.12. Hazing: Hazing is an activity expected of someone joining or participating in a group that humiliates, degrades, abuses or endangers them (physically or emotionally), regardless of a person's willingness to participate. Examples of hazing common across student groups include: alcohol consumption; humiliation; isolation; sleep-deprivation; sex acts; initiating or disciplining fellow students, often in the nature of forced alcohol consumption; and humiliating or painful ordeals (see Appendix A for related Massachusetts law) (see section 1.8).

2.13. Retaliation: Retaliation is strictly prohibited and may result in sanctions up to and including dismissal. Any verbal or physical behavior or actions (including digital communications like texting or social media posts) that could be construed as retaliation for an individual's good-faith disclosure or report about another person's behavior to the Department of Public Safety, the Department of Student Rights and Community Standards or another University official, or for a person's participation in an informal or formal adjudication of the disclosed or reported behavior. Retaliation against the peer group, family or associates (third parties) of a reporter is also prohibited, regardless of whether individuals have participated in an adjudicative process.

Section 3. Sexual Misconduct and other Forms of Interpersonal Violence

The University will not tolerate the following behaviors that endanger the health, safety or welfare of any person, on or off campus. Due to the seriousness of any integrity or personal rights accusations and accompanying issues that may impact the Brandeis community, any student accused of being involved in such an incident may be subject to campus restriction, emergency suspension or other University Action as soon as the accusation is known to University administrators and pending the outcome of any formal or informal adjudication (see section 21).

The language in this section describes a wide spectrum of verbal and physical behaviors. As determined by the DOS in conjunction with the Title IX Coordinator, the formal adjudication process that will be used to address violations in this section will be the SEP, not the PRP. When a reporter describes multiple allegations in a single CSR, some of which are gender-related (as described below) and others of which are not gender-related, the University reserves the right to combine the allegations into one, or multiple, Special Examiner's Processes.

Terms

Consent: Communication about sexual contact or sexual intercourse that is cognitively aware, explicit, affirmative and free of coercion, force or intimidation. While consent may be sought verbally or through actions, the manner of communication must be mutually understandable as clear permission (including conditions and boundaries) for sexual contact or sexual intercourse.

Silence, in the absence of other modes of communication, cannot be interpreted as consent. A person need not resist sexual advances in order to demonstrate a lack of consent.

Interim Measures: Due to the seriousness of sexual or gender-based misconduct allegations and accompanying issues that may impact the Brandeis community, any student accused of sexual or gender-based misconduct may be subject to interim measures, including: removal from certain roles or positions, University Action and restrictions (see section 21.1) or Emergency Suspension (see section 21.2) pending the outcome of any investigation or formal disciplinary process. Students who are employed in roles in which they have a power dynamic over others, or are charged with responsibility for representing the University, will be suspended from those roles pending any outcome.

Special Examiner's Process (SEP): The formal adjudication process of gender-based allegations, including sexual misconduct, domestic violence, dating violence, stalking and sexual harassment.

3.1. Sexual Misconduct Policy: Brandeis University expects all members of the University community to treat one another with respect. Policies regarding sexual misconduct emphasize sexual sovereignty, personal accountability, as well as recognition of the impact of one's behavior on others. All members of our community have the right to be free from sexual misconduct.

Prohibition of Sexual Misconduct: Students are strictly prohibited from engaging in sexual misconduct. Sexual contact that occurs without the explicit consent of each person involved is considered sexual misconduct. Consent must be clearly and affirmatively communicated, mutual, non-coercive and given free of force or threat of force.

Students are encouraged to examine their own values, communicate with one another clearly, acknowledge the surrounding circumstances, as well as the condition of others and the nature of each others' requests. Failure to actively seek mutual consent raises the prospect that the sexual contact occurred without sufficient communication and may be considered sexual misconduct.

Notes on Sexual Misconduct

The term "rape" is one with variable definitions across jurisdictions and cultures. Brandeis chooses to avoid confusion by using the term "non-consensual intercourse." While the behaviors listed in this definition are often considered rape, it is important to remember that an accuser need not prove that rape occurred for a finding of responsibility to be reached in a section 3 allegation.

Consent over Time: Consent or lack of consent may be communicated verbally or through actions but if a refusal to engage in sexual activity is communicated at any time then the activity must cease immediately. Prior sexual activity or an existing acquaintanceship, friendship or other relationship that has been sexual in nature does not constitute consent for the continuation or renewal of sexual activity.

Amnesty: Amnesty is granted to students who report sexual misconduct. This means reporting students will not be subject to disciplinary action for minor code infractions discovered as a result of contacting University officials or support staff (see also section 5.0 Medical Amnesty Policy). The DOS Office reserves the right to take action to protect the health and safety of the individual and the community (see section 21.1).

3.1.a. Capacity to Consent: Sexual contact with someone who does not have the capacity to consent is prohibited. A person who is physically, cognitively or mentally impaired by drugs, alcohol or other circumstances, such as disability, sleep, physical restraint or other stress-induced factors (extreme exhaustion or illness) may not be capable of giving consent. Physical or mental impairment means the lack of ability to appreciate the fact that the situation is sexual, and/or the inability to rationally and reasonably appreciate the nature and extent of that situation. Evidence of ingestion of drugs and/or alcohol may raise a presumption of physical, cognitive and/or mental impairment.

3.1.b. Causing or Taking Advantage of Impairment: Causing impairment or intoxication, or taking advantage of a person's impairment or intoxication for the purpose of engaging in sexual activity is prohibited.

3.1.c. Sexual Harassment: Depending on the circumstances, conduct which may constitute sexual harassment includes, but is not limited to:

- Unwelcome sexual conduct toward an individual, including offensive comments, touching or sexual propositions.
- Threats or insinuations that a person's employment, academic standing, grade, assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
- Leering, making sexual gestures, touching, patting, pinching, rubbing, impeding or blocking movements, displaying of sexually suggestive objects, pictures, cartoons or posters, suggestive or obscene letters or emails, notes, invitations or gifts.
- Making or using derogatory comments, epithets, slurs or jokes with a sexual content.
- Persistent unsolicited and unwelcome invitations for dates, encounters or pressure to engage in sexual activity of an implied or explicit nature.
- Persistent inappropriate and unwelcome questions asked about one's personal life.
- Comments to, or about, any individual or his/her appearance that is sexually graphic or would otherwise tend to be degrading.
- Displaying, sending, forwarding, downloading or otherwise distributing sexual materials via the Internet, computer, cellular data network or email.
- Consensual sexual relationships where such relationships lead to favoritism towards the student with whom the instructor is sexually involved, which adversely affects other students.

3.1.d. Sexual Coercion: Pressure for sexual contact or sexual intercourse. When a student communicates that sexual contact or sexual intercourse is not wanted, that the student wants to stop the activity in progress, or that the

student does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be considered coercive.

3.1.e. Sexual Exploitation: Occurs when a student takes non-consensual or abusive sexual advantage of another for advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: invasion of sexual privacy (see section 3.3.e); prostituting another person; non-consensual video or audio-taping of sexual activity (see sections 3.3.e, 3.3.g, 10.2, 10.3, 10.4 and 16.1); going beyond the boundaries of consent (such as allowing others to watch people engaging in consensual sex); engaging in voyeurism (gaining sexual pleasure from watching others when they are naked or engaged in sexual activity); knowingly transmitting a sexually transmitted infection to another student; exposing one's genitals in non-consensual circumstances; inducing another to expose genitals; and gender-based stalking (see section 3.3.a) and/or bullying (see section 3.1) may all be forms of sexual exploitation.

3.1.f. Non-Consensual Physical Contact: Any intentional sexual contact, however slight, with any body part or object by any student upon any other person that is without consent or by force, intimidation or coercion.

3.1.g. Non-Consensual Intercourse: Any penetration, however slight, with any body part or object by any student upon any other person that is without consent. Intercourse includes: vaginal penetration by any body part, such as a penis, object, tongue or finger, anal penetration by any body part, such as a penis, object, tongue or finger and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

3.1.h. Forcible Non-Consensual Intercourse: Brandeis University recognizes a special category when physical force, threat/intimidation or purposeful incapacitation is employed in any or all of the violations above.

3.2. Other Forms of Interpersonal Violence and Intimidation: Students are strictly prohibited from engaging in interpersonal violence. In these cases, these terms are applied as distinct from those in section 2, when they are connected to cases of sexual misconduct, gender-based violence or gender-based harassment.

3.2.a. Stalking: The term "stalking" is defined by the Commonwealth of Massachusetts as: "Whoever (1) willfully and maliciously engages in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and (2) makes a threat with the intent to place the person in imminent fear of death or bodily injury."

3.2.b. Intimidation: Implied threats or acts that cause an unreasonable fear of harm in another.

3.2.c. Threats: A statement of an intention to inflict pain, injury, damage or other hostile action on someone in retribution for something done or not done.

3.2.d. Physical Harm or Unwanted Physical Contact: Some examples include: hitting, pushing or physical altercations/violence of any kind.

Sanctions and Protective Measures: Students who are found responsible for sexual misconduct by the SEP or section 21.4 will likely be subject to sanctions and/or protective measures. Sanctions include educational requirements, counseling and status changes ranging from Disciplinary Warning to Dismissal (see section 20). Protective measures may include course schedule adjustments, no-contact orders, restrictions from specific geographic areas, buildings or facilities or other remedies as deemed appropriate. Because the range of behaviors described in section 3 are so widely variable in terms of their nature and severity, the range of sanctions and protective measures must proportionately reflect that range. Three categories of sexual misconduct are matched to proportional ranges of sanctions, 1) Sexual Harassment and Sexual Exploitation, 2) Non-Consensual Physical Contact and 3) Non-Consensual Intercourse.

Resources for Addressing Discrimination, Harassment, Sexual Misconduct and Other Forms of Interpersonal Violence

Brandeis Sexual Assault/Misconduct Victims' Bill of Rights

The Higher Education Amendments of 1992 enumerated the following rights to victims of sexual assault. Brandeis extends these rights to victims of all sexual misconduct and gender-based offenses as described in "Rights and Responsibilities." The University publication "A Resource Guide for Sexual Assault Survivors" addresses the following rights and much more. The guide may be found online at <http://www.brandeis.edu/preventionservices/docs/survivors-guide.pdf>.

- **Survivors shall be notified of counseling services.**
- **Survivors shall be notified of options for changing academic and living situations.**
- **Survivors shall be notified of their options to notify law enforcement.**
- **Accuser and accused must have the same opportunity to have others present for any and all proceedings.**
- **Both parties shall be informed of the outcome of any disciplinary proceeding.**

Adjudication Mechanisms: In addition to the behaviors described in section 3, behaviors such as stalking, dating violence and domestic violence (see section 3) are often gender-based behaviors as well. Any gender-based misconduct related to any section of this code is subject to one of three mechanisms: 1) The Special Examiner's Process, 2) University Sanctions (section 21.4) or 3) a Misconduct Inquiry, depending on the identity (known or unknown) of the discloser/reporter, the affiliation of the discloser/reporter to Brandeis and the willingness of the reporter to serve as an accuser in a formal process, if appropriate.

When the Discloser/Reporter's Identity Is Known and Is a Brandeis Community Member: If a Brandeis community member (Brandeis students, staff and faculty) files a CSR, self-identifies and wishes to serve as an accuser, the SEP (see section 22) will be initiated. When a student is accused of multiple violations for a single incident or cluster of related incidents, some of which are

gender-based, and others of which are not, the SEP will be used to adjudicate all allegations simultaneously.

When the Discloser/Reporter's Identity Is Unknown, Wishes to Remain Anonymous or Is Unwilling to Initiate the SEP: Brandeis will always address to the extent feasible disclosures/reports, whether formal or informal, inclusive of a discloser/reporter's identity or not, of sexual misconduct, other gender-based misconduct or gender-based harassment. When the identity of a discloser/reporter is unknown, when the discloser/reporter chooses to remain anonymous or when the discloser/reporter declines to serve as an accuser in the SEP, the University will initiate a Misconduct Inquiry into the allegations to address issues of safety for the discloser/reporter and the entire Brandeis community.

When the Discloser/Reporter Is Not a Brandeis Community Member: Disclosers/Reporters of sexual misconduct, gender-based behavior or gender-based harassment, who are not members of the Brandeis community, whether anonymous or self-identified, may use the Community Standards Report to identify alleged Brandeis offenders. These reports will be addressed, as appropriate, by the DOS Office pursuant to section 21.4, University Sanctions.

Services Available to Survivors: The following list identifies services, summarizes relevant policies and illustrates the University's compliance with the requirements of the Higher Education Reauthorization Act, section 485(f). Title IX of the Education Amendments of 1972 requires the prohibition of sex and gender-based discrimination or harassment. Questions about Title IX should be referred to the Title IX Coordinator, Ms. Linda Shinomoto. Ms. Linda Shinomoto is also available to meet with students and receive complaints of sexual misconduct. Ms. Shinomoto also oversees the University's investigation and resolution of all Title IX complaints. Ms. Shinomoto can be reached by phone: 781-736-4456, by email: shinomot@brandeis.edu and at her office: Bernstein-Marcus Administration Building, Room 108. To make an anonymous report, the University's Confidential Complaint Hotline (hosted by Human Resources) can be reached at 781-736-4452. This 24-hour hotline has been configured so that phone numbers for incoming calls are not retained by the system.

- **Sexual Assault Services and Prevention Specialist:** This confidential staff person in the Office of Prevention Services provides **confidential services** to survivors and coordinates prevention efforts in the campus community. The Specialist coordinates advocacy services for survivors of sexual assault, relationship violence and stalking, complying with the VAWA Federal Campus Security Act and Title IX regulations, serving as a liaison to student organizations and conducting outreach and education events to promote a healthy campus environment. Contact the Specialist at 781-736-3626. Visit the website at <http://www.brandeis.edu/preventionservices>.

- **Contact/Reporting Information Concerning the Behavior of Staff or Faculty:** Brandeis encourages the reporting of all perceived incidents of discrimination or harassment. Concerns about harassment or discrimination by a faculty or staff member (including visiting faculty, postdoctoral fellows or graduate students acting in an instructional capacity) should be brought to the

attention of Ms. Linda Shinomoto. Ms. Shinomoto is available to provide guidance in managing concerns, for help with informal resolution (when appropriate), for filing a complaint and for reviewing complaints that require more in-depth fact-finding.

- **The Office for Civil Rights (OCR):** An office of the United States Department of Education, can also respond to questions about Title IX. Contact the OCR at its Boston office: 617-289-0150 or at its National Headquarters: 800-421-3481. Find the OCR online at <http://www2.ed.gov/about/offices/list/ocr/index.html>.

- **Students should always consider reporting sexual misconduct, rape, sexual assault or other sex offenses to the Brandeis Department of Public Safety.** The Department of Public Safety has full police powers, and the staff is trained to provide accurate information on preserving evidence and the options for criminal prosecution, campus disciplinary proceedings or both. There are three types of Brandeis Police forms/reports available to survivors (or those who care about them) of sexual assault/misconduct. They are as follows:

1. **Third-Party Form:** This form is anonymous. It records general information — where the incident occurred, if alcohol or drugs were involved, if the alleged perpetrator was known to the reporter and what follow-up the survivor may have taken. It is an informational report.

2. **Confidential Report:** This report is utilized when a reporter of an assault comes forward to document an assault. The reporter identifies the alleged perpetrator and provides a detailed account of the incident(s). This report serves the purpose of thoroughly documenting the incident without initiating any type of police investigation or any initiation of formal charges — in an external court or as part of a University formal or informal adjudication. To meet Title IX obligations, a brief summary of the incident will be released to the Title IX Coordinator. Depending on the individual circumstances of the report, the reporter's name may have to be shared with the Title IX Coordinator.

3. **Investigative/Complete Report:** This report is utilized when a reporter of an incident comes forward to document the incident. It is the same type of report as the Confidential Report except **this report initiates an investigation**. The alleged perpetrator will be interviewed and charges will be brought forward. The reporter may charge the alleged perpetrator through the SEP, through the court system or both.

Note: The decision to submit third-party or confidential police reports does NOT automatically initiate the filing of charges against another person. That is a separate, voluntary decision on the part of the reporter. The Department of Public Safety seeks to offer these reports as resources to increase the number and quality of potential future options to the reporter or third party.

- **No Contact Orders/Dean's Restrictions/Protective Measures:** These documents may be issued by the DOS Office, in cooperation with the Department of Public Safety, to ascribe clear, structured guidelines and boundaries between students who are involved in a conflict. The DOS Office can initiate, modify or terminate such orders, in consultation with the requesting party, as it deems appropriate. A No Contact Order is not a restraining order and is only enforced by university, not legal, action.
- **Assistance in Notifying Outside Police Jurisdictions:** The staff in the Department of Public Safety and the staff in the Division of Students and Enrollment are available to assist students in notifying local police if the student chooses.

Section 4. Maintenance of Academic Integrity

4.0. Academic Integrity: Every member of the University community is expected to maintain the highest standards of academic integrity. A student shall not submit work that is falsified or is not the result of the student's own effort. Infringement of academic honesty by a student subjects that student to serious penalties, which may include failure on the assignment, failure in the course, suspension from the University or other sanctions (see section 20). A student who is in doubt regarding standards of academic honesty in a course or assignment should consult the faculty member responsible for that course or assignment before submitting the work. Any academic integrity report submitted to the Department of Academic Integrity is subject to prior consideration by the appropriate academic school, department or program. Such evaluation is intended to differentiate integrity problems from quality-of-work concerns.

4.1. Original Content: A student's name on any written exercise (e.g., examination, report, thesis, theme, notebook, laboratory report, computer program, etc.) or in association with an oral presentation constitutes a representation that the work is the result of that student's own thought and study. Such work shall be stated in the student's own words and produced without the assistance of others, except for quotation marks, references and footnotes that accurately acknowledge the use of sources including sources found on the Internet. Students selling copies of exams, reports or information on a course is not permitted. Sharing exams, exam or quiz questions and answers, or other materials produced from a previous course, for use other than for study assistance in a current course, may be considered an infringement of academic integrity.

4.2. Exams and Testing: Talking during an examination or possession or use of unauthorized materials or equipment, including notes, cell phones, calculators, etc., during an examination constitutes an infringement of academic honesty. Attempting to receive credit for work not originally submitted also constitutes an infringement of academic honesty. Accepting assistance from others with or without their knowledge constitutes an infringement of academic honesty. All policies regarding examinations apply to take-home and open-book examinations.

4.3. Collaboration/Facilitation: In some instances, a student may be authorized by a faculty member to work jointly with (an)other student(s) in solving problems or

completing projects. However, students may not collaborate on assignments without explicit permission from the instructor. To provide, either knowingly or through negligence, one's own work to assist another student in satisfying a course requirement constitutes an infringement of academic honesty. Aid from personnel associated with University-sanctioned tutoring services is acceptable.

4.4. Multiple Submissions: Unless permission is received in advance from the faculty member in charge of the course, a student may not submit, in identical or similar form, work for one course that has been used to fulfill any academic requirement in another course at Brandeis or any other institution. A student who perceives the possibility of overlapping assignments in courses should consult with the appropriate faculty members before presuming that a single effort will fulfill requirements of both courses.

Section 5. Responsible Use of Tobacco, Alcohol and Other Drugs

5.0. Community Response to Substance Use: A commitment to promoting the health and safety of all members of the Brandeis community, combined with the University's obligation to uphold local, state and federal laws, requires clear policies on the possession and use of tobacco, alcohol and other drugs. Members of the community who sponsor or host programs assume responsibility for compliance with the policies outlined below, and are required to be familiar with guidelines for event sponsorship.

Brandeis University recognizes that abuse of tobacco, alcohol and other drugs may present conditions that require professional counseling, assistance or treatment. If any member of the community is at risk because of use or abuse of these substances, many individuals and programs on campus are available to provide immediate or longer-term assistance. The alcohol and drug counselor/educator is located in the Brandeis University Health Center. Assessments and counseling are available for students who want to learn more about their own use of substances, reduce or eliminate their use, or have concerns about a friend or family member's use. Substance abuse counseling is a free service and is confidential. For information contact the Health Center or check the website:

www.brandeis.edu/studentaffairs/healthcounseling/drug.html

Medical Amnesty Policy

Brandeis University is committed to the health and wellness of our students. Therefore medical amnesty is practiced for students involved in or who report emergencies. This means students will not be subject to disciplinary action related to substance use or intoxication as a result of contacting University officials or support staff (i.e., Brandeis Police, Community Living staff or BEMCo). The DOS Office reserves the right to take action to protect the health and safety of the individual and the community (see section 21.1).

This policy is intended to empower students to seek help if they or others are experiencing signs of physiological or psychological distress. Following such occurrences students may be expected to meet with staff from the DOS Office. Follow-up to such meetings may include referrals to other campus resources in the interest of promoting safe and healthy choices.

Signs and symptoms of alcohol poisoning and drug overdose can include, but are not limited to, mental confusion/stupor or unresponsiveness; vomiting; seizures; irregular or slow breathing; and cool, moist and/or pale or bluish skin. Please note that not all of these symptoms may be present at once for the person to be in danger. When in doubt, please call for assistance.

Call the Brandeis Department of Public Safety in an emergency. They can dispatch BEMCo or ambulance services. Public Safety officers will respond with BEMCo as safety-conscious first responders. Reach them at 781-736-3333 in an emergency.

5.1. Smoking: All Brandeis campus buildings are completely smoke-free. Cigarettes and other smoke-able products present clear health risks to members of the community, both for users and those experiencing second-hand smoke. Smoking is prohibited in all University buildings (including the residence halls), in outside areas adjacent to the entrances of University buildings (within 30 feet) and in University vehicles. Members of the community who choose to smoke are expected to dispose of these materials in proper receptacles and without risking harm to the campus environment. Those who use any smoke-able products must show respect for the community and are expected to comply with reasonable requests from other members of the community regarding their exposure to second-hand smoke.

5.2. Alcohol Use: Brandeis University upholds and supports local, state and federal laws with regard to alcoholic beverages. Students of legal drinking age may choose to drink within stated campus guidelines, and in accordance with procedures for event sponsorship. Behaviors involving alcohol that encourage or support binge drinking will not be tolerated. Binge drinking exists when a person drinks between four and five (or more) drinks within a short period of time. Students are expected to obey the law and all University policies regarding the possession, consumption and serving of alcoholic beverages, and every student is responsible for related conduct. Behavior while intoxicated which causes public disturbance, damage or nuisance will not be tolerated. Students placing themselves in personal danger and/or causing an undue burden to the community will be addressed appropriately. Brandeis students are reminded that they are responsible for the conduct of their guests.

The following general policies apply:

5.2.a. Legal Drinking Age: No student under the legal drinking age of 21 is allowed to possess or consume alcoholic beverages on campus (see section 5.3).

5.2.b. Provision to Minors: In compliance with the laws of the Commonwealth of Massachusetts, members of the University and its agents may not serve or provide alcoholic beverages to any student or other individual younger than the legal drinking age of 21 (see section 1.8).

5.2.c. Provision at Public Events: Alcoholic beverages may not be provided at any public event on University property at which there are underage individuals unless there is advance approval by University officials and reasonable precautions are taken to assure that alcohol is served only to those of legal drinking age. Individuals dispensing alcohol assume serious liability if alcohol is served to anyone who is not of legal drinking age or anyone who is of age but

is intoxicated. Alcohol should not be served at any time to individuals who are, or appear to be, intoxicated.

5.2.d. Responsibilities of Sponsors: The sponsor of the public event is responsible for providing food and non-alcoholic beverages at any venue where alcohol is served. Sponsors should consult with the Jump Start Meeting (which includes representatives from the Department of Student Activities, Student Union, the Department of Public Safety and Conference and Events Services) to plan any event at which alcohol will be served, to assure that the event complies with campus policies and the laws of the Commonwealth of Massachusetts. Sponsors of events bear full responsibility and liability for adherence to these policies. For information check with the Department of Student Activities website:

www.brandeis.edu/studentaffairs/activities

5.2.e. Liquor Licenses: In compliance with local laws, alcoholic beverages may not be sold or served at any function requiring an admission charge without a valid liquor license for that event (see section 5.4 regarding purchase of alcohol on campus). The University's liquor license covers The Stein, The Faculty Club, Sherman Function Hall, Levin Ballroom and Alumni Lounge, and events in these facilities may include alcohol if properly arranged through Conference and Events Services. In all other facilities, the sale of alcoholic beverages is prohibited without a temporary liquor license from the City of Waltham.

5.3. Alcohol in the Residence Halls: Brandeis students living in the residence halls share the responsibility for upholding community standards (see section 10 for additional guidelines for the residence halls). The following policies regarding alcohol apply specifically to the residence halls:

5.3.a. Dry Quads: No alcohol is permitted in private residence hall rooms nor in any public space in first-year or sophomore areas (including Usen Castle, East Quad, Massell Quad, North Quad, 567 South St., The Village's A-House and Rosenthal Quad). In all other areas, use of alcoholic beverages must comply with the guidelines outlined in section 5.2 above. Underage students should be aware that possession of empty alcohol containers may be considered alcohol possession. [For the Spring 2015 semester, The Village will serve, in part, as housing for Mid-Year students, and the clusters of this residence hall where Mid-Years reside will be subject to the policy in this section.]

5.3.b. Public Areas: Alcoholic beverages may not be consumed in any public area (inside or outside of the residence halls) unless part of an authorized event in conformance with the University regulations regarding events at which alcohol is served or present.

5.3.c. Party Registration: Any student or group of students wishing to sponsor a party with alcohol in the residence halls must request permission for the event from the Community Development Coordinator responsible for that area by submitting a Party Registration Form (see the Department of Community Living website) at least two business days before the event is to take place. The sponsor of the event is responsible for providing food and nonalcoholic beverages at any event where alcohol is served. Such gatherings may require

additional approval from the Department of Public Safety. Events/gatherings must end no later than 1:00 a.m. on Saturday and Sunday mornings, and no later than 11:00 p.m. Sunday through Thursday. Residents sponsoring events assume responsibility for the actions of their guests. Approval of a gathering does not constitute permission to violate University policy.

5.3.d. Mass Consumption: Large volumes of alcoholic beverages, mass consumption vessels such as kegs, beer balls and cases of liquor) are not permitted in residence halls. Items used with the intention of excessive consumption are prohibited. These items may include, but are not limited to, funnels and luges.

5.4. Age Verification for Purchase or Consumption of Alcohol on Campus: Beer and wine are available for sale to students of legal drinking age at some University events and at The Stein and The Faculty Club. One of the following pieces of identification is required to accompany a current and valid Brandeis Identification Card for students and their guests: a valid, original driver's license; a valid passport; a valid, original Massachusetts Liquor Identification Card; or a valid Massachusetts State Identification Card.

5.5. Drugs, Drug Paraphernalia and Other Substances: The use of illicit drugs or the abuse of legally-obtained drugs or substances can cause serious and permanent harm to one's health and ability to function, and to the community. A student is expected and required to observe the prohibition of the manufacture, distribution, dispensation, possession, sale or use of marijuana or its derivatives, or any other illegal narcotic, stimulant, depressant or hallucinogen. Possession or use of bong, pipes or other drug paraphernalia is prohibited. Misuse of prescription drugs is also prohibited.

Section 6. Care of University and Personal Property

6.0. Respect for Brandeis Property: Respect, maintain and preserve University grounds, academic and administrative buildings, residence halls, dining facilities and associated structures, as well as personal property.

6.1. Posted Notices: Display posters, banners, handbills or notices only on spaces designated for that purpose. Placement of posters, handbills or notices, etc., on trees, lawns, sidewalks, statues, motor vehicles, permanent University signage, emergency blue light phones, stairwells, windows, fire suppression equipment or fire/exterior doors is prohibited.

6.1.a. Appropriate Posting Materials: Students are expected to use only appropriate posting materials that will not cause damage (see section 9.8 and/or the Department of Student Activities for non-residential spaces).

6.1.b. Chalking: Students who engage in chalking must observe the distinction between advertising events and vandalism. Only sidewalks may be chalked. This excludes patios and steps to a building. Chalking on buildings and personal or University property (i.e., buildings, cars, bus shelters, signs, etc.) is not permitted. Chalking is not permitted in areas where it cannot be washed away by rainfall. The Department of Student Activities reserves the right to authorize

the removal of chalked messages if they are inappropriate or use profane illustrations or language or are not in a permitted area.

6.2. Respect for Personal Property: Respect, maintain and care for property belonging to others. Vandalism, littering, theft, attempted theft, destruction of, damage to, unauthorized possession of or in appropriate use of property (including intellectual property) belonging to the University, a member of the University community or any other individual or entity is unacceptable. This section also applies to the grounds, and personal and public property that surrounds the campus.

6.3. Library Materials: Respect, maintain and care for library materials or other academic materials or equipment. Destruction, mutilation, defacement or tampering with any of the above is unacceptable.

6.4. Appropriate Access to Property: Observe University guidelines and policies regarding the access, occupancy or use of University property, facilities, name, seal or logo (see sections 9, 12 and 15). Storage closets, utility rooms and roof areas of any University building may not be accessed by students without explicit permission (see section 9.15.o).

6.5. Respect for Campus Flora and Fauna: Respect and preserve the plant and animal life found on the campus. Mistreatment of animals, trees or plantings is unacceptable.

6.6. Appropriate Hours and Areas of Access: Access University buildings and facilities during posted hours and in authorized areas only (see section 9.15.o).

Section 7. Campus Protests and Demonstrations

7.0. Protests and Demonstrations — Time, Place and Manner: The University community is one of inquiry and persuasion. A member of the University community may protest, rally or demonstrate provided such protests or demonstrations do not disrupt University operations or obstruct physical movement to, from or within any place on the campus, including University property located off the main campus. While the campus must be open to the free exchange of ideas, the University may limit the time, place and manner of demonstrations. All members of the community are expected to conduct dialogues with dignity and courtesy. Students must allow other community members freedom of movement on campus and the freedom to engage in the performance of their duties and the pursuit of their educational activities (see section 12.o).

7.1. Advance Notice: The DOS must, with as much notice as possible, be notified in advance of any planned demonstrations, and may instruct organizers regarding the guidelines for such activity.

7.2. Interference with University Functions: A protest, rally or demonstration must not interfere with the missions, processes, procedures or functions of the University (see section 2.3). Therefore, protesters must recognize and allow the staff and faculty of the University to engage in the performance of their duties, and for students to pursue their educational activities. Impeding or restricting these activities by making noise, blocking

entrances or exits from University facilities or by coercion, intimidation or threats or use of violence is unacceptable (see sections 2.4 and 3.3.c).

7.3. Use of Public Space for Demonstrations: An activity that is neither disruptive nor obstructive is permitted in public areas of campus buildings only during the hours when the buildings are normally open. An activity that is neither disruptive nor obstructive is permitted in outdoor areas of the campus. Placement on University property of structures or displays requires permission of the DOS.

7.4. Occupancy Limits: The number of persons who may be safely accommodated in any area where demonstrations occur shall be determined by the Waltham Deputy Chief for Fire Prevention. Occupancy information is available from the Department of Public Safety and the Department of Conference and Events Services.

7.5. Official Order to Vacate: Students are expected and required to vacate an area or facility of the University when directed to do so by an authorized official of the University (see sections 2.1 and 8.2).

Section 8. Fire and Life Safety

8.0. Safety Vigilance: The safety of all community members and guests is of the highest concern at Brandeis. University facilities are designed and equipped with mechanisms, apparatuses and features intended to suppress smoke and fire. These physical safeguards must be respected and protected to insure their proper function. Students and their guests are expected to be aware of, and immediately report, behavior that could increase the risk of danger to life safety.

8.1. Combustion of Property: Refrain from behavior that leads to the intentional or unintentional combustion of personal, communal or University property.

8.2. Fire Alarms: Students are expected to vacate a building during a fire alarm, whether during a drill or in an emergency. When an alarm sounds, all individuals must vacate the building (see sections 2.1 and 7.5). Students may not return until instructed to do so by a University official. Periodic, unannounced fire drills will be conducted in the residence halls during the academic year.

8.3. Cooking Equipment: With the exception of microwave ovens, cooking equipment of any kind is not allowed in individual student rooms or lounges. This includes hot plates, toaster ovens, indoor grills, hot pots, immersion heaters or any item with open coils.

8.4. Open or Enclosed Flames: Open or enclosed flames, including the burning of incense, are prohibited in the residence halls. Students wishing to light candles for religious reasons must register their intention with the Department of Community Living. Religious candles must be handled according to the document, Safety Procedures for Lighting Religious Candles, available through the Department of Community Living. Decorative and/or scented candles are permitted if the wicks are removed.

8.5. Tampering with Safety Equipment: Tampering with fire or safety equipment including the covering or removal of smoke detectors creates a significant threat to

everyone in the building and is strictly prohibited, as is hanging items from sprinkler pipes and heads. Students found responsible for covering, removing or tampering with smoke detectors may be assessed a fine of up to \$150.00 per involved student per occurrence in addition to Residence Probation or other actions, including the temporary or permanent removal from University-owned housing. A parent or guardian of a student who repeats the offense will be contacted. The student's account will be assessed \$150.00 for each additional infraction.

Section 9. Living in the Residence Halls

9.0. Respectful Community: The Department of Community Living strives to create a comfortable and educational living community for all students. Each student is expected to behave in a manner that respects and considers the rights of others in the University community. The exercise of one person's rights must not infringe upon the exercise of another's rights in the ordinary course of daily living. Policies and procedures relating to residence halls are contained in previous sections of this publication, the Residence Halls and Meal Plan License and in other publications issued by the University.

These policies and procedures carry the force of University regulations (see section 2.9). All students are expected to comply with these policies and procedures as well as those listed below. Students are reminded that multiple-occupancy rooms, as well as shared apartments and suites, create shared responsibility for residential behaviors. The Department of Community Living values regular and close interaction with residents to maximize communication about circumstances that could affect the quality of life in the residence halls.

9.1. Room Vacancies and Room Transfers: Any changes to a student's room assignment must be processed through the Department of Community Living. Change of Housing Requests are available on the Department of Community Living website: www.brandeis.edu/studentaffairs/dcl

Room transfers/changes are not performed during the first two weeks of classes. The Department of Community Living may assign a new occupant to any vacancy as required. Any conduct, including deception or harassment, designed to dissuade potential residents or roommates, is unacceptable. See the Department of Community Living or a Community Development Coordinator for information on these policies.

9.2. Involuntary Reassignment of Housing: The Department of Community Living reserves the right to reassign students to other locations or remove them outright from University housing. The decision to reassign or remove a student shall be made by a Director in Community Living after consultation with the DOS. If a student is reassigned or removed outright pursuant to a pending referral to the Department of Student Rights and Community Standards, the procedures outlined in section 18.1 shall begin within 10 class days after the reassignment/removal.

9.3. Key, Lock and Door Security: Keys for all residence halls, suite doors and individual room doors are distributed by the Community Living staff. Any lost key must be reported to the Department of Community Living immediately. If the key is not located within 24 hours, the Department of Community Living may change the lock and bill the responsible

student for the cost of the lock change. Additional charges may apply for suite door and entrance door keys. Failure to return keys when vacating an assignment will result in a lock change and the appropriate charge(s) to the student. For the safety of all residents, keys to the residence halls may not be duplicated or distributed to others. Locks must not be tampered with in any way or students may be subject to financial charges and other sanctions. For safety and security reasons, entrance doors to the residence halls and fire doors must not be “propped” or left open.

9.4. Lockouts: Students are expected to carry their room keys with them at all times. If a student is locked out of their room, the student may go to the Department of Community Living in Usdan between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, and temporarily check out a loaner key after presenting proper identification (see section 1.5). On holidays, weekends and after 5:00 p.m. on weekdays, the Department of Public Safety in Stoneman will unlock student rooms upon presentation of proper identification. Facilities personnel are instructed not to open locked doors for students. Multiple lockouts may result in financial penalties.

9.5. Right of Entry: The University reserves the right to inspect rooms and perform maintenance at reasonable times, and to enter rooms at any time in case of emergency, in response to a complaint of disturbance or when there is reason to believe that a violation of University policy is occurring within the room (see sections 16.2 and 16.3). Residents are not permitted to change or add private locks or security devices to their rooms or to any part of the building. University personnel may enter a room after knocking and identifying themselves.

9.6. Room and Common Area Accountability: The assigned residents of a given residence hall will be held accountable for any inappropriate behavior or damages that occur within the hall. Each student is responsible for any damages caused by the student and/or the student’s guests. When damage can be attributed to the responsible person(s), the cost of repair or replacement is billed to the individual(s) involved (see section 9.0).

When damage occurs in a student’s room, corridor or apartment but cannot be attributed to a specific party, the costs may be billed in equal parts to all residents of that area. Each student is responsible for completing and returning to the appropriate Community Development Coordinator Room Condition Reports at the beginning of the year (or when occupying a new assignment). To avoid billing upon termination of the Residence Halls and Meal Plan License, all rooms and corridors must be left clean, neat and in order. For student safety, the main entrance of residence halls remains locked at all times. Propping or tampering with residence halls doors is prohibited. Students must refrain from utilizing any window as a point of entrance or exit except in case of fire or danger to one’s life.

9.7. Room and Furniture Alterations: All University-supplied furnishings must remain in students’ rooms, suites and apartments unless their relocation is approved by the Department of Community Living. Furniture must meet all fire codes before being allowed into the residence halls. Any student seeking reasonable physical alterations to room or furniture must request permission from the Department of Community Living. Community Living may consult with the Health Center, Disabilities Services and Support and the Department of Facilities Management before permission is granted.

9.8. Distribution of Postings: If a student or campus organization wishes to distribute fliers, posters, etc., in the residence halls, the materials must be delivered to the Department of Community Living for distribution by staff (see section 6.1). Students may not post on behalf of non-Brandeis advertisers. Students are advised that off-campus individuals and entities seeking to advertise to the Brandeis community must have sponsorship by a University department.

9.9. Storage: The University does not provide additional storage outside of a student's residence hall room (with the exception of limited storage for international students). See Department of Community Living staff and/or your Community Development Coordinator for information on these policies.

9.10. Visitors and Guests: Visitors and guests are permitted in the residence halls, provided that consideration is given to the rights of all licensees. Should a roommate, suitemate or apartment-mate have any objection to any guest's proposed visit to the multiple-occupancy assignment, those objections must first be mediated before the guest may be welcomed. Any student whose guest remains within the residence hall for more than three consecutive days must notify the Community Development Coordinator responsible for that area. Permission to host guests may be curtailed during sensitive community periods such as Orientation and exams. Public spaces are reserved for use by all residents, and therefore may not be used to accommodate overnight guests. Residents assume responsibility for the actions of their guests.

9.11. Noise: Quiet Hours are established for all residence halls. During the school week (Sunday night through Friday morning), Quiet Hours begin at 11:00 p.m. and conclude at 8:00 a.m. On weekends, Quiet Hours are as follows: 1:00 a.m. Saturday through 10:00 a.m. Saturday, and 1:00 a.m. Sunday through 10:00 a.m. on Sunday. During these times a student should be able to study, read, relax or sleep in the room without being disturbed by noise by other residents, guests or members of the community. At all other times, residents are expected to be respectful of others with regard to noise. Quiet Hours remain in effect during all times of year, regardless of holidays, vacations or recesses. A professional Students and Enrollment staff member may extend Quiet Hours for an approved purpose or during reading periods and final exam periods.

9.12. Solicitation in the Halls: Because residence halls are living communities, students living on campus should be free from the pressures of door-to-door solicitations, sales or distribution by any member of the community or by any other individual or on behalf of any business or organization. All salespersons or solicitors must have explicit permission from the Department of Community Living or another Students and Enrollment department. Students may not use their rooms for the purpose of operating a business (see section 14).

9.13. Video Cassettes, DVDs, Digital Mass Storage Devices, Streamed Content and other Media: In compliance with copyright laws, video cassettes, DVDs and other media intended for private use may be shown in public areas within the residence halls only if no admission is charged, the event is not widely advertised and no University funds (including student fees) are used to rent or purchase films (see section 10.5).

9.14. Pets: For the health and safety of all residents, fish are the only pets permitted in the residence halls. Fish tanks may have a maximum capacity of ten gallons of water (see section 2.7 regarding exceptions for guide, assistance and service animals).

9.15. Residential Safety Restrictions: Students must comply with safety and security guidelines. Some personal items and actions may be considered unsafe and may be restricted or prohibited. To protect the safety of all residents, the following list will apply to all persons residing in or visiting residence halls:

9.15.a. Bulb Safety: No halogen bulb is permitted, including desk lamps or torchière-style floor lamps that use halogen bulbs. String lights may only be used if the bulbs are LEDs (light emitting diodes). String lights may not be strung on or above doorways or windows or on any ceiling. In the event of a fire, these can pose an obstacle to egress.

9.15.b. Overloaded Circuits: Avoid overloading electrical outlets, including excessive use of extension cords (use UL-listed, multiple outlet power strips instead).

9.15.c. Tampering with Electrical Fixtures: Tampering with electrical or lighting fixtures or wiring is prohibited.

9.15.d. Proximity to Electric Heaters: Do not place furniture closer than 12 inches to electrical heating units in the Foster Mods or the Charles River Apartments. This type of heating appliance can reach higher surface temperatures than steam heaters in other halls.

9.15.e. Flammable Gases and Fluids in Residence: Storing or using flammable gases or fluids in any residence hall is prohibited. This includes lighter fluid for grills, propane or butane for cooking, and jellied fuels for chafing vessels. It does not include personal-sized cigarette lighters.

9.15.f. Ceiling Decorations: The hanging or attaching of any flammable item or postings or decorations (including string lights) from a ceiling, irrespective of their proximity or obstruction of electrical or fire/life safety protection devices, is prohibited.

9.15.g. Elevating Furniture: The propping or elevation of furniture using cinder blocks or other unapproved methods is prohibited.

9.15.h. Air Conditioners: The installation of any air conditioner without medical authorization and approval from the Department of Community Living and Disabilities Services is prohibited.

9.15.i. Refrigerators: Standard size refrigerators (taller than counter height or more than 35 inches tall) are not permitted unless installed by the University.

9.15.j. Waterbeds: Waterbeds are not permitted.

9.15.k. Exterior Installations: It is prohibited to install any outside antennae or other exterior materials.

9.15.l. Throwing/Dropping Items: It is prohibited to throw or drop items from windows, stairwells, ledges, etc.

9.15.m. Fire Safety: It is prohibited to violate any fire safety policies (see sections 2.4 and 8).

9.15.n. Hall Sports: Hall “sports” of any kind are not permitted. Activity in the residence halls and rooms involving athletic equipment such as balls, Frisbees, etc., may damage fire safety equipment, walls, ceilings or other University or personal property.

9.15.o. Unauthorized Access: It is prohibited to access or to attempt to access any interior or exterior portion of a residence hall not intended for student use, including: utility closets and rooms, custodial closets and rooms, roofs, fire escapes, maintenance hatches or other spaces that are posted with restrictions (see sections 6.4 and 6.6).

9.15.p. Safety and Security Concerns Regarding Postings: Any postings or decorations in the interior of a residence hall must comply with safety and security policies as determined by the Department of Community Living or other departments charged with maintaining such policies (see sections 9.8 and 9.15.f).

9.15.q. Evergreen Decorations: Natural (cut or potted) evergreen trees, wreaths or boughs are prohibited in common spaces or bedrooms due to their flammability.

Section 10. Library and Technology Services

10.0. Applicability of LTS Policies: Technology use policies apply to all University computer resources and information systems, to all University library resources and to all telecommunication resources at Brandeis.

The library and technology resources managed by LTS are intended to support learning, teaching and scholarship. It is the responsibility of all community members to be informed about the policies and procedures that govern use of these services.

Policies governing use of information technology at Brandeis can be found at <http://lts.brandeis.edu/about/policies>.

In addition, a description of all LTS services and resources is available at <http://lts.brandeis.edu>.

10.1. LTS Authorized Use: Students must not use passwords, passphrases, Identification Cards or accounts, other than their own. Students may not release another community member’s personal information. Students are also expected to refrain from gaining access to restricted resources or restricted portions of systems to which they have not been given access.

10.2. LTS Appropriate Use: The University may establish “reasonable use” policies that recognize that resources are finite and therefore subject to regulation or limitation (i.e.,

bandwidth). Students agree to follow established procedures for using and protecting library and technology resources, including managing passwords and passphrases; and maintaining the physical and electronic integrity of networks, systems, software, equipment and accounts. In particular, students must not send unsolicited bulk communications spam, use disproportionate amounts of network resources, conduct unauthorized network scans or probes, capture or intercept other users' private communications or introduce malicious programs into the system (see sections 3.3.e and 3.3.g).

10.3. Electronic Access and Privacy: Students must respect the privacy of all members of the academic community. Students should understand that their computer files, telephone records, etc., may be subject to access by employees of the University for a number of legitimate reasons: to assist state or federal authorities in an investigation; to access data in files of personnel for whom they are responsible; to maintain a system or website; etc. (see sections 3.3.e, 3.3.g and 16.1).

10.4. Digital Civility: When using computing or telephone resources, students must not hide their identities for malicious purposes or assume the identity of another. Students must not harass (cyber-bully) others using computer or telephone resources to make unwelcome contact (see section 3.3.g). Material that is explicitly sexual or offensive may not be displayed, consistent with the Brandeis University Policy Statement on Non-Discrimination and Harassment (see section 3).

10.5. Copyright: Library and Technology Services copyright policies are designed to respect the rights of copyright holders while providing for the fair use of materials by Brandeis students. For information about copyright policies, see the Web page Copyright Policies located at <http://lts.brandeis.edu/research/helpcopyright/resources.html>.

Students are expected to comply with all local, state and federal laws, including laws on copyright and other intellectual property laws. Use of some electronic resources is governed by license agreements restricting their access to the Brandeis community. It is the responsibility of all community members to ensure that they employ these resources only for individual, educational and noncommercial purposes.

Section 11. Campus Dining Services

11.1. General Dining Services Guidelines: Students are expected to comply with requests of University staff and present a proper Identification Card when obtaining meals in the dining halls (see section 1.6). To maintain health standards required by law, dogs and other animals other than guide and service animals are not allowed into the dining halls, and no one may enter a dining area with bare feet or bare chest. All reusable food service utensils and equipment are for use in dining areas only, and may not be removed for personal use. The Department of Dining Services is in the Usdan Student Center, further information is available online at <http://brandeis.sodexomyway.net>.

Section 12. Use of Campus Facilities

12.0. Facilities Use — Time, Place and Manner: University facilities are available for activities consistent with the University's educational, social and cultural goals. The University does not impose prior restraints upon the subject matter or point of view expressed by any person or group using its facilities. Its facilities, however, may not be used for activities contrary to federal, state or local laws, activities conflicting with University regulations and policies or activities that may create an undue risk or harm to persons and/or property. The University requires reasonable advance notice for the use of facilities and reserves the right to determine the time, place and manner for any event (see section 7.0).

12.1. Priority of Activities: The priority of activities to be carried out in any facility is influenced by the relevance of the request to the University's goals, the timing of the request and the kinds of functions for which the facility is used.

12.2. Advance Notice for Space Reservation: The University requires 10 days' advance notice for the reservation of space unless waived by the Department of Conference and Event Services. The University reserves the right to withhold its approval of any requested use of a facility, to establish financial charges for any use and to require a security deposit or impose other such requirements including, but not limited to, security personnel and equipment. Such charges and policies will be made based upon a review of the event plans by the Department of Conference and Event Services.

12.3. Event Safety Requirements: The requirements for safety and security at the event will be based upon a timely review by the Director of Public Safety. Requirements may be appealed to the Vice President for Operations, who will make the final decision. This review will be based upon such factors as the possibility of criminal acts, the risk of harm to persons or property, and crowd control.

12.4. Program Conclusion Time: Programs held on campus and open to the campus community must end by 2:00 a.m. unless the venue for the program (e.g., a residence hall) has a prior condition requiring an earlier ending time. Exceptions to this standard limit for specific purposes may be made by the Department of Student Activities after consultation with the Department of Public Safety.

12.5. Event Sponsor Liability: The person or group requesting the facility is responsible for harm to persons or property resulting from the use of the facility, indemnifying the University from any and all liability for injury to any person attending an event in a University facility or for any damage or loss of personal property occurring on the University campus resulting from the use of the facility. The University reserves the right to charge the sponsor or host for the costs of providing any extraordinary services.

12.6. Event Sponsor Responsibilities: Facilities must be used for the purposes stated in the request application. The person signing the "Conference and Event Services Reservation Form" will be held responsible for all matters related to the activity. The person or organization requesting the facilities or services shall be responsible for all expenses associated with the event. Sponsors must be able to prove that adequate financial resources are available to meet all anticipated costs, including any non-Brandeis contractual obligations associated with the event.

12.7. Non-Brandeis Speakers: Any event request involving a speaker who is not a member of the Brandeis community (Student, Faculty or Staff) must indicate the name of the speaker(s) on the Conference and Event Services Reservation Form when submitted. Any change in the speaker(s) requires notification and a re-filing of the form. The person or the organization (sponsor) requesting the facilities will be held responsible for the actions of the non-Brandeis speaker or guest. In addition, the host is responsible for the direct cost related to providing safety or security requirements.

12.8. Reservation Eligibility: In accordance with the above, University facilities may be reserved by a member of the faculty, a member of the administrative staff, an authorized officer of an undergraduate or graduate student organization recognized by the appropriate student governing authority or any other person or group who, in accordance with these regulations, receives permission from the Department of Student Activities. Off-campus groups seeking space for programming directed toward members of the University community must receive approval from a relevant University department.

12.9. Sponsor's Obligations to All University Policies: Approval of a requested use of a facility does not relieve the applicant or sponsor from satisfying such additional requirements set forth in other sections of "Rights and Responsibilities" or other University policies or guidelines (see section 2.9).

12.10. Games of Chance: The University supports all federal, state and local laws related to illegal gambling, betting and bookmaking or other games of chance. Any activities in which gambling may be present must receive approval from the Department of Student Activities prior to the event.

Section 13. Parking and Traffic

13.0. Parking and Traffic Regulations: The parking and traffic regulations of the University are available at the Department of Public Safety, which also issues campus parking permits. These regulations apply to any person operating a motor vehicle, and carry the force of University regulations (see section 2.9). The Parking and Traffic Regulations may also be found at <http://www.brandeis.edu/publicsafety/parking/regulations.html>.

13.1. Improper or Reckless Operation of a Motor Vehicle: The improper or reckless operation of a motor vehicle poses a major threat to safety and carries with it the possibility of legal action and/or campus disciplinary proceedings (including the possible loss of driving/parking privileges).

13.2. Authorized Roadways and Parking Areas: Operate a bicycle, motorcycle, automobile or any other manual or powered vehicle safely, only on established, authorized roadways and parking areas.

13.3. Parking Appeals Committee: The Department of Public Safety authorizes a Parking Appeals Committee to hear appeals of parking and traffic violations. The PRP may

adjudicate cases involving the behavior of students involved in traffic incidents but does not hear appeals of the actual traffic violations.

13.4. Certification to Drive a Brandeis-owned Vehicle: Any student seeking to operate a University-owned motor vehicle must first be certified by the Department of Public Safety.

Section 14. Commercial Enterprises

14.1. Personal Income-generating Activity: Brandeis University seeks to empower students who undertake entrepreneurial endeavors with realistic support. Permission is required for personal income-generating activity that uses University property, including (but not limited to) student and campus centers, lobbies, cafeterias, residence hall rooms, campus phone and data lines, Internet servers and student mailboxes. Use of the Brandeis name in connection with such activity also requires authorization.

14.2. Entrepreneurial Access to Brandeis Services and Facilities: Any student selling a product, providing a service for a fee or representing a for-profit entity shall be considered to be involved in a commercial enterprise, and is therefore required to follow the same procedures as outside companies wishing to access Brandeis services and facilities. All plans for personal income-generating activity on the part of individual or groups of students and involving University property must be approved by the Department of Student Activities.

Section 15. Conduct Affecting the Name and Tax-Exempt Status of the University

15.1. Use of Brandeis' Name in Political or Official Capacities: A member of the Brandeis community shall not speak or act in the name of the University in a political campaign on behalf of a candidate for public office. Any person speaking for the University in an official capacity should make it clear when expressing an individual opinion that said opinion is not stating a University position.

15.2. Use of the Brandeis Name and Seal: The name or seal of Brandeis University shall not be used for political purposes on any letters or other written material or electronic media.

15.3. Use of Official Titles: In political activity, the University title of a member of the faculty, staff or student body may be used only for identification, and should be accompanied by a statement that the person is speaking individually, and not as a representative of the University.

15.4. Unauthorized Political Use: Unauthorized use of University facilities, equipment or supplies for commercial, political or other non-University related purposes is strictly prohibited.

15.5. Unauthorized Use of Tax Exemption and Postal Permit Information: Unauthorized use of the University tax-exempt numbers or postal permit is prohibited.

15.6. Guidelines Concerning Use of University Facilities, Name, Seal or Logo: On March 13, 1947, the Secretary of State of the Commonwealth of Massachusetts officially recognized and gave legal validity to the action of the Board of Trustees of Middlesex University in voting to change the name of that institution from the Trustees of Middlesex University to Brandeis University. Student organizations recognized by the Student Union Senate or Graduate Student Association (or otherwise recognized by the Division of Students and Enrollment) may use the name of the University, its seal or logo for purposes of identifying the organization.

15.7. Use of Facilities by Recognized Organizations: Student organizations recognized by the Student Union Senate or Graduate Student Association (or otherwise recognized by the Division of Students and Enrollment) may use University facilities for meetings, programs, events or other activities subject to the standards and policies published elsewhere in this code (see section 12).

Section 16. Protection of Privacy

16.1. Unauthorized Entry: The privacy of every individual in person and in living accommodations and/or office must be respected. Malicious or unauthorized entry into rooms, offices, personal files, electronic files (see sections 3.3.e, 10.3 and 16.4), drawers or locked spaces, such as lockers, etc., is prohibited.

16.2. Brandeis-owned/operated Space Search Authorization: Except in circumstances as outlined in section 9.5, authorized entry for the purpose of searching a Brandeis-owned or operated, student-maintained room or space requires advance permission from the DOS. Each statement of permission to enter shall clearly set forth the purpose and objectives of the search, and shall specify the office(s), room(s) or spaces(s) to be entered. The search shall be limited to the purpose, objective and location set forth in the statement of permission. The University official making the search shall show the statement of permission to the occupant at the time of entry or, in the occupant's absence, shall leave a copy of the statement in the room(s), office(s) or space(s) entered. Immediately upon conclusion of the search, the official shall prepare and give to or leave for the occupant(s) a receipt for any property seized.

16.3. Health and Safety Inspections: Student residence hall rooms are inspected by members of the Community Living staff periodically during the academic year to evaluate the safety, security and health conditions of the rooms and to check for illegal possession of University-owned property. These inspections will be conducted by floor, by section of building or by building. Public notification of such inspections will be provided 24 hours in advance and will specify the date and time of the inspection for a given area. A student's presence in a room is not required for the inspection to take place (see section 9.5).

16.4. Student Records: The Federal Family Educational Rights and Privacy Act of 1974 (FERPA) gives each enrolled student at Brandeis certain rights, including access to the student's educational records, the right to request amendment of those records where the student believes a record is inaccurate or misleading, and the right to add a statement

presenting the student's view if the records are not amended. A detailed statement of the rights and responsibilities of a student under the Act, the location of all records pertaining to a student, and the procedures for requesting access are contained in the Brandeis University Records Policy. The policy is available from the University Registrar and at <http://www.brandeis.edu/registrar/bulletin/EducRecordsPolicy.html> (see sections 18.5 and 18.6.l). Brandeis is required by law to provide statistics and narrative information about certain confidential information. Personally identifiable information will be removed from such communications whenever possible. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

Section 17. Identifying Concerning Behavior and Initial Procedures

Student Conduct Processes: The PRP and the Special Examiner's Process

Applicability: Formal and informal adjudication in support of a student (any person enrolled in any academic program or course at Brandeis University [including Brandeis-sponsored distance or Internet-based courses], up to and including the student's commencement day or the last day of evaluation for non-degree students) may be implemented through the report of an alleged violation or concerning behavior to the DSRCS. Reported behaviors will be vetted to determine whether the PRP, the SEP or the DOS Office will be the appropriate mechanism/venue for response.

Behavioral Intervention — The Care Team: Brandeis convenes a team of professionals to welcome reports of concerning behavior and to make deliberate decisions about appropriate, individualized courses of action for supporting students of concern. The team may make referrals to a student conduct process, to a health or wellness resource or any other care provider to maximize the student's well-being and/or academic and social success. The team is coordinated by the Vice President for Health and Wellness and the DOS Office.

Reporting: Where infractions of University standards and policies are involved, reports of violations or complaints shall be submitted to the DSRCS from the reporter in a timely manner. The Community Standards Report (CSR) is an official reporting mechanism for all allegations of a Brandeis student's possible violation of a standard found in the student code, "Rights and Responsibilities." Only a CSR can initiate a formal adjudication process. Any person may submit a CSR, and all CSRs will be reviewed and acted upon appropriately. Only Brandeis community members (Brandeis students, staff and faculty) may serve as an accuser in the PRP or the SEP. The CSR will be shown, in its entirety, to the accused student(s). This report is a web-based form located at <http://www.brandeis.edu/studentaffairs/srcs/reporting.html>.

Note: Any records or other evidence retained by the University may be subject to production by court order.

Initial Pre-process Procedures: Subsequent to the receipt of a CSR, the available facts shall be gathered from the reporter, and a careful evaluation of these facts, as well as the credibility of the person reporting them, shall be made. The Director of the DSRCS (DDSRCS) or the Director of Academic Integrity (DAI) may forward the case to a formal adjudication process if the reporter wishes to engage a formal process as an accuser. The

DDSRCS must first determine that there is sufficient evidence of a violation, that the allegation has merit and is timely. The formal conduct processes include the Peer Review Process (PRP), the Special Examiner's Process (SEP) and University Sanctions found in section 21.4. The DOS may appoint, as needed, *ad hoc* conduct boards in addition to the boards described in section 18.

The formal conduct processes adjudicate different portions of the code. The PRP adjudicates alleged violations of academic integrity and various other social policy violations unrelated to gender-based behaviors. The SEP adjudicates all gender-based allegations, including sexual misconduct, domestic violence, dating violence, stalking and sexual harassment. University Sanctions address off-campus behavior or behavior anywhere that aggrieves a person who is not a member of the Brandeis community.

The PRP is administered by the Department of Student Rights and Community Standards, in association with the Director of Academic Integrity, when applicable. The SEP is administered by the DOS Office. University Sanctions are issued by the DOS Office.

Confidentiality Policy: Brandeis considers student privacy to be of the highest importance. Adjudication processes provide participants with the opportunity to disclose sensitive, private or otherwise protected information toward the comprehensive consideration of factors that influence findings. This policy exists to balance the University's need to gather necessary information with its interest in protecting all participants in any conduct process from privacy violations.

Any Brandeis student who is involved in any informal or formal adjudication process (Misconduct Inquiry, PRP, SEP or University Sanctions) as a principal party or as a witness or Advisor is required to respect the privacy of any person about whom information is learned during the process.

All information discussed or provided in a conduct process is considered confidential and therefore not sharable beyond a small number of people who may need to know. "Need-to-know" means that the relationship between the student and the recipient of the information is familial, legal or medical (licensed physiological or psychological professionals, including the Brandeis Sexual Assault Services and Prevention Specialist). In addition, the student's Advisor in the process or members of the DOS Office or other senior administrators, including the Title IX Coordinator, are individuals with whom participants may discuss confidential information. The parties are not restricted from discussing and sharing information obtained with any person serving as a witness for them in the conduct process.

Accusers and accused students will list, and submit to the DOS, the names of the persons who are designated by them as "need-to-know." Need-to-know parties will be required to sign a statement of understanding that describes this policy and the University's retaliation policies. Written permission from the DOS will be required to disclose confidential information to any person/entity outside of the need-to-know list.

Failure to adhere to this policy may subject the student participant to disciplinary action. Failure of people to whom information is disclosed to maintain confidentiality may also subject the Brandeis student participant, and any other Brandeis student discloser, to disciplinary action.

The policy extends to documents (paper or electronic) and other evidence related to a conduct process.

This policy is in no way intended to prevent any person from discussing the personal experiences that led to the initiation of the conduct process. For example, an aggrieved person (accuser) is not prevented from discussing facts or personal opinions about those facts as the student came to know them prior to the participation in a conduct process. Only new information about those facts that is learned in a conduct process is not sharable.

This policy is not intended to discourage a Brandeis student from seeking advice or redress from oversight or judicial entities external to Brandeis.

The University exercises careful discretion in sharing confidential information internally with professionals whose expertise or job function relate to the adjudication or support of participants. Additionally, the University may share confidential information with other institutions in which a student participant is enrolled. Whenever confidential information is shared, it will be as minimal or redacted as possible in order to balance the need for sharing with the interest of maximizing privacy.

Brandeis is required by law to provide statistics and narrative information about certain confidential information. Personally identifiable information will be removed from such communications whenever possible.

Questions about this policy should be directed to the DOS or to the Title IX Coordinator.

Section 18. Procedural Standards in the Peer Review Process (PRP)

18.0. The Peer Review Process: The PRP (formerly called the Student Conduct Process through the 2013-14 academic year) is the formal conduct process that utilizes the clear and convincing evidence standard to adjudicate most allegations of “Rights and Responsibilities” that describe on-campus behavior. Gender-based harassment allegations are not adjudicated by the PRP, but rather the Special Examiner’s Process found in section 22. The DOS Office, pursuant to section 21, typically adjudicates off-campus behavior.

18.1. Preliminary Meeting: In cases where the Department of Student Rights and Community Standards (DSRCS) or the Director of Academic Integrity (DAI) decides that there is evidence of a violation that warrants referral to the PRP, the accused will be contacted to schedule the Preliminary Meeting with the appropriate administrator. Communication regarding conduct procedures and meetings will be through the student’s Brandeis email account (see section 1.9). Failure to respond to a request for a Preliminary Meeting within four business days constitutes an acceptance of responsibility for the charge(s). In such cases, the DDSRCS/DAI may proceed to sanctioning in accordance with section 18.3, or refer the matter to the Student Conduct Board (SCB) for sanctioning. In the event of extenuating circumstances, the DDSRCS/DAI may grant additional time for the choice. **Note:** If at the time of notification about a

referral the accused is withdrawn or not available in-person, the PRP may be deferred until the accused returns, re-enrolls or voluntarily waives rights to this deferral.

The Preliminary Meeting will serve to inform the student of the details of the charges and educate the accused about the PRP. The accused will have the opportunity to ask questions and make statements. After the Preliminary Meeting the accused will receive written charges. (If the accused fails to schedule or attend a Preliminary Meeting in a timely fashion, the written charges will be sent in the absence of a Preliminary Meeting.)

The accused will have multiple options from which to determine a path through the PRP. The PRP Choice of Action Form explains the options available to the accused. An excerpt from the form follows:

Denial of Responsibility:

Choice 1. I deny responsibility for the alleged violation(s) stated above. I request that the charge(s) for which I have denied responsibility be adjudicated via a **FULL HEARING** before the appropriate panel of the Student Conduct Board, pursuant to section 19 of "Rights and Responsibilities."

OR (not both)

Choice 2. I deny responsibility for the alleged violation(s) stated above. I request that the charge(s) for which I have denied responsibility be adjudicated via an **ADMINISTRATIVE ACTION** made by an individual Department of Student Rights and Community Standards (DSRCS) administrator or the Director of Academic Integrity (DAI), pursuant to section 19 of "Rights and Responsibilities."

Acceptance of Responsibility:

Choice 3. I accept responsibility for the alleged violation(s) stated above. I request that the charge(s) for which I have accepted responsibility be adjudicated via a **SANCTION HEARING** before the appropriate panel of the Student Conduct Board, pursuant to section 19 of "Rights and Responsibilities."

OR (not both)

Choice 4. I accept responsibility for the alleged violation(s) stated above. I request that the charge(s) for which I have accepted responsibility be adjudicated via an **ADMINISTRATIVE ACTION** made by an individual Department of Student Rights and Community Standards (DSRCS) administrator or the Director of Academic Integrity (DAI), pursuant to section 19 of "Rights and Responsibilities."

Mediated Resolution Process: *(Neither an Immediate Denial nor Acceptance of Responsibility)*

Choice 5. The accuser has offered the Mediated Resolution Process (MRP) as a means of adjudicating the charge(s), and the Director of the DSRCS or the DAI approves the offer. I also accept the offer to participate in the Mediated Resolution Process as an alternative to the other choices above. I understand that I will be expected to accept or deny responsibility for the charges as part of this option, once underway. Should the Mediated

Resolution Process reach an impasse, I understand that I will be asked to reconsider the other options (1-4).

18.1.a. Mediated Resolution Process: The Director of the DDSRCS or the DAI, at his/her discretion, may approve the offer by an accuser to request participation of the accused in a mediated resolution that will be facilitated by the DDSRCS, the DAI or by a designee. A mediated resolution process is one in which the accuser and the accused agree to discuss the allegation in question with the assistance of the DDSRCS, the DAI or a designee. The purpose of a Mediated Resolution Process (MRP) is to apply a less-adversarial approach to an outcome or compromise that will be agreed-upon, recorded, final and binding. The parties decide how to engage the conflict through shared, in-person conversation, and the parties decide together how the conflict will be resolved. The DDSRCS, the DAI or designee serves to explain community standards, to ask clarifying questions and to maintain an orderly, respectful atmosphere. The DDSRCS, DAI or designee must also approve all proposed resolutions.

Subject matter that is sometimes well served by a mediated resolution option includes, though is not limited to: roommate disputes, allegations of theft of personal or intellectual property, certain academic conflicts and minor offenses of community standards. **Note:** Mediated Resolution will not be used for sexual misconduct allegations.

18.1.b. MRP Outcome: Participating parties have discretion to propose restitution and reconciliation outcomes subject to the approval of the DDSRCS. Such outcomes will be evaluated by the DDSRCS for their relevance to the conflict, educational benefit, constructiveness and respect of parameters found in section 20 of "Rights and Responsibilities." In the event of an impasse or other impediment to arriving at a mutually acceptable outcome, the Director shall declare an endpoint to the mediated resolution process and redirect the matter to the process outlined in section 18. Failure to adhere to the expectations of the written mediated resolution outcome may expose the offending party to further mediation or referral to the PRP (see section 2.2).

18.1.c. MRP Outcome Record: A record of the outcome or impasse will be produced and will be subject to the retention provisions in section 18.5.

The accused must choose appropriate options, via the PRP Choice of Action Form, (for all written charges) within two business days of delivery of the written charge(s) to the accused, the accused's Brandeis email account or the accused's home address. Prior to making this choice, the accused shall be advised of the name of the administrator who would recommend the appropriate sanction. An accused's failure to choose one of the options within two business days constitutes an acceptance of responsibility for the charge(s). In such cases, the DDSRCS/DAI may proceed to sanctioning in accordance with section 18.3, or refer the matter to the SCB for sanctioning. In the event of extenuating circumstances, the DDSRCS/DAI may grant additional time for the choice.

18.2. Administrative Action: Within 30 class days (the final exam period and Senior Week constitute class days) from the date the accused chooses Administrative Action, the accused shall meet with the DDSRCS/DAI or designee to discuss the full circumstances of the charge(s); under the Administrative Action option, this is the only opportunity to present evidence. This meeting may be in addition to, or waived in the event of, the Preliminary Meeting between the accused and the DSRCS/DAI. Summer instruction does not constitute class days unless the student is enrolled in Brandeis Summer School. The DDSRCS/DAI shall notify the accused in writing of the decision, confirming the action taken and the reasons for the decision.

18.3. Failure to Attend: If the accused fails to attend a scheduled meeting with the DDSRCS/DAI after having chosen Administrative Action, the administrator may complete the process in the accused's absence and send notification in writing of the decision. The accused shall have the right to one rescheduled meeting if the accused fails to attend the originally scheduled meeting through no fault of the accused's own as determined by the DDSRCS/DAI.

18.4. Deferral of PRP Proceedings: The DDSRCS/DAI may defer (place on hold) conduct action at any stage of the process for a period not to exceed 90 class days if the accused is unable to participate due to the accused's withdrawal, leave of absence, documented illness or incapacity or if agreed upon by consent of the accuser, and/or the DDSRCS/DAI and the accused. Pending charges may be discontinued thereafter dependent upon the conduct of the accused.

18.5. Administrative Action Record: A record of the Administrative Action, comprised of a summary of the evidence presented and decision rendered, shall be made by the administrator. Such records are confidential and shall be retained by the DDSRCS for seven years from the date on which this record was written, after which it will be destroyed, unless the student is involved in further conduct action. When there are multiple incidents and associated conduct records, all records will be maintained for seven years from the date on which the most recent incident is closed by the PRP, after which the records will be destroyed (except in extraordinary cases as defined by the DOS). Access to such records is governed by the University Records Policy (see sections 16.4 and 18.6.l). Brandeis is required by law to provide statistics and narrative information about certain confidential information. Personally identifiable information will be removed from such communications whenever possible. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

18.6. Procedures for PRP Hearings (Full Hearing or Sanction Hearing) before the Student Conduct Board (SCB): A hearing shall be held within 30 class days, or as soon as practicable, from the date the accused chooses the SCB hearing. Summer (the period between the last day of final exams for the spring semester and the first day of class in the fall semester) does not constitute class days unless the accused is enrolled in Brandeis Summer School. Study Abroad (including domestic exchange programs) periods do not constitute class days. All hearings will be closed, meaning that only official participants may be present in the hearing room. Notice of the hearing date shall be delivered to the accused in person, or to the accused's Brandeis email account or the accused's home address at least 48 hours in advance of the hearing.

18.6.a. The Hearing Administrator: An administrator from the DSRCS or the DAI or another Students and Enrollment professional shall serve as the Hearing

Administrator. The non-voting role of the Hearing Administrator is to ensure the appropriate execution of the hearing as prescribed in section 18.10. Responsibilities of the Hearing Administrator also include: (a) advising the Board regarding the requirements and provisions of the Peer Review Process (PRP); (b) providing information relevant to procedures or sanctions; (c) providing continuity in Board operations and procedures; (d) facilitating the implementation of conduct procedures at all levels of the PRP; (e) acting as a liaison between Boards and the University community; and (f) assisting the Board in fulfilling its educational responsibilities. The Hearing Administrator shall be available prior to the hearing at the request of the accuser and accused to provide information regarding the alleged violation and procedural matters. To provide adequate notice to all parties, names of any advisors and/or witnesses will be submitted by the accuser and the accused to the DDSRCS/DAI at least 24 hours prior to the hearing. The Hearing Administrator may cross-share the names of witnesses and advisors with the accused and accuser prior to the hearing.

18.6.b. Outside Contact: The accused, accuser and their advisors are prohibited from confronting or questioning the witnesses and the other party(ies) regarding the case prior to the hearing.

18.6.c. Conflict-of-Interest: Student Conduct Board members may be informed of the accuser's and accused's names and charges prior to a hearing to avoid conflicts-of-interest. Any SCB members may recuse themselves and either party to the case may request to disqualify a prospective voter if the party can satisfy the remaining members of the SCB that there is sufficient cause for disqualification. An alternate member may take the place of the disqualified member, or the accused and accuser may agree to proceed without the prescribed minimum voting composition of the Board.

18.6.d. Advisors: The accused and the accuser in a Full or Sanction Hearing before the SCB may each bring an advisor of their choice from the University community to provide passive assistance. With the permission of the DDSRCS/DAI, advisors may also be present for related meetings prior to, and after, the hearing/meeting. In exceptional circumstances, the Hearing Administrator, in consultation with the SCB chairperson, may allow active participation by an advisor during a hearing. The lack of availability of any particular advisor will not be considered a legitimate reason to reschedule or delay the original scheduling of a hearing (see section 18.6.m). To avoid even the appearance of undue influence, the DDSRCS/DAI who advises the boards, members of the SCB and members of the University Appeals Board are not eligible to serve as an advisor for the accused or accuser. An advisor may not also serve as a witness.

Neither party shall be permitted to employ professional legal counsel or other persons from outside the University community to present the case before the SCB or to advise the student during a hearing or related meeting. However, an attorney may serve as a passive advisor when coexisting criminal charges are pending resulting from the same incident being adjudicated by the SCB (see DDSRCS staff for details).

18.6.e. Attendance: The accused and the accuser must be present at the hearing (except as provided in section 18.6.m). In the event that a hearing is being conducted by a live video or audio, the participants must be available via the agreed-to means at the time designated.

18.6.f. Witnesses: The accused and accuser may present evidence and introduce witnesses during the hearing, with the passive assistance of the student's advisor. Witnesses are those who were present for the incident in question and/or have information directly related to the incident in question. It is the responsibility of the accuser and the accused to notify their witnesses and advisor regarding the time, date and location of the hearing. Additional/unlisted witnesses may be considered at the discretion of the chairperson of the Board during the Full Hearing. Witnesses must be available when called by the chairperson or their testimony may be disallowed. Any expenses incurred by a witness to participate will be the responsibility of the witness. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

18.6.g. Truth and Admissibility: All persons giving evidence or testimony are obligated to be truthful. The SCB shall rule on the admissibility of evidence and any witness testimony. Unduly repetitious or irrelevant evidence or witness testimony may be excluded. Rules of procedure and evidence applicable to civil or criminal cases in court do not apply.

18.6.h. Evidence: The accused and the accuser shall have the right to view and question all evidence and reports presented to the Board during the hearing. The hearing administrator retains the discretion not to share certain records due to confidentiality concerns, in accordance with applicable law. The accused and the accuser shall have the right to question all witnesses appearing before the Board and only at the hearing. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

18.6.i. Written Testimony: Written testimony from absentee witnesses may be received by the SCB. Proof of authorship but not content of such testimony must be made by certification of a notary public. Inaccessibility of a notary public must be brought to the attention of the DDSRCS/DAI prior to the hearing. Written testimony sent from the author's Brandeis UNET account will be considered authentic with respect to authorship (see section 10.1) and, therefore, is not subject to certification by a notary public. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

18.6.j. Burden of Proof and Standard of Evaluation: In cases where the accused denies responsibility, the burden of proof shall rest upon the accuser. The standard of evaluation in a PRP Full Hearing is based on evidence that is clear and convincing. This means that the SCB must be persuaded by the evidence that it is highly probable that the allegation is true in order to find the accused responsible.

18.6.k. Findings: The SCB shall make one of the following decisions upon completion of a Full Hearing: (a) a finding of "not responsible"; (b) a finding of

“responsible” (based only upon clear and convincing evidence) and, in the case of a finding of responsibility in a Full Hearing or at the conclusion of a Sanction Hearing, the recommendation of a sanction; (c) continuance of the case to obtain additional information or for further consideration. Decisions shall be based solely upon evidence and testimony introduced at the hearing. All decisions shall be made by a majority vote. The chairperson shall vote only to break a tie.

18.6.l. Hearing Report: A written Hearing Report, comprised of a summary of evidence presented at the hearing and decision rendered by the SCB, shall be made by the Hearing Administrator. Hearing Reports will be retained by the DSRCS for seven years from the date on which this record was written, after which it will be destroyed, unless the student is involved in further conduct action. When there are multiple incidents and associated conduct records, all records will be maintained for seven years from the date on which the most recent incident is closed by the PRP, after which the records will be destroyed (except in extraordinary cases as defined by the DOS). Access to such records is governed by the University Records Policy (see sections 16.4 and 18.5). Brandeis is required by law to provide statistics and narrative information about certain confidential information. Personally identifiable information will be removed from such communications whenever possible. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

18.6.m. Rescheduled Hearing: The accused and accuser shall have the right to a rescheduled hearing if they fail to attend the originally scheduled hearing through no fault of their own as determined by the hearing administrator. If the hearing administrator concludes that the failure to attend was the fault of the accused, the accused shall be deemed to have accepted the responsibility, and the case will be referred for Administrative Action (see section 18.3). If a hearing is rescheduled, it will take place after proper notification. If the accused fails to attend the rescheduled hearing, the accused shall be deemed to have accepted responsibility, and the case will be referred for Administrative Action (see section 18.3).

18.7. Appeal Procedures for Student Conduct Board Decisions: Following approval or modification of the sanction(s) by the DOS or the DDSRCS/DAI (see section 21), the accused shall have the right to submit an appeal request concerning the decision of a board to the University Appeals Board. Such appeal requests shall be based only on specific evidence, presented in writing of:

18.7.a. Fraud

18.7.b. Denial of rights under this process

18.7.c. Procedural error

18.7.d. The claim of new evidence not previously available, which would have materially affected the decision

Appeals shall not be based upon, or granted due to, dissatisfaction with an imposed sanction. Appeal requests must be filed within seven business days of delivery of the conduct action to the student in person, or to the student's home address or Brandeis' email address. If the University Appeals Board determines that a written request for appeal has merit, it shall conduct a new hearing of the case. Upon completion of the appeal hearing, the University Appeals Board may uphold the original decision and sanction imposed, find the accused not responsible or increase or decrease the sanctions. Any sanctions shall not take effect until approved or modified by the DOS or the DDSRCS/DAI (see section 20).

18.8. Procedures for the Review of Administrative Actions/Decisions (see sections 18.1, 18.2 and 18.3): The accused shall have the right to meet with the DOS to discuss an administrative decision or Administrative Action. A student must request this meeting within two business days of delivery of the Administrative Action notification. The DOS may or may not amend the original decision and/or sanctions.

18.9. Continuance: Accused students who obtain information at their PRP Full Hearing which might lead to new evidence shall ask for a continuance of that case at that time, rather than wait to raise the matter for the first time as the basis for an appeal request.

18.10. Peer Review Process Hearing Procedures before the Student Conduct Board¹:

All hearing participants parties, advisors, witnesses, SCB, hearing administrator) assemble in the hearing room.

18.10.A. The SCB chairperson invites all participants to introduce themselves.

18.10.B. The SCB chairperson explains the philosophy of peer review and SCB procedures.

*We are assembled here because we believe in the concept of **peer review**. As members of the Brandeis community, we all share the responsibility for protecting the climate of freedom to teach and to learn in a safe environment, and it is the role of this Board to determine what standards of behavior are acceptable within our community. **Outcomes, including any sanctions or restitutions are intended to be educational and constructive.***

*This **Board is not a court of law**, and these proceedings are not intended to replicate or replace criminal action. While we do not administer an oath, we require all participants in this hearing to be truthful. Failure to do so could result in further conduct action.*

*We also require that all participants in this hearing **treat each other with respect at all times**, addressing each other by proper names and using titles when appropriate. Participants are reminded that advisors are only allowed to speak with the person whom they are advising unless given explicit permission by the Hearing Administrator to do otherwise.*

¹ Procedures for cases involving allegations of gender-based behaviors will be adjudicated by the Special Examiner's Process found in section 22.

If at any time during the hearing any of you has a question about the procedures, please feel free to ask. We will pause as necessary to insure that the pace of the process does not overtake our ability to understand each other.

We will proceed today in accordance with the Student Conduct Board Hearing Procedures document referenced in section 18 of "Rights and Responsibilities," and available to you for reference in the room today.

Kindly switch your electronic devices to silent mode. Please keep an active mind and a peaceful composure. We're all members of the same Brandeis community looking forward to the resolution of this matter.

Thank you very much and best wishes to all!

18.10.C. The SCB chairperson reads the statement of the parties' Rights to Fairness under this process:

1. To bring one advisor of the accused/accuser's choice from the University community to provide passive assistance during the hearing (an advisor may not serve as a witness).
2. To present witnesses on their behalf.
3. To question witnesses appearing against them.
4. To submit verbal arguments.
5. To remain silent and not testify against themselves. The accused and accuser should remember that if they remain silent, the SCB is compelled to hear the case and render a decision based upon the evidence presented.
6. To be evaluated by the standard of clear and convincing evidence.

18.10.D. Witnesses leave the room, remaining readily available to be called for their testimony.

18.10.E. The SCB chairperson reads the accusation(s) from the PRP Choice of Action Form.

1. The accused is asked if the accused understands the accusations.
2. The accused accepts or denies responsibility. *Although the accused student has previously indicated the accused's choice of action earlier in the PRP, this step insures that all participants are clear that the accused wishes to continue with the Full Hearing, rather than accept responsibility and ask the SCB to conduct a Sanction Hearing instead.*

18.10.F. Initial Presentations:

In the event that there is more than one accused, the SCB may bring them into the hearing room either individually or as a group, in alphabetical order, for Initial Presentations; this system shall prevail throughout the remainder of the hearing procedures.

1. The accuser offers the accuser's description of allegations.
2. The accused offers the accused's description of the allegations.
3. The accused may ask questions of the accuser.

4. Board members may ask questions of the accuser.
5. The accuser may ask questions of the accused.
6. Board members may ask questions of the accused.

18.10.G. Witnesses for the accuser may be called.

1. The accuser may ask questions of the witness.
2. The accused may ask questions of the witness.
3. Board members may ask questions of the witness.
4. The witness is excused from the hearing room (but retained outside for possible recall).

18.10.H. Witnesses for the accused may be called.

1. The accused may ask questions of the witness.
2. The accuser may ask questions of the witness.
3. SCB members may ask questions of the witness.
4. The witness is excused from the hearing room (but retained outside for possible recall through step M.).

18.10.I. The accuser, the accused or SCB members may recall witnesses or re-question the accuser or the accused (following same order as previous witness questioning). Witnesses should remain outside until after the conclusion of step M. The chairperson or hearing administrator will excuse witnesses from their waiting position at the appropriate time.

18.10.J. Final statement of the accuser (no new testimony).

18.10.K. Final statement of the accused (no new testimony).

18.10.L. The accuser, the accused and their respective advisors leave hearing room, but remain outside until the conclusion of step N. or O.

18.10.M. The SCB deliberates on the responsibility or lack of responsibility of the accused. The accused, the accuser and advisors are called back into the hearing room to hear the decision regarding responsibility.

18.10.N. If the accused is found not responsible for all charges, all participants are excused and the hearing is adjourned. An outcome notification (via Brandeis email) will be sent to the accused, usually within three to five business days, pending approval by the DOS.

The following portion of the procedures constitutes the sanctioning phase of the Full Hearing. When the accused accepts responsibility and chooses a Sanction Hearing, the SCB chairperson will begin the procedure here after introductory remarks in A. and B.

18.10.O. If the accused is found responsible for one or more charges, recommendations and questions on sanction(s) are heard.

1. The accuser offers recommendations to the SCB regarding possible sanctions.

2. The accused may question the accuser about the accuser's recommendations.
3. The accused offers recommendations to the SCB regarding possible sanctions.
4. The accuser may question the accused on the accused's recommendations.
5. The SCB may question the accused and the accuser on their recommendations.

18.10.P. The accuser, the accused and their respective advisors are informed that the SCB will deliberate on sanction recommendations which will be communicated to the DDSRCS, the DAI or the DOS. Final sanction determinations will be communicated in writing to the accused, usually within three to five business days. The accused, the accuser and advisors are excused, and the SCB reserves the right to adjourn for later deliberations.

18.10.Q. The Board deliberates on sanction recommendations.

1. The SCB is advised of past PRP involvement of the accused, if any, by the hearing administrator.
2. The SCB chairperson will record the SCB's recommendations and the rationale for each recommendation, which will be forwarded to the hearing administrator and reviewed by the appropriate administrator.

Appeal procedures will be addressed in the final outcome letter to the accused.

Section 19. Composition of Boards

19.1. The Student Conduct Board (SCB): The SCB shall hear cases of alleged violations of community standards of behavior or University policies referred to it by the DDSRCS or the DAI, with the exception of cases related to gender-based allegations. SCB hearing procedures are enumerated in section 18.10.

19.2. Voting Panel Compositions: In hearing cases of alleged violations of policy on academic integrity (see section 4), a Student Conduct Board voting panel of two students and two faculty must be present; at hearings for alleged violations of all other standards or policies, a voting panel of three students and one faculty member or staff member must be present. The voting requirements in this section may be waived by mutual consent of the SCB, the accuser and the accused.

19.3. Faculty and Staff Members of the SCB: A pool of faculty members and staff members shall serve on the Board. Faculty members are appointed by the chairperson of the Faculty Senate. Staff members are appointed by the Senior Vice President for Students and Enrollment. The term of appointment for faculty and staff members shall be two years and renewable.

19.4. SCB Student Member Selection: Students shall be selected annually by a process open to all continuing students. The Board is formed in the spring of the preceding academic year of a representative cross-section of Brandeis students, as allowed by those who apply.

19.5. SCB Chairperson Selection: The SCB shall be chaired by students, each annually selected by the student membership of the SCB and the DDSRCS.

19.6. SCB Member Removal: Any member of the SCB may be removed by the DDSRCS in consultation with the student chairpersons if the member is determined to be responsible for behavior that conflicts with the high standards of citizenship, confidentiality and cooperation that the SCB represents.

19.7. The University Appeals Board: The University Appeals Board (UAB) shall hear appeals of decisions of the SCB, the SEP and appeals of decisions of any *ad hoc* board which may be formed at the discretion of the DOS (see section 18.8 for information on Administrative Action review). An administrator from the Division of Students and Enrollment, designated by the DOS, will serve as chairperson of the UAB.

19.8. UAB Composition: The University Appeals Board shall be comprised of three voting members (one full-time student and two members of the faculty) and one tenured faculty chairperson. At least two undergraduate students and at least two graduate students shall be appointed to the voter pool by the president of the Student Union and Graduate Student Association, respectively. At least four faculty members shall be appointed to the voter pool by the chairperson of the Faculty Senate. A chairperson who is a full-time tenured faculty member shall be appointed by the DOS. Students appointed to the UAB must be free from all elected, appointed or affiliate relationships with the Student Union or the Graduate Student Association. The term of appointment for faculty and staff members shall be two years and renewable.

19.9. UAB Selection: Members and alternates on the UAB shall be selected in a manner similar to that of the SCB, with its formation led by the DOS and at least one other member designated by the DOS. If a UAB position becomes vacant and no alternate is available, the original appointing authority shall appoint a replacement for the remainder of the term.

19.10. UAB Member Removal: A member of the UAB may be removed by the DOS in consultation with the chairperson, if the member is determined to be responsible for behavior that conflicts with the high standards of citizenship, confidentiality and cooperation that the UAB represents.

19.11. UAB Hearing Administrators: The UAB shall have an administrator from the Division of Students and Enrollment, designated by the DOS, serving as a hearing administrator in all stages of the hearing and deliberations. Responsibilities of the UAB hearing administrator shall include: (a) advising the UAB regarding the requirements and provisions of the University's PRP; (b) providing information relevant to procedures or sanctions; (c) providing continuity in UAB operations and procedures; (d) facilitating the implementation of conduct procedures at all levels of the PRP; (e) acting as a liaison between boards and the University community; and (f) assisting the UAB in fulfilling its educational responsibilities.

Section 20. Range of Conduct Actions and Sanctions

20.0. Purpose of Actions and Sanctions: A variety of actions may be taken as a consequence of being found responsible for a violation of community standards. When determining these actions, a DDSRCS, the DAI, the DOS in a Special Examiner's Process or section 21 decision, the Student Conduct Board, the University Appeals Board or the Special Examiner's Process Appeals Board may consider all facets of the specific individual situation, including but not limited to the seriousness of the offense, prior history of violations, impact of the offense on others, the student's class year and/or evidence of intent. Because the purpose of University conduct processes and decisions is to uphold and promote community standards, a learning component is also part of the sanctioning process whenever appropriate.

These learning components may include, but are not limited to:

- Failure in a course or on an assignment; reduction of a grade
- Workshops on note-taking, proper citation or writing a research paper
- Training (e.g., conflict resolution)
- Education on ethical decision-making
- Education on alcohol and drug abuse
- Restitution for damages
- Counseling/assessments
- Family notification

20.1. Education: Learning components may be imposed in combination with other disciplinary action and may include a required completion date. Failure to complete any designated learning component, as with any other sanction, could result in further conduct action (see section 2.2). Sanctions shall not take effect until approved by the DDSRCS/DAI or the DOS. Any of these administrators can modify the proposed sanction(s). Suspensions or dismissals shall not take effect until approved only by the DOS, who can modify the sanction(s).

20.1.a. No Further Action: In cases where the student is found responsible and the discussion with the administrator or the hearing before the Board/administrator has been sufficient in-and-of itself, further action may not be deemed necessary. However, the responsible finding is noted in the student's record in the DSRCS.

20.1.b. Disciplinary Warning: The student may be warned in writing of the possible consequences of continuing inappropriate behavior. Additional conditions may be applied as appropriate.

20.1.c. Residence Probation: A student who is placed on Residence Probation is not in good standing with the relevant living unit for a specified period of time, and conditions may be placed on the student's actions. The status of Residence Probation reminds the student that the infraction has become part of a student conduct record and that repetition of similar or other unacceptable behavior may be cause for removal from the residence halls. The Department of Community Living will be notified of students who are placed on Residence Probation.

20.1.d. Removal from Living Unit: This action precludes the student's continued residence either in a particular living unit or in any campus living unit. Such action would normally be taken after one serious violation or repeated violations related to the living unit environment, and is exercised in conjunction with the Department of Community Living.

20.1.e. Loss of University Privileges: A student may be denied certain University privileges including, but not limited to, early arrival on campus, extended stays in the residence halls, participation in campus activities, representing the University in competition or other official capacities, campus employment and campus leadership opportunities. Loss of such privileges extends over a specific period of time, and is designed to reflect a specific community concern about the student's behavior.

20.1.f. Disciplinary Probation: A student who is placed on Disciplinary Probation is permitted to remain enrolled at the University, often under certain stated conditions depending upon the nature of the violation and potential learning value that may be derived from such conditions. The probation usually extends over a stated period, during which it is clearly understood that such students are subject to further disciplinary actions, including suspension or dismissal, if they violate the terms of the probation or in any way fail to conduct themselves as a responsible member of the University community. Disciplinary Probation is a final warning to the student(s) to help them reevaluate their behavior.

20.1.g. Suspension: An involuntary separation of the student from the institution, suspension differs from dismissal since it defines conditions under which return will be possible. Suspension may extend for a semester, until a designated date and/or until degrees/certificates will not be issued and credit will not be granted for courses taken elsewhere. Following the suspension period, return to Brandeis requires initial approval of the DOS and then approval by the Committee on Academic Standing regarding academic suitability for readmission.

20.1.h. Dismissal: A permanent, involuntary separation of the student from the institution.

Section 21. University Actions and Sanctions by the Dean of Students (DOS) Office

21.0. Behavioral Intervention and Community Standards: Brandeis University is a small, though complex community that believes in self-care and the care for others. Given the rigor of academic programs and the numerous co-curricular and extracurricular engagements in which students engage, the existence of behavioral concerns between and amongst community members is natural. The DOS Office is charged with providing structures and opportunities in support of conflict resolution and student success. In association with the Care Team (see section 17), the DOS Office receives reports about

conflict or concern and carefully responds to each individual student in a manner that will maximize the student's well-being and/or academic and social success.

The provisions of this section describe the authorities and responsibilities of the DOS Office to intervene with, and provide constructive response to, urgent or serious student behavior.

The Dean of Students: In general, if the DOS is unavailable due to conflict of schedule or conflict of interest, the next most senior administrator in the DOS Office will serve as the Designee. If conflicts of schedule or interest preclude other members of the DOS Office from participating, the DOS will designate another appropriate University administrator to be the designee.

21.1. University Action: Whenever the University has reason to believe that a student's conduct or behavior may disrupt the safety or well-being of another student, faculty, staff, guest or other University community member, or where the alleged conduct impairs the student of concern from acceptably rendering a University service, the University may take any action that it believes to be appropriate and reasonable under the circumstances. This may include, but is not limited to, notification of the student's parent or guardian; removal of the student from a residence hall; suspension of the student from a campus leadership position, job or athletic team; or other action deemed necessary to remove or minimize the threat or disruption.

The DOS is the only authorized grantor of permission to a student who wishes to return to classes and/or the residence halls after any removal.

In the event the University takes such action, the University shall notify the student of the action taken and the basis for the action. Within three business days of notification, the student shall have an opportunity to speak with the DOS to discuss the situation and provide information, including documentation by a health care provider, to contest the action(s) taken. The DOS shall then decide, at his/her discretion, whether to reinstate or restore the student's privileges, to consider further action under this procedure or to take additional reasonable and appropriate steps.

21.2. Emergency Suspension: Pending final action on a violation of University regulations, the status of a student shall not be altered or the student's right to be present on the campus and to attend classes suspended, except for reasons of imminent danger to the student's physical or emotional safety or well-being, or for reasons of imminent danger to the safety or well-being of the University community or in compliance with applicable law. The decision to separate a student from the campus under these conditions shall be made by the DOS. If a student is separated from the campus by this authority, the PRP procedures outlined in section 18.1 or the SEP procedures outlined in section 22 shall be implemented within 10 class days after the separation.

21.3. Indefinite Suspension: In the event the DOS learns that a Brandeis student has been charged with or convicted of a crime, the DOS may immediately remove the student from campus housing, restrict the student's access to the campus and/or indefinitely suspend the student from the University pending the final outcome of a criminal proceeding. In making this decision, the DOS must consider the nature of the crime and the risk to the safety or well-being of the University community. A student suspended under this authority may request a meeting with the DOS and the SCB. The SCB shall

assess the risk to the safety or well-being of the Brandeis community and advise the DOS. The final decision on continuation of the suspension shall be made by the DOS. The procedural standards set forth in section 18 do not apply to indefinite suspension.

21.4. University Sanctions (Formal Adjudication for Off-Campus Incidents and Non-Brandeis Reporters): Brandeis University expects students to conduct themselves at all times as good citizens and good neighbors in a manner that is consistent with the federal, state and local laws and ordinances. Off-campus student behavior that aggrieves any person, or on-campus student behavior that aggrieves a non-Brandeis community member, which, in the judgment of the DOS (DOS), constitutes behavior that is inconsistent with this code and adversely affects the University community, may result in sanctions and/or protective measures up to and including dismissal. A Brandeis student disciplined under this authority may request a meeting with the DOS and the SCB or the Outcome Panel (see section 22) (if the allegations include sexual misconduct or gender-based misconduct). The SCB or Outcome Panel shall advise the DOS on the appropriateness of the sanction. The final decision shall be made by the DOS. The procedural standards set forth in section 18 do not apply to off-campus behavior or university sanctions.

21.5. Medical and Emotional Emergencies: Whenever a student's conduct results in the intervention of the Brandeis Health Center, the Brandeis Psychological Counseling Center or a non-Brandeis medical or psychological health care provider in order to prevent or address a student's self-harm or harm to others, or to address a student's severe emotional or psychological distress, the DOS will establish an emergency protocol for that student. Any student who receives treatment from a non-Brandeis medical or psychological health care provider under these circumstances must contact the DOS upon release.

The DOS shall notify the student in writing of the emergency protocol and the basis for the protocol. Within three business days of notification, the student shall have an opportunity to speak with the DOS, to discuss the protocol and provide information, including documentation by a health care provider, to contest the action(s) taken. The DOS shall then decide, at his/her discretion, whether to reinstate or restore the student's privileges, to consider further action under this procedure or to take additional reasonable and appropriate steps.

During the period begun by the emergency intervention and continuing until the conveyance of explicit written permission by the DOS to resume campus functions, a student subject to an emergency protocol is not permitted to access any campus property, facilities or attend any classes. There will be no exception for examinations or other time-sensitive student activities or academic obligations. Failure to comply with this protocol may result in referral to the PRP as defined in this document (see sections 2.1 and 2.2).

Section 22. The Special Examiner's Process

In cases where the University receives a report from a willing accuser who is a current Brandeis community member (students, staff or faculty) and determines that one or more possible violations of section 3 or gender-based behaviors from any other section exist, the case will be adjudicated by the SEP. This prompt, fair and impartial process is

described here in section 22 because it is distinct from the procedures described in the PRP found in section 18. When a student is accused of multiple violations for a single incident or cluster of related incidents, some of which are gender-based and others of which are not, the SEP will be used to adjudicate all allegations simultaneously or in multiple SEPs as deemed appropriate by the DOS.

Brandeis is committed to acknowledging and preserving the rights and responsibilities of all its students through all of its disciplinary procedures. In the event that the University is aware of possible student violations of section 3 or gender-based behaviors related to any section of this code, but where there is no accuser, the DOS reserves the right to take action pursuant to their authority enumerated in section 21.

Roles and Terms

Confidentiality: The Confidentiality Policy, found in section 17, applies to the SEP.

Community Standards Report (CSR): An official report to the University's DOS Office about the behavior of a student or another person. A CSR may be submitted by a person who self-identifies or by a person who wishes to remain anonymous. A CSR is required to initiate a formal adjudication process, though a CSR does not automatically initiate a formal adjudication process. The reporter must first self-identify and choose to initiate a formal adjudication process, such as the SEP. Upon the choice to initiate a formal adjudication process, the reporter becomes an accuser. The CSR will be shown, in its entirety, to the accused student(s). This report is a web-based form located at <http://www.brandeis.edu/studentaffairs/srcs/reporting.html>.

Interim Measures: Due to the seriousness of sexual or gender-based misconduct allegations and accompanying issues that may impact the Brandeis community, any student accused of sexual or gender-based misconduct may be subject to interim measures, including: removal from certain roles or positions, University Actions and restrictions (see section 21.1) or Emergency Suspension (see section 21.2) pending the outcome of any investigation or formal disciplinary process. Interim Measures will typically be in effect until the conclusion of the SEP. The DOS, in conjunction with the Title IX Coordinator, reserves the right to maintain, amend, add or remove one or more Interim Measures at any time as deemed appropriate.

Standard of Evaluation: This process will use the "Preponderance of the Evidence" standard in evaluating the responsibility of the accused. Under this standard, the accused is presumed not to have engaged in the alleged conduct unless a "preponderance of the evidence" supports a finding that the conduct occurred. A preponderance of evidence means a greater weight of evidence or more likely than not.

Advisor: The accuser and the accused may select the advisor of their choice to provide passive assistance during the SEP. The role of any advisor is passive and does not include writing or speaking on behalf of a party throughout the duration of the SEP. Though a potentially important source of support and guidance, the advisor's participation is not required for the party's progression through the SEP. The failure of a party to choose an advisor will not delay the progress of the SEP. The party is responsible for arranging for their advisor's presence at SEP-related meetings. An advisor may not also serve as a witness.

An effective advisor combines a generous capacity for empathy with the party being supported with sensitivity toward assisting the party to communicate effectively and completely about their experiences during the SEP.

Conflict of Interest: In our small community there is some likelihood that SEP participants may know each other. Reasonable care is taken to avoid conflicts of interest or perceived potential for bias.

Director of Student Rights and Community Standards (DDSRCS): The Director receives reports and determines, in conjunction with the Care Team and the DOS, whether a Community Standards Report will be forwarded to the PRP or the SEP. The DDSRCS explains the SEP to the parties and collects preliminary information during the Statements Phase. The Co-Examiner may also serve in place of, or in conjunction with, the DDSRCS in the SEP.

Special Examiner: The examiner of allegations and related evidence regarding the allegation(s). During the Fact-Finding Phase the Special Examiner will conduct an investigation and prepare a report of his/her recommended findings at the conclusion of the phase that is submitted to the DOS in support of the Responsibility Findings and/or Deliberations Phase of the process. The report will include three general components: 1) factual findings, 2) observations about the credibility of the participants and 3) opinions about whether a preponderance of the evidence exists for the allegation(s). **Note:** The DOS will make the final decision as to whether the accused is responsible for any allegations. The Special Examiner may be a University employee or a contracted, external expert. The Special Examiner is appointed by the SVPSE or designee.

Co-Examiner: A member of the faculty or staff, named by the Title IX compliance officer, who is present at all interviews involving the parties and witnesses held by the Special Examiner. The Co-Examiner will contribute to the investigation by asking questions alongside the Special Examiner. The Co-Examiner will advise the Special Examiner in the preparation of the report, but will not be responsible for the preparation of a separate report. The Co-Examiner will also provide policy and procedural clarifications during interviews.

Witness: Any person who was present during the alleged incident(s) or alleged behavior(s) or who has direct knowledge of the incident(s) or alleged behavior(s). A witness may not also serve as an advisor. Witness participation is voluntary. Rather than serving for one party or another, the witness serves the SEP in general. The participation of a willing witness will be at the discretion of the Special Examiner. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

Dean of Students (DOS): The DOS or designee conducts the Discussion Phase conversations with the parties and communicates findings to the parties made by the Special Examiner and the panel. The DOS is also responsible for rendering the final decision, during the Outcome Phase, as to any outcome for the accused, based on the recommendations of the Outcome Panel in the Deliberations Phase or based on recommendations of the UAB after any appeal.

Outcome Panel: A group of three University administrators and/or faculty, appointed by the DOS, who will receive the Special Examiner's report (when the accused is found

responsible for one or more charges) and make a recommendation to the DOS as to the outcome(s) for the accused during the Deliberations Phase.

SEP Appeals Board: The SEP Appeals Board is a subset of the University Appeals Board described in sections 19.7 through 19.11. The membership of SEP Appeals Board includes only faculty; a board is comprised of three faculty voters and one tenured faculty chairperson. The procedures of the SEP Appeals Board differ from those of the University Appeals Board. Most significantly, if the SEP Appeals Board determines that a written request for an appeal has merit, it shall make recommendations to the DOS regarding the SEP outcome, rather than conduct any phase of the SEP anew.

Time Frame: The SEP will be conducted deliberately and without unnecessary delay. Brandeis University strives to complete investigations within 60 calendar days following receipt of the complaint. Based on past experience, investigations may take longer depending on the complexity of the investigation and the severity and extent of the allegation.

Timely Access to Information: Special Examiner's Report will be made available (with appropriate redactions in accordance with applicable laws) to the accuser and the accused. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

Process

Statements Phase: Subsequent to the receipt of a CSR, the available facts shall be gathered from the reporter, and a careful evaluation of these facts, as well as the credibility of the person reporting them, shall be made. Some reporters choose to limit the details or names of potential witnesses at the time of the CSR submission. While this is acceptable, the CSR must contain sufficient description of the allegations such that relevant citations from "Rights and Responsibilities" are identifiable. The accuser will discuss citations from the code with the DDSRCS/Co-Examiner prior to contact with the accused. Discussion between the accuser and the DDSRCS/Co-Examiner does not infer viability of the allegations, but only that a reasonable relationship might exist between the CSR's narrative and one or more behaviors described in "Rights and Responsibilities." The accused student will be informed of the citations simultaneous to the notification about the contents of the accuser's CSR.

Any other substantiating materials, such as email, text messages, photographs, records, names of witnesses, names, etc., should be submitted to the DDSRCS/Co-Examiner.

The DDSRCS/Co-Examiner will discuss the phases of the SEP in full with the accuser, including the decision about the accuser's choice of advisor. If the accuser is a Brandeis student, the discussion will also include dialog about ongoing efforts to support the student in a variety of non-conduct-related areas, such as medical and counseling services, academic support services, living arrangements, classroom assignments, directory information accessibility, travel considerations, etc. Further, the accuser will be reminded that the SEP does not substitute for the filing of a complaint with law enforcement. The accuser may initiate both processes. Information about initiating a criminal complaint will be explained. Criminal investigations need not be initiated nor concluded prior to the initiation of the SEP.

Note: In addition to the above interactions between the accuser and the DDSRCS/Co-Examiner, the DOS Office, in conjunction with the Title IX Coordinator, will communicate with the accuser and the accused about any Interim Measures that the DOS Office may assign.

Subsequent to the initial meeting with the accuser, the DDSRCS will contact the accused in writing (Brandeis email account) to inform the accused that a Community Standards Report (CSR) has been submitted. Within two business days, or as soon as is practicable, the accused will meet in-person with the DDSRCS/Co-Examiner. The DDSRCS/Co-Examiner will show to the accused the CSR and suggest that the accused compose in writing a thorough response to the allegations described in the CSR. In addition to this response, any other substantiating materials, such as email, text messages, photographs, records, names of witnesses, names, etc., should be submitted to the DDSRCS/Co-Examiner.

The DDSRCS/Co-Examiner will discuss the process in full with the accused, including the decision about the accused's choice of advisor. Since the accused is always a Brandeis student, the discussion will also include dialog about ongoing efforts to support the student. Once the SEP is activated by a CSR, it may not be interrupted by the withdrawal from the University by the accused. *The decision to withdraw from the University is one that any student should make in consultation with advisors, family, guardians, Academic Services or other trusted administrators or faculty.*

The accused must accept or deny responsibility for the allegations presented in the CSR. If the accused accepts responsibility, the DOS (DOS) will issue an outcome for the case, including disciplinary actions or sanctions. Notification will be made in writing (hand-delivered paper copy) to the accuser and the accused. If the accused fails to cooperate prior to accepting or denying responsibility for the allegation(s), the DDSRCS/Co-Examiner or the Special Examiner may consider the accused to have accepted responsibility, the party may forfeit their opportunity to participate in the SEP, and the Special Examiner will report accordingly to the DOS for the Outcome Notification.

If the accused denies responsibility, the SEP will progress to the Fact-Finding Phase.

Cooperation by the parties with the Special Examiner is expected. If a party fails to respond to correspondence (see section 1.9) or attend a scheduled meeting with the DDSRCS/Co-Examiner or Special Examiner, the DDSRCS or Special Examiner may resume the SEP in the party's absence. A party shall have the right to one rescheduled meeting if the failure to attend the originally scheduled meeting was through no fault of their own as determined by the Special Examiner or the DDSRCS/Co-Examiner.

At any point during the SEP, any party is entitled to change their initial course of action. For example, an accuser may drop one or more charges, and an accused may accept responsibility.

Fact-Finding Phase: The Special Examiner and the Co-Examiner will conduct the Fact-Finding Phase based both on materials and information offered by the parties during the Statements Phase, as well as other materials and information discovered in the course of this phase.

Documents and Other Physical Evidence: In addition to information and materials submitted during the Statements Phase, the parties and other witnesses, identified either by the parties or by the Special Examiner, may be added to the record for consideration during the Fact-Finding Phase. Documents and other physical evidence deemed by the Special Examiner to be of material importance to the Deliberations Phase will be logged and shared equally with the parties to ensure the opportunity for response. The Special Examiner retains the discretion not to share certain records due to confidentiality concerns, in accordance with applicable law. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

Interviews with Parties and Witnesses: Interviews with the parties, witnesses and experts will also be conducted at the discretion of the Special Examiner. The Special Examiner will secure written release as necessary to access pertinent records protected by confidentiality and privacy policies and laws. The Special Examiner will determine who will be interviewed, as well as how many times and in what order individuals will be interviewed.

Interviews with the Accuser and Accused: Interviews with the parties will be conducted separately and in-person when possible. These interviews will address not only the facts of the case but also the impacts that the accounts have had on them. The Special Examiner will be joined at all interviews by a Co-Examiner, whose role is to ask questions and clarify policy or procedural questions. The parties are entitled (though not required) to be joined by their advisor, if one has been selected, during all interviews with the Special Examiner and Co-Examiner.

Interviews of Witnesses: Interviews of witnesses named by the parties during the Statements Phase or Fact-Finding Phase of the SEP as well as those identified by the Special Examiner, may be conducted in-person, by telephone or by use of Internet-based tools at the discretion of the Special Examiner. Some witnesses may not be local or easily accessible, and the Special Examiner will make a good-faith effort to contact all pertinent witnesses. Expert witnesses may be consulted to verify materials or provide opinions about information or documents submitted by the parties. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

Special Examiner's Report: Upon conclusion of all interviews and collection of all known documents and materials deemed necessary by the Special Examiner, the Special Examiner will assemble a report for the DOS that summarizes factual findings, offers conclusions about the credibility of testimony and offers opinions about whether the accused is responsible or not responsible for any or all charges. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

Discussion Phase: This phase of the SEP provides the accuser and the accused with separate meeting opportunities with the DOS to learn about and respond to the findings made by the Special Examiner.

The parties, in separate meetings, will receive a printed copy of the Special Examiner's report and engage in dialog with the DOS about the report. Each party will have two business days within which to provide new, pertinent information or names of witnesses for the DOS's consideration. If after the meetings with the parties and after the submission of any new information or witness names, the DOS seeks additional fact-finding, the DOS will request the Special Examiner to make any and all necessary

inquiries. The Special Examiner will submit a supplemental report to the DOS based on the new inquiries. The DOS retains the discretion to hold another round of meetings with the parties to discuss the new findings.

Responsibility Findings: If the accused is found not responsible for all charges, the DOS will contact the parties in writing (hand-delivered paper copy) within two business days under usual circumstances.

If the accused is found responsible for one or more charges, the SEP will progress to the Deliberations Phase.

Deliberations Phase: This phase of the SEP involves a panel of three University administrators and/or faculty, appointed by the DOS, who will receive the Special Examiner's report and make recommendations as to the outcome(s) for the accused. The DOS will not serve on the panel.

The panel will consult the Special Examiner's report and will be entitled to interview the Special Examiner. The panel will not interview the parties, witnesses or other experts or individuals. Upon voting, the panel will communicate its recommendations about the outcome(s) for the accused to the DOS. The DOS will render the final decision as to any outcomes.

Outcome Notification: The DOS will communicate the final outcome(s) decision in writing (hand-delivered paper copy) to the accuser and the accused within seven days under usual circumstances. The accuser will be informed of any sanctions that relate to them in accordance with applicable laws.

Any and all sanctions, including suspension or dismissal, will be in effect immediately, regardless of any appeal that may be submitted by the parties.

Appeals Procedures: The accuser and the accused are entitled to appeal the final decision in the SEP to the University Appeals Board (UAB). The UAB's composition, when engaged in a SEP, will differ from what is described in section 19.8. Faculty members will serve as UAB members; students will not. Such appeal requests shall be based only on specific evidence, presented in writing of:

1. Fraud
2. Denial of rights under this process
3. Procedural error
4. The claim of new evidence not previously available, which would have materially affected the decision

Appeals shall not be based upon, or granted due to, dissatisfaction with an imposed sanction. Appeals must be filed within seven business days of delivery of the DOS's final decision. Appeals that are not related to the above four bases will not be considered. On the first business day after the conclusion of the appeal deadline, the DOS will alert the parties by email that one or more appeals have been filed. The appellee will be permitted to receive a printed copy of the appeal and will be permitted to submit a statement to the UAB in response to the appeal within seven business days. The Special Examiner will respond in writing to the UAB about the appeal(s). The appeal(s) and the responses by the appellee(s) and the Special Examiner will be forwarded to the UAB.

Upon receipt of all appeal materials, the UAB will convene within seven business days, or as soon as practicable, to discuss the written appeal request. The UAB will submit a written report to the DOS with its recommendations regarding the appeal. During the UAB's consideration of the appeal, any pertinent documents, notes or other materials considered by the panel, in making the final decision, will be made available to the UAB.

The DOS will receive the UAB's written report and will retain the discretion to amend, uphold or reverse the original final decision. The accuser and the accused will receive written notification of the appeal outcome (hand-delivered paper copy).

Records Retention: Documents generated from the SEP will be retained pursuant to the rules in sections 16.4, 18.5 and 18.6.l. Brandeis is required by law to provide statistics and narrative information about certain confidential information. Personally identifiable information will be removed from such communications whenever possible. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

Sanctions:

Sanctions for Sexual Harassment and Sexual Exploitation May Include: Education and Training, University Restrictions, Disciplinary Warning, Disciplinary Probation, Suspension or Dismissal. See section 20 for definitions of specific sanctions.

Sanctions for Non-Consensual Physical Contact May Include: Education and Training, University Restrictions, Disciplinary Warning, Disciplinary Probation, Suspension or Dismissal. See section 20 for definitions of specific sanctions.

Sanctions for Non-Consensual Intercourse May Include: Disciplinary Probation, Suspension or Dismissal. See section 20 for definitions of specific sanctions.

Sanctions for Non-Consensual Intercourse that involves the use of physical force, threat or purposeful incapacitation will result in removal from Brandeis University.

In addition to the nature or severity of behaviors for which an accused student is found responsible, sanctions will also be affected by the frequency of these behaviors, and the previous conduct history of the responsible student.

Appendices

Appendix A

Massachusetts Act Prohibiting the Practice of Hazing

(Chapter 269 of the Massachusetts General Laws)

Section 17: Whoever is principal organizer or participant in the crime of hazing as defined herein shall be punished by a fine of not more than \$3,000.00 or by imprisonment in a house of correction for not more than one year or by both such fine and imprisonment. The term “hazing” as used in this section and in sections 18 and 19, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping; beating; branding; forced calisthenics; exposure to the weather; forced consumption of any food, liquor, beverage, drug or other substance; or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18: Whoever knows that another person is the victim of hazing as defined in section 17 and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than \$1,000.

Section 19: Each institution of secondary education and each public and private institution of post secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization, a copy of this section and sections 17 and 18; provided, however, that an institution’s compliance with this section’s requirements that an institution issue copies of this section and sections 17 and 18 to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution’s recognition or endorsement of said unaffiliated student groups, teams or organizations.

Each such group, team or organization shall distribute a copy of this section and sections 17 and 18 to each of its members, plebes, pledges or applicants for memberships. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections 17 and 18, that each of its members, plebes, pledges or applicants has received a copy of sections 17 and 18, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections 17 and 18. Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full-time student in such institution a copy of this section and sections 17 and 18.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the Board of Higher Education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full-time student enrolled by it of the provisions of this section and sections 17 and 18 and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The Board of Higher Education and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report.

Appendix B

University Policy on Fraternities and Sororities

On May 28, 1988, the Board of Trustees of Brandeis University unanimously approved the following resolution: The Board of Trustees reaffirms University policy of recognizing only those student organizations which are open to all students on the basis of competency or interests. Exclusive or secret societies are inconsistent with the principles of openness to which the University is committed. Therefore, social fraternities and sororities, in particular, are neither recognized nor permitted to hold activities on campus or use University facilities.

Appendix C

Related Publications

The following publications or statements of guidelines are referenced in the University regulations. The policies and procedures stated therein carry the force of University regulations. They may be obtained at the locations indicated below:

Brandeis University Education Records Policy; Office of the University Registrar, Kutz Hall 124.

www.brandeis.edu/registrar/bulletin/EducRecordsPolicy.html

Equal Employment Opportunity; Office of Human Resources, Bernstein-Marcus, Second Floor.

www.brandeis.edu/humanresources/jobs/affirmative.html

Student Activities Policies (Posting, Alcohol at Student Events); Department of Student Activities, Shapiro Campus Center, Second Floor.

www.brandeis.edu/studentaffairs/activities/forms.html

Graduate Student Housing Policies; Office of Graduate Student Affairs, Kutz Hall, First Floor.

www.brandeis.edu/gradstudent/housing/index.html

Library Policies; Feldberg Library.

its.brandeis.edu/about/policies/libpolicies.html

Parking and Traffic Regulations; Department of Public Safety Parking and Traffic), Stoneman 109.

www.brandeis.edu/publicsafety/parking/regulations.html

Residence Halls and Meal Plan License; (paper form), Department of Community Living, Usdan Student Center, Room 032.

Residence Hall Room Selection Procedures; Department of Community Living, (available seasonally), Usdan Student Center, Room 032.

www.brandeis.edu/studentaffairs/dcl/forms/pdf/Room%20Selection%20Guide%202011.pdf

Room Reservation Procedures; Student Group Request Form, Department of Conference and Event Services, Kutz Hall 9.

www.brandeis.edu/ces/communityevents/documents/studentform.pdf

Safety Procedures for Lighting Candles; Department of Community Living, Usdan Student Center, Room 032.

www.brandeis.edu/studentaffairs/dcl/forms/pdf/Candle_registration.pdf

Dining Services Meal Plans; Department of Dining Services, Kutz Hall 9.

<http://brandeis.sodexomyway.net/>

Student Phones, Computers, Printers and TV; Department of Library and Information Technology Services, Feldberg 20.

its.brandeis.edu/techhelp/hardware/index.html

University Computer Policy; Department of Library and Technology Services, Feldberg 112.

its.brandeis.edu/about/policies/computingpolicies.html

Appendix D

A Resource Guide for Sexual Assault Survivors

Brandeis University prohibits all forms of sexual misconduct (including sexual assault, sexual harassment, domestic/dating violence and stalking) and takes reports of such misconduct very seriously. If you or someone you know has been a victim of interpersonal violence, please reach out to any of the resources below for help.

COUNSELING AND ASSISTANCE

confidential university resources

Brandeis Confidential Complaint

Hotline

781-736-4452

Available 24 hours; phone number of incoming call is anonymous

Brandeis Health Center

781-736-3677

brandeis.edu/studentaffairs/health
Screening, treatment and follow-up care for sexually transmitted infections; emergency contraception

Interfaith Chaplaincy

781-736-3570

brandeis.edu/studentaffairs/chaplaincy

Advice; spiritual direction and support

Psychological Counseling Center

781-736-3730

brandeis.edu/studentaffairs/counseling

Advice; individual counseling

confidential peer resources

**Brandeis Counseling and Rape
Crisis Hotline (6TALK)**

781-736-8255

Queer Resource Center (QRC)

781-736-3749

qrcbrandeis@gmail.com

confidential community resources

**Asian Task Force Against Domestic
Violence**

617-338-2355

www.atask.org

Available 24/7; multilingual

**Beth Israel Deaconess Medical Center,
Center for Violence Prevention and
Recovery**

617-667-8141

bidmc.org/violenceprevention

**Boston Alliance of Gay, Lesbian, Bisexual
and Transgender Youth (BAGLY)**

617-227-4313

www.bagly.org

Boston Area Rape Crisis Center Hotline

800-841-8371

www.barcc.org

**Middlesex County Victim Witness
Services Bureau**

781-897-8300

**Sexual Assault Services and Prevention
Specialist**

781-736-3626

SASP@brandeis.edu

Advice; accompaniment to hospital for
physical exam; referral to resources

**Student Sexuality and Information
Services (SSIS)**

781-736-3695

586-ASK-SSIS (text)

ssis@brandeis.edu

**Students talking About
Relationships (STAR)**

781-736-4745

star@brandeis.edu

The Network/La Red

617-742-4911

www.tnlr.org

**Rape, Abuse & Incest National
Network (RAINN)**

800-656-HOPE

www.rainn.org

REACH – Beyond Domestic Violence

800-899-4000

www.reachma.org

SafeLink Domestic Violence Hotline

877-785-2020

TTY: 877-521-2601

Available 24/7; multilingual

Victim Rights Law Center

617-399-6720, ext. 19

www.victimrights.org

additional community resources

Jane Doe Inc.
617-248-0922
www.janedoe.org

Massachusetts Office for Victim Assistance
617-727-5200

REPORTING AN INCIDENT

Resources for reporting a sexual assault, dating violence, sexual harassment and stalking.

Dean of Students Office
781-736-3600
brandeis.edu/studentaffairs/deansoffice
Coordinates campus resources to support survivors in reporting processes

Public Safety (available 24/7)
University Police
Emergency 781-736-3333
Business 781-736-5000
brandeis.edu/publicsafety
Reporting incidents; filing protective orders; assistance with filing a report with Waltham Police

Waltham Police
781-893-3700

Student Rights and Community Standards
781-736-5070
brandeis.edu/studentaffairs/srcs
Provides information and initiates the Student conduct Process

Title IX Coordinator
Linda Shimomoto
781-736-4456
shinomoto@brandeis.edu
Office of Human Resources: advice; referral to resources; help with filing complaints against faculty, teaching assistants, administrators or staff

COMMUNITY STANDARDS REPORT

Victims/survivors have the right to file a **REPORT** with the Brandeis Department of Student Rights and Community Standards. This report is called a Community Standards Report (CSR). Victims/survivors also have the right to file a report with Brandeis Police (Public Safety) or with the police department of the local jurisdiction in which the incident occurred. You also have the right to decide **NOT** to file this report (now or ever).

Find the CSR at brandeis.edu/studentaffairs/srcs/reporting.html

→ If a victim/survivor of interpersonal violence makes a report but elects not to initiate a formal adjudication process, university administrators may nonetheless investigate and take measures (**a Title IX Investigation**) to ensure the safety of the victim/survivor (discloser) will be made but cannot be guaranteed.

→ Victims/survivors are entitled to **protective measures, support and access to resources for healing**, regardless of whether a formal report is filed.

→ Victims/survivors have the right to be **free from retaliation** for reporting an act of sexual assault or harassment. Brandeis strictly prohibits anyone from retaliating against an individual (which includes intimidating, threatening, coercing or in any way discriminating) for reporting sexual assault or harassment. Anyone who engages in retaliation is subject to discipline up to and including dismissal from school or termination from employment.

→ If you have been sexually assaulted within the past several days, you may want to preserve evidence in the event of any possible future report you wish to file. This means you may wish to avoid showering or brushing your teeth; put relevant clothing or other items in a paper bag; and pursue a rape kit at a local hospital with a sexual assault nurse examiner (SANE).

ADDITIONAL INTERIM MEASURES

In addition to a formal reporting process, student survivors may also seek interim measures prior to the end of an adjudication, such as:

- Temporary or permanent Brandeis housing assignment change
- Alteration or removal of university directory information (directory.brandeis.edu)
- University **No Contact Orders** or court-issues restraining orders (to ensure that shared classes or other shared experiences are avoided)
- Assistance with explanation of and transportation to local law enforcement for reporting purposes (for example, filing a report with Waltham Police or the Waltham District Court)
- Guidance from **Academic Services** (781-736-3470 or www.brandeis.edu/acserv), which helps survivors communicate with faculty and supports survivors in meeting their academic obligations through tutoring and other academic resources, planning meetings, and academic advising.
- Assistance with referrals to on-campus or off-campus physical or psychological health resources
- Assistance with immigration and visa issues
- For recent sexual assaults (within the past five days), access to a rape kit performed by a sexual assault nurse examiner at a local SANE hospital (Newton-Wellesley Hospital or Beth Israel Hospital)