

Rights and Responsibilities



2018 – 2019

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Introduction

The vibrant Brandeis University community and its compact and complex campus necessitate that safeguards be provided to ensure all members of the community 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, athletic 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 considered members of the University community, and are therefore responsible for meeting all of the standards in this code. Behavior that takes place on University property, at University events, and behavior occurring off-campus may result in University staff responding through the Student Conduct process. Resident students and nearby commuters are also citizens of the City of Waltham or of another municipality within the Commonwealth of Massachusetts—and as citizens, students are responsible to the community of which they are a part. The University neither substitutes for nor interferes with regular legal processes, but at the same time holds students accountable to the academic community. Therefore, the involvement of a student in a legal proceeding in a civil or criminal court does not free the student from being held responsible for their 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.

The policies and procedures that follow 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, and 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 at their host institution.

The University reserves broad latitude in defining and interpreting standards of behavior, and in construing the policies and procedures set forth below. 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 Definitions

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

Administrative Agreement: An Administrative Agreement is a "contract" resulting from a process between a student who has accepted responsibility and a Hearing Officer that establishes sanctions that are mutually agreed to. The sanctions will be decided with the purpose of educating the individual as to why the documented behavior was inappropriate. It should also mitigate any negative impact of the behavior, as well as protect the community.

Administrative Decision: For cases that are handled within the Student Conduct Process (SCP), students may choose to have their case heard by a single Hearing Officer. The Hearing Officer will listen to the information provided by the student, may call additional witnesses, and will render a decision of "responsible" or "not responsible." The student may appeal this decision by following the appeals process.

Advisor: Any person who serves as a passive support person to a reporting party or responding party during an official meeting that is part of a formal adjudication process. The criteria for the selection of an Advisor and their role within the process differs between a Student Conduct Process (SCP) and the Special Examiner's Process (SEP) and the details for each are described in the appropriate sections that follow. Though Advisors are a potentially important source of support and guidance, an Advisor's participation is not required for either party's progression through the adjudication process. An Advisor may not also serve as a witness.

Amnesty: Amnesty is granted to reporters or disclosers 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 subsequent sections where it is relevant.

Area Coordinator: A staff member in the Department of Community Living with responsibility for overseeing a residence hall area on campus.

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 purposes of "Rights and Responsibilities." Faculty and staff members on involuntary leave and alumni are not community members within the scope of "Rights and Responsibilities" unless they hold another active affiliation.

Brandeis Police Report: An official report to the University's Department of Public Safety and University 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 misconduct.

Business Days: Days on which the University's business operation is active, as indicated by the Office of Human Resources. Floating holidays (holidays when classes are in session e.g. Columbus Day and Patriot's Day) are considered business days.

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

Chief Student Affairs Officer (CSAO): The CSAO oversees the staff members responsible for implementation of the policies and procedures found in "Rights and Responsibilities," including formal and informal adjudication processes. Whenever the position of CSAO is referenced in "Rights and Responsibilities," it also includes any designee(s). The CSAO is designated by the President of the University. The current Chief Student Affairs Officer is the Vice President for Student Affairs (VPSA), who may also serve, or designate a staff member to serve, in the role of CSAO for any given case as circumstances require.

Choice of Action Form: In response to a Community Standards Report (CSR), the responding party uses the Choice of Action Form to formally accept or deny responsibility for each alleged policy violation contained in the CSR.

Class Days: Days on which the University Registrar has indicated that 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.

Community Standards Report (CSR): An official report to the University's Department of Student Rights and Community Standards 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. Upon choosing to initiate a formal adjudication process, the reporter becomes a reporting party. The CSR will be shown, in its entirety, to the responding party. This report is a web-based form located at <http://www.brandeis.edu/studentaffairs/srcs/reporting.html>.

Dean of Students (DOS): An administrative staff member who has the responsibility for the quality of undergraduate and graduate student life outside the classroom.

Dean of Students Office (DOSO): Comprised of the Dean of Students, two Assistant Deans of Students, and the Assistant to the Dean of Students. Responsible for many of the day-to-day operations of student life outside of the classroom.

Department of Community Living (DCL): Charged with the supervision of Brandeis residential housing and communities, the Department of Community Living staff works to establish a quality living environment, facilitate strong leadership development of community members, and foster the development of the individual.

Department of Disability Services and Support: Students with disabilities access specific support and accommodations through the Department of Disabilities Services and Support, within the Office of Academic Services. The network of resources, available to all Brandeis undergraduates includes, but is not limited to, advising, tutoring and programming.

Department of Facility Services: The Department of Facilities Services is responsible for the maintenance of all buildings and grounds on the Brandeis campus including, but not limited to, building repairs and maintenance, snow removal and sidewalk salting and sanding, maintenance of door locks, and custodial maintenance.

Department of Student Activities: With responsibility for overseeing a wide-array of events and programs throughout the year, the Department of Student Activities is committed to enhancing the student experience outside the classroom; supporting university-recognized clubs and organizations; and encouraging creative learning and leadership development.

Department of Student Rights and Community Standards (DSRCS): The department that oversees the Student Conduct Process. The CSAO designates a staff member to serve as the Student Conduct Process Officer (SCPO) overseeing each case, or delegates to the Dean or an Assistant Dean of Students, or the Director of DSRCS, the authority to designate an SCPO for any given case as circumstances require.

Director of Community Living: Oversees the Department of Community Living (see above) including all staff within the department.

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 Community Standards Report.

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

Division of Student Affairs: Overseen by the Chief Student Affairs Officer (CSAO), the Division of Student Affairs includes a collection of departments focused on supporting all aspects of student success, health and development as well as the engagement of the broader Brandeis community. Offices within Student Affairs include admissions, community living (housing), athletics, financial aid, student accounts, the Hiatt career center, the health and counseling centers, the interfaith chaplaincy, the intercultural center, student activities, student rights and community standards and others serving the Brandeis community.

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.

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.

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 reporting party. The result of formal adjudication may include sanctions and/or protective measures if the responding party is found responsible for one or more violations of "Rights and Responsibilities." The Student Conduct Process (SCP), the Special Examiner's Process (SEP), and University Sanctions as described in section 21.3. are examples of formal adjudications.

Hearing Officer: The staff member assigned to adjudicate an alleged violation of "Rights and Responsibilities," including, but not limited to, the Director of Student Rights and Community Standards, the Dean or an Assistant Dean of Students, an Area Coordinator, and the Director of Community Living.

Informal Investigation: An internal University investigation based on a disclosure or complaint. In an informal investigation, if a CSR exists, the discloser or reporter has decided not to pursue a Special Examiner's Process. No formal charges are levied against the student whose behavior is described. The process for an informal investigation is detailed in section 23.

Interim Measures: Immediate measures that may be taken after a report has been received, pending the outcome of any investigation or formal disciplinary process, to protect the reporting party. **Note:** Interim measures may be immediate and put in place before the formal filing of a Community Standards Report (CSR). Such measures may include, but are not limited to, No Contact Orders, relocation of residence hall room, or restricting the responding party's movements on campus. With regard to cases of alleged sexual misconduct (see sections 3. and 22.), 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 pending the outcome of any investigation or formal disciplinary process, including: removal from certain roles or positions, University Actions and restrictions (see section 21.0.), or Emergency Suspension (see section 21.1.). In cases involving alleged sexual misconduct, interim measures will typically be in effect until the conclusion of the Special Examiner's Process (SEP). In all cases, the DOS Office reserves the right to maintain, amend, add, or remove one or more interim measures at any time as deemed appropriate.

No Contact Order (NCO): NCOs state that a student is restricted from contact with a named individual(s) through verbal, physical or electronic means or via third parties. It is understood that the nature of the Brandeis University environment does not mean that the reporting party will not see the responding party on campus, but rather, reasonable compliance is expected and any unnecessary contact must be avoided. Further, it puts written guidelines in place to prohibit contact. Under an NCO, if the responding party encounters the reporting party while on campus, it is the responding party's responsibility to immediately remove themselves from the situation and take means to separate. Incidental contact, however, will not be considered a violation. Incidental contact may include unintentionally passing on campus or unexpectedly seeing the other party in an on-campus building. With incidental contact, it is the responsibility of the responding party to remove themselves from the situation. A No Contact Order is not a sanction or a disciplinary outcome. It is a protective measure meant to focus on the safety of the reporting party and/or the campus community. NCOs are administered by the Dean of Students Office (DOSO) in accordance with section 21.0. Any alleged violations of an NCO should be reported to the DOSO and will

receive appropriate response, which may include University Action such as restriction from events or locations.

Protective Measures: Measures that may be taken as a result of an investigation to protect the reporting party as well as the community. Such measures may include, but are not limited to, No Contact Orders, relocation of residence hall room, or restricting the responding party's movements on, or access to, campus. In order to request a change to a protective measure, a student must meet with a member of the Dean of Students Office Staff.

Records: Data, in whatever medium (digital, handwritten, typed, etc.), that are retained in a student's conduct history file or other official student record. CSRs, Choice of Action Forms, Hearing Reports, and Special Examiner's Reports are a few examples of records. At the discretion of the appropriate administrator of the relevant portion of a student record, data, including process information, notes, and correspondence relating to any particular case, may not be included as a record.

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.

Reporting Party: A person who has submitted a Community Standards Report and has made the choice to initiate a formal adjudication process. Only Brandeis community members (Brandeis students, staff, and faculty) may serve as a reporting party in a Student Conduct Process. Only Brandeis community members (Brandeis students, staff, and faculty) or former community members may serve as a reporting party in a Special Examiner's Process.

Responding Party: Any Brandeis student who has been accused of an alleged policy violation of "Rights and Responsibilities" by a reporting party in a formal adjudication process.

Sanction: When a student is found responsible for one or more policy violations in a formal adjudication process, sanctions (and/or protective measures) may be among the determined outcomes.

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

Staff: Any person who is employed by Brandeis University. Staff may include faculty or employed students. The term "administrator" is incorporated into this definition. Subcontracted individuals are also typically incorporated into this definition.

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.

Student Conduct Board (SCB): An entity that formally adjudicates students in the Student Conduct Process (SCP). The SCB shall hear cases of alleged policy violations of “Rights and Responsibilities,” that are referred to it by the Director of the DSRCS, except for allegations of sexual misconduct or gender-based violence or harassment.

Student Conduct Process (SCP): A formal adjudication process that addresses alleged policy violations of “Rights and Responsibilities,” except for allegations of sexual misconduct or gender-based violence or harassment. The SCP is detailed in section 18.

Title IX Coordinator: The University’s Title IX Coordinator oversees compliance with all aspects of the sex/gender harassment, discrimination, and misconduct policy.

Title IX Investigator/Compliance Officer: Oversees all aspects of any investigation, informal or formal, that involves allegations of sex/gender harassment, discrimination, or misconduct.

University: Brandeis University, as represented by the relevant administrative authority. The University is the primary authority in all conduct matters, including the Student Conduct Process and the Special Examiner’s Process.

University Appeals Board (UAB): The UAB hears appeals of decisions resulting from an SCB or SEP, as well as appeals of decisions of any ad hoc board formed at the discretion of the CSAO or designee.

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

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, and 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 photo Identification Card when requested by an authorized University official. The official must, in turn, provide identification if the student requests it. Students are expected to carry identification on their person at all times.

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:

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

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 reactivate 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.

1.7. Proper Identification: The use of any identification that is not your own is strictly prohibited.

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

1.9. 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 in other official University documents.

1.10. 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 and important requests regarding 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 the Community

Note regarding Amnesty: Amnesty is granted to students who report behaviors described in this section. This means that 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 "Medical Amnesty Policy" under section 5.). The CSAO or designee reserves the right to take action to protect the health and safety of individuals and the community (see section 21.0.).

All members of the community share 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 respective educational and co-curricular tasks and to complete job-related responsibilities free from hazards and unreasonable intrusions, bias, and

discrimination require the cooperation of all in maintaining appropriate standards of respect. In furtherance of these goals, students must abide by the following:

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 or sexual orientation, age, genetic information, disability, veteran status, or any category that is now, or comes to be, 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 Acting Title IX Coordinator, Elizabeth Herriott Tierney, Director, Labor Relations, and Compliance. She may be reached by phone: 781-736-4456, by email: etierney@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 such 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. These may include, but are not limited to, hiring, firing, salary increases, promotions, grades, recommendations, scholarly or teaching opportunities, or participation in extracurricular activities and student organizations.

Academic Freedom: Brandeis University adheres to the principles and traditions of academic freedom, and recognizes that these freedoms must be in balance with the rights of others, including the right of individuals not to be subjected to discrimination or harassment. It is understood that the principles of academic freedom permit topics of all types to be part of courses, lectures, and other academic pursuits. Materials that are used or displayed in an educational setting should be related to educational purposes.

2.0. 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):

- Jokes, comments, or innuendoes that make fun of, denigrate, or are based on an individual's or group's protected class status. Bullying.
- Epithets or slurs based on an individual's or group's protected class status.
- 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.
- 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.
- 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 SCP, the SEP, or 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, or administrative, public service, disciplinary, or other authorized University 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 (including, but not limited to, fire equipment, fire alarms, fire drills, and exit lights) only when necessary (see section 8. and see also section 9.14.l.).

2.5. Weapons: Not possess or use, on University property, firearms (including blank pistols and replicas, bb guns, and pellet guns), explosives, knives (of any length), fireworks, nun-chucks, paintball guns, or other articles or substances usable as weapons. 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, libraries, or residence halls (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 of a guest, damage or injuries caused by a guest, and costs incurred for services related to hosting a guest on campus. The University reserves the right to impose requirements related to safety or security concerns arising from a visit by a guest, and to assess the host for the cost of meeting those requirements (see sections 9.5. and 9.9.). All guests must be accompanied by their host at all times.

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, Residence Halls and Meal Plan License requirements, 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 accused of being involved in incidents of this kind may be placed on campus restrictions or emergency suspension pending the outcome of an investigation or conduct process.) Refrain from any behavior toward members of our Brandeis community, including students, faculty, staff, and guests, that:

2.10.a. intimidates.

2.10.b. threatens.

2.10.c. harasses.

2.10.d. bullies. Bullying includes any electronic, written, verbal, or physical act or a series of acts intended to cause physical or emotional harm to another community member or group of community members.

2.10.e. physically harms or is considered unwanted physical contact (for example: hitting, pushing, or physical altercations, or engaging in violence of any kind).

2.10.f. invades personal privacy.

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

2.11. Electronic Devices and Privacy: Refrain from using computers, cellular phones, tablets, cameras, or other electronic devices in any manner that invades or causes disruption to another individual's privacy in a classroom, library, or other campus facility or at 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 3.2., 3.4., 10.2., 10.3., and 16.0.). The recording of another person, in situations where there is a reasonable expectation of privacy, by any technological means without the subject's consent, including offline or via Internet-connected devices, will be considered a violation of this section. Public spaces in general are not areas in which privacy can be reasonably expected. This policy is not

intended to prohibit commonly-accepted journalistic practice as defined by the AP/SPJ/NYT for Brandeis students, but to protect reasonable expectations of privacy. This policy is not intended to restrict the work of student journalists to cover open, public events on campus. A public event is defined as an event held either in a public and open space on campus or to which a general announcement has been made or a general invitation has been extended.

2.12. Hazing: Hazing is an activity imposed on someone joining or participating in a group that humiliates, degrades, abuses, or endangers that person physically or emotionally, regardless of the person's desire or willingness to participate. Examples of hazing common across student groups include: forced alcohol consumption; isolation; sleep deprivation; sex acts; and humiliating or painful "initiation" ordeals involving humiliation or discipline (see Appendix A for related Massachusetts law, and see also section 1.8.).

2.13. Retaliation: Retaliation is strictly prohibited and may result in sanctions up to and including dismissal. Retaliation occurs when a person engages in a protected activity, e.g., in good faith, initiates a complaint of harassment or discrimination or cooperates in its investigation; when another party, who knows of that activity, takes an adverse action against the person engaged in it; and when the adverse action was caused or motivated by the protected activity. Retaliation against the peer group, family, or associates of a reporter (third parties) is also prohibited, regardless of whether or not those individuals have participated in an adjudicative process. Examples of retaliatory action may include, but are not limited to: coercion, threats, or intimidation, or any other discriminating behavior against the individual who filed the complaint. Retaliation is an offense separate from the complaint of discrimination or harassment and will be considered independently from the merits of the underlying matter. The Community Standards Report (CSR) is the official reporting mechanism for all allegations of retaliation.

2.14 Drones: The recreational use of drones on or above University property, including inside University buildings, is prohibited. The indoor use of drones in teaching and research is permitted with appropriate training, supervision, and notification of building administrators. However, outdoor teaching or research uses of drones require the permission of the Federal Aviation Administration and the Brandeis Police Department.

2.15 Hoverboards: The storage and use of lithium-ion powered skateboards, often called hoverboards, is strictly prohibited on all university-owned property.

Section 3. Sexual Misconduct and Interpersonal Violence

The University will not tolerate the following behaviors that endanger the health, safety, or welfare of any person, on or off campus. Owing 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. The University takes all allegations of sexual misconduct and interpersonal violence seriously and will investigate them either informally or formally. In cases where such allegations align with policy violations enumerated within "Rights and Responsibilities," the Special Examiner's Process (SEP) can be used to investigate and adjudicate the case. The decision to pursue an SEP will be made by the Title IX Investigator/Compliance Officer in consultation with the Title IX Coordinator, and with input from the reporting party. 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 constituting consent. A person need not resist sexual advances in order to demonstrate a lack of consent.

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.

Force: (a) the use of, or threat of use of, a weapon; (b) the use of, or threat of use of, such physical strength or violence as is sufficient to overcome, restrain, or injure a person; or (c) the use of, or threat of use of, inflicting physical harm, sufficient to coerce or compel submission by another person, or sufficient to cause such a degree of fear as to compel submission by another person.

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 pending the outcome of any investigation or formal disciplinary process, including: removal from certain roles or positions, University Actions and restrictions (see section 21.0.), or Emergency Suspension (see section 21.1.). **Note:** Interim measures may be immediate and put in place before the formal filing of a CSR. Interim measures will typically be in effect until the conclusion of the SEP. The DOS Office, 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.

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, and non-coercive, and must be given free of force or the threat of force. Consent to one sexual act does not constitute consent to any other subsequent act, and consent on one occasion does not imply consent on any subsequent occasion.

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

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

Sexual Contact: Including, but not limited to (a) touching another person, either directly or through the clothing, with an intent to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object. (b) Causing someone to touch another person either directly or through the clothing, with the intent to abuse, humiliate, harass, or degrade any person. Touching may be accomplished by any part of the body or an object.

Sexual Intercourse: (a) Penetration, however slight, of the vulva or anus of another person by and/or with any part of the body or by an object. (b) Mouth to genital contact or genital to mouth contact, no matter how slight the contact.

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 and 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.

Note on Sexual Misconduct and Rape: 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 a reporting party need not prove that rape occurred for a finding of responsibility to be reached pursuant to a section 3 allegation.

3.0. Capacity to Consent: Sexual contact with someone who you know, or reasonably should have known, does not have the capacity to consent is prohibited. The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party. A person who is physically, cognitively, or mentally impaired by drugs, alcohol, or other circumstances, such as disability, sleep, physical restraint, or other stress-inducing factors (such as extreme exhaustion or illness), may not be capable of giving consent. Physical or mental impairment means the inability 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.

An individual who is incapacitated is unable to give consent to sexual activity. States of incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state in which the individual is unaware that sexual activity is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual activity.

3.1. 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 with them is prohibited.

3.2. Sexual Harassment: Sexual harassment may be sex or gender based and occurs when the behavior is directed at someone because of their actual or perceived sex or gender or the behavior is sexual in nature. Sexual harassment creates a hostile environment when conduct is severe, pervasive or persistent so as to cause a discriminatory effect. 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, or impeding or blocking movements, or displaying sexually suggestive objects, pictures, cartoons, or posters or sending suggestive or obscene letters, emails, notes, invitations, or gifts.
- Making or using derogatory comments, epithets, slurs, or jokes with sexual content.
- Persistent unsolicited and unwelcome invitations, of an implied or explicit nature, for dates or other encounters, or pressure to engage in sexual activity.
- Persistent inappropriate and unwelcome questions asked about another's personal life.
- Comments to, or about, any individual or about their appearance that are sexually graphic or would otherwise tend to be considered degrading.
- Displaying, sending, forwarding, downloading, or otherwise distributing sexual materials via technology, including but not limited to email and the Internet, is allowed only with both the explicit consent of any person whose image, voice, or name may appear therein *and* the explicit consent of the recipient.

3.3. Sexual Coercion: The decision to be sexually intimate must be made without coercion. When a person communicates that sexual contact or sexual intercourse is not wanted, that the person wants to stop the activity in progress, or that the person does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be considered coercive. Coercion is the use of frequent and/or

intense pressure intended to compel another individual to initiate or continue sexual activity against their will after they have already communicated lack of consent. Coercion can include a wide range of behaviors, including intimidation, isolation, manipulation, threats, and blackmail.

3.4. Sexual Exploitation: Occurs when a person 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 when that behavior does not otherwise constitute one of the other sexual misconduct offenses enumerated here. Examples of sexual exploitation include, but are not limited to, invasion of sexual privacy; prostituting another person; non-consensual video- or audio-taping of sexual activity; going beyond the boundaries of consent (such as allowing others to watch people engaging in consensual sex without the consent of the individuals engaged in sexual activity); engaging in voyeurism (gaining sexual pleasure from watching others when they are naked or engaged in sexual activity without the consent of the people being watched); knowingly transmitting a sexually transmitted infection to another person; exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals; and gender-based stalking and/or bullying.

3.5. Non-Consensual Sexual 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 occurs as a result of force, intimidation, or coercion, including, but not limited to, (a) touching another person, either directly or through the clothing, with an intent to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body or an object. (b) Causing someone to touch another person either directly or through the clothing, with the intent to abuse, humiliate, harass, or degrade any person. Touching may be accomplished by any part of the body or an object.

3.6. Non-Consensual Sexual Intercourse: (a) Any penetration, however slight, of the vulva or anus by any part of the body or by any object, and such penetration is without the consent of all persons involved; or (b) Mouth to genital contact or genital to mouth contact, no matter how slight without consent of all persons involved.

3.7. Forcible Non-Consensual Sexual Intercourse: Using physical force, threats or intimidation, or purposeful incapacitation in connection with 3.6.

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

3.8. 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."

3.9. Forcible Sexual Misconduct: Using force, threats, intimidation, or purposeful incapacitation in connection with any of the violations 3.1 through 3.5 above.

3.10. Intimidation: Threats or acts that cause a reasonable fear of harm in another.

3.11. Threats: Statements or actions of intention to inflict pain, injury, damage, harm or some other hostile act(s) on another person, for any reason; or statements or actions of intention to harm oneself for the purpose of influencing the actions of another person.

3.12. Physical Harm or Unwanted Physical Contact: Intentionally causing physical harm to another person or intentionally making physical contact with another person, when such contact is unwanted and without consent. Some examples are hitting, pushing, or physical altercations or violence of any kind.

3.13. Domestic Violence: In cases of cohabitation, (a) attempting to cause or causing physical harm; (b) placing another in fear of imminent serious physical harm; (c) causing another to engage involuntarily in sexual relations by force, threat or coercion; (d) engaging in mental abuse, which include threats, intimidation or acts designed to induce terror; (e) depriving another of medical care, housing, food or other necessities of life; or (f) restraining the liberty of another.

3.14. Dating Violence: Any act of violence or threatened act of violence against a person with whom the individual is or has been involved in a sexual, intimate partner, and/or dating relationship. This includes threats, assault, property damage, and violence or threat of violence to one's self or to the loved ones (human or animal) of the sexual and/or romantic partner when used as a method of coercion, control, punishment, intimidation, or revenge.

Sanctions and Protective Measures: Students who are found responsible for sexual misconduct by the SEP or in accordance with section 21.3. will likely be subject to sanctions and/or protective measures. Sanctions include educational requirements, counseling, and status changes ranging from a 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 is 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. See Section 22. for more information on sanctions for violations of sexual misconduct policies.

Resources for Addressing Discrimination, Harassment, Sexual Misconduct, and Interpersonal Violence

Brandeis Sexual Assault/Misconduct Victims' Bill of Rights

The Higher Education Amendments of 1992 enumerated the following rights of 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" (see Appendix D) addresses the following rights and much more. The guide may be found online at

- Survivors shall be notified of advocacy and 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.
- Reporting party and responding party must have the same opportunity to have others present at 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 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—the Special Examiner's Process (section 22.), University Sanctions (section 21.3.), or the Informal Title IX Process (section 23.)—depending on whether the discloser/reporter's identity is known or unknown, the affiliation of the discloser/reporter with Brandeis, and the willingness of the discloser/reporter to serve as a reporting party in a formal process, if appropriate. The University will not pressure any reporting party to pursue one option over another, i.e. an investigation (SEP or Informal) or Restorative Justice.

When the Discloser/Reporter's Identity Is Known and the Discloser/Reporter Is a Brandeis Community Member or Former Community Member: If a Brandeis community member (faculty member, staff member, or student) or former community member files a Community Standards Report, self-identifies, and wishes to serve as a reporting party, a Special Examiner's Process will be initiated. When a student is accused of multiple violations in connection with a single incident or cluster of related incidents, some of which are gender-based and others of which are not, the University reserves the right to combine the allegations into one, or multiple, Special Examiner's Processes.

When the Discloser/Reporter's Identity Is Unknown or the Discloser/Reporter Wishes to Remain Anonymous or Is Unwilling to Initiate the SEP: Brandeis will always address, to the extent feasible, disclosures/reports of sexual misconduct, other gender-based misconduct, or gender-based harassment, whether the disclosure/report is formal or informal and whether the discloser/reporter's identity is known or unknown. 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 a reporting party in the SEP, the University may initiate an Informal Investigation into the allegations to address issues of safety as they relate to the discloser/reporter and the entire Brandeis community.

When the Discloser/Reporter Is Not a Brandeis Community Member or Former Community Member: Disclosers/Reporters of sexual misconduct, gender-based misconduct, or gender-based harassment who are not members or former members of the Brandeis community, whether self-identified or

anonymous, may file a Community Standards Report to identify alleged Brandeis offenders. These reports will be addressed, as appropriate, pursuant to section 21.3., University Sanctions.

Services Available to Survivors: The following list identifies services available to survivors of sexual misconduct, gender-based misconduct, or gender-based harassment; 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 Acting Title IX Coordinator, Elizabeth Herriott Tierney. Tierney is also available to meet with students and to receive complaints of sexual misconduct, and she oversees the University's investigation and resolution of all Title IX complaints. Elizabeth Herriott Tierney can be reached at 781-736-4456 or etierney@brandeis.edu or 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 of incoming calls are not retained by the system. Brandeis encourages individuals to refer suspected violations of Title IX procedures to the Title IX Coordinator as soon as such actions are observed.

- **Director of the Prevention, Advocacy, and Resource Center (PARC):** *All staff (professional and student) in PARC serve as a confidential resource to provide confidential services to those impacted by sexual violence, dating/domestic violence, and stalking, and coordinates prevention efforts in the campus community. The Director coordinates advocacy services 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 campus culture of consent. Contact the Director at 781-736-3626. Visit the website at <http://brandeis.edu/parc>.*

- **Contact/Reporting Information concerning the Behavior of Staff or Faculty:** Brandeis encourages the reporting of all perceived incidents of discrimination or harassment. Concerns about discrimination or harassment 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 Elizabeth Herriott Tierney. Tierney is available to provide guidance in managing such 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):** This office of the United States Department of Education can also respond to questions about Title IX. Contact the OCR at its Boston office: 617-289-0111, 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.** University Police has full police powers, and the staff is trained to provide accurate information on preserving evidence and on options for

criminal prosecution, campus disciplinary proceedings, or both. There are three types of Brandeis Police forms or reports available to survivors of sexual assault or misconduct (or those who care about them). They are:

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 action the survivor may have taken. It is an informational report. This form may be submitted in person at the Stoneman Building or online via the Department of Public Safety website, Sexual Misconduct and Title IX website, or the Prevention, Advocacy & Resource Center website.

Confidential Report: This report is utilized when the 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 an incident *without initiating any type of police investigation or 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.

Investigative/Complete Report: This report is utilized when the reporter of an incident comes forward to document an incident. It is the same type of report as the Confidential Report, except that *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 a Special Examiner's Process, through the court system, or both.

Note: The decision to submit a third-party form or confidential police report 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 offers these choices as resources to increase the number and quality of potential future options for a reporter or third party.

- **No Contact Orders/Dean's Restrictions/Protective Measures:** Any and all of these may be issued by the Dean of Students Office, in cooperation with the Department of Public Safety, to prescribe 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 enforced only by university, not legal, action.

- **Assistance in Notifying Outside Police Jurisdictions:** The staff in the Department of Public Safety and in the Division of Student Affairs are available to assist students in notifying local police if the student chooses to do so.

Section 4. Maintenance of Academic Integrity

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 as they apply to a specific course or assignment should consult the faculty member responsible for that course or assignment before submitting the work. Students may not drop or withdraw from a course while an allegation of academic dishonesty is pending. Instructors may require students to submit work to turnitin.com (plagiarism detection software).

4.0. Original Content: A student's name on any written exercise (such as an examination, report, thesis, theme, notebook, laboratory report, or computer program) or provided in association with an oral presentation constitutes a representation that the work is the result of that student's own thought and study. Any such work shall be stated in the student's own words and produced without the assistance of others, except where quotation marks, references, or footnotes accurately acknowledge the use of sources, including sources found on the Internet. Selling copies of exams, reports, or information relating to 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 connection with a current course, may be considered an infringement of academic integrity.

4.1. Exams and Testing: Talking during an examination or possession or use of unauthorized materials or equipment, including but not limited to notes, cell phones, or calculators, 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.

4.2. Collaboration/Facilitation: In some instances, a student may be authorized by a faculty member to work jointly with another student or with other students in solving problems or completing projects. Students may not collaborate on assignments, however, without explicit permission from the instructor. To provide one's own work to assist another student in satisfying a course requirement, either knowingly or through negligence, constitutes an infringement of academic honesty. Assistance from personnel associated with University-sanctioned tutoring services is acceptable.

4.3. 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 associated with another course at Brandeis or any other institution. A student who perceives the possibility of overlapping assignments in his or her courses should consult with the appropriate faculty members before presuming that a single effort will fulfill the requirements of both courses.

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

Community Response to Substance Use: The University's commitment to promoting the health and safety of all members of the Brandeis community, combined with its 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 concerned about their relationship with substances, the counseling center is available to provide on-campus services and/or referrals to community resources. The alcohol and drug counselor/educator is located in the Brandeis University Health Center (781-736-3677). Assessments and counseling are available for students who want to learn more about their own use of substances, reduce or eliminate their use, or discuss concerns about a friend's 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:

<http://www.brandeis.edu/studentaffairs/health/>

Medical Amnesty Policy: Brandeis University is committed to the health and wellness of our students. Therefore, medical amnesty is provided to students who are involved in or who report emergencies. The policy of medical amnesty is in effect to ensure that those individuals who require assistance for themselves or a friend and who may have consumed excessive alcohol or drugs will turn to the appropriate personnel to seek emergency medical assistance without fear of reprisal for doing so.

Students who seek emergency medical attention for themselves or someone else related to consumption of alcohol or drugs will not be charged with violations of the "Rights and Responsibilities" related to that consumption (specifically those violations defined under the alcohol and/or drug codes), provided that the student subsequently complies in all respects with any recommended educational intervention and/or behavioral assessment. Failure to comply with this intervention/assessment may result in charges being filed with the Department of Student Rights and Community Standards. Additionally, students will be held accountable for any other violations of "Rights and Responsibilities" related to the incident (including but not limited to endangering the health or safety of others, fire safety/emergency violations, failure to comply as noted above, and vandalism).

This policy provides amnesty only with respect to violations of Brandeis University's Student Conduct Codes. It does not grant amnesty in connection with the criminal or civil consequences of violations of federal, state, or local law. This policy is also not intended to shield or protect those students who repeatedly violate "Rights and Responsibilities." In cases where repeated violations occur, the University reserves the right to initiate conduct action on a case-by-case basis, regardless of the manner in which the incident was reported. Additionally, the University reserves the right to adjudicate any case in which the violations are considered especially egregious.

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

5.0. Smoking: All Brandeis campus buildings are completely smoke-free. Cigarettes and other smokeable products, including cigars, pipes, electronic cigarettes and vaporizers, present clear health risks to members of the community, both to users and to those experiencing second-hand smoke. Use of any smokeable product 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 smokeable product 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. Students found responsible for smoking in a campus building may be assessed a fine of up to \$150.00 per involved student. Fines may escalate with multiple offenses.

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. *Brandeis students are reminded that they are responsible for the conduct of their guests.*

The University Mail Services will not accept deliveries from common carriers that contain alcohol. If Mail Services receives a package with alcohol, the package will be returned to the sender.

The following general policies apply:

5.1. Legal Drinking Age: No student under the legal drinking age of 21 is allowed to possess or consume alcoholic beverages on campus.

5.2. 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 1.9.).

5.3. 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 ensure 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.

5.4. Responsibilities of Sponsors: The sponsor of a 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, the Student Union, the Department of Public Safety, and Conference and Events Services) to plan any event at which alcohol will be

served, to ensure that the event complies with campus policies and the laws of the Commonwealth of Massachusetts. Information regarding the Jump Start Meeting can be found at <http://www.brandeis.edu/ces/studentevents/jumpstart.html>. 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.

5.5. 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 alcohol at campus events). 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.

Alcohol in the Residence Halls: Brandeis students living in the residence halls share responsibility for upholding community standards (see section 9. for additional guidelines regarding the residence halls). The following policies regarding alcohol apply specifically to the residence halls:

5.6. 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 Street, The Village's A-House, and Rosenthal Quad). In all other areas, use of alcoholic beverages must comply with the requirements set forth in this section. Underage students should be aware that possession of empty alcohol containers may be considered alcohol possession.

5.7. Public Areas: Alcoholic beverages may not be consumed in any public area (inside or outside of the residence halls), unless the area is part of an authorized event (see sections 5.4., 5.8.) held in conformance with University regulations regarding events at which alcohol is served or present.

5.8. Event Registration: Any student or group of students wishing to sponsor a party or event with alcohol in the residence halls must request permission for the event from the Area Coordinator responsible for that area by submitting an Event Registration Form (see the Department of Community Living website, www.brandeis.edu/studentaffairs/dcl at least two business days before the event is to take place. The sponsor of the event is responsible for providing food and non-alcoholic 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 any University policies.* Failure to comply with the regulations set forth in the event registration policy may result in the immediate discontinuation of the event and/or conduct action. Events in the residence halls are approved at the discretion of the Department of Community Living. (see Appendix F for Event Registration Process).

5.9. Mass Consumption: Large volumes of alcoholic beverages are not permitted in residence halls. Mass consumption vessels such as, but not limited to, kegs, beer balls,

case(s) of liquor and bottles of liquor larger than 750 ml are prohibited. Items such as, but not limited to, funnels and luges that are used with the intention of indulging in excessive consumption are also prohibited.

5.10. 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 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 and in addition to a current and valid Brandeis Identification Card for Brandeis students.

5.11. Drugs and Other Substances; Drug Paraphernalia: A student is expected and required to observe all federal prohibition regarding the growth, manufacture, distribution, dispensation, possession, sale, or use of marijuana and any other illegal narcotic or drug paraphernalia. Nonmedical use of prescription medication is also prohibited. The use of illegal substances while a student at Brandeis University is prohibited. A student may be held responsible for their use whether on campus or off, if it is brought to the attention of a staff member. The smell of marijuana, when combined with other evidence, may be sufficient evidence to support a violation of this policy. Drug paraphernalia may be confiscated.

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 faculty, staff and other students' personal property.

6.1. Posted Notices: Posters, banners, handbills, or notices may be displayed only on spaces designated for that purpose, such as bulletin boards. Postings in campus buildings require the stamped approval of the Department of Student Activities. Postings in the residence halls require the approval of the Department of Community Living (see 9.7.). Placement of posters, handbills, notices, and the like 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. Postings that violate other policy sections, including but not limited to, non-discrimination and harassment, section 2.0, and disruption of scheduled speakers or events, section 7.5, will not be approved and may be removed. All postings must have a group or sponsor identified. Failure to do so may result in removal of the posted material.

6.1.a. Appropriate Posting Materials: Students are expected to use only appropriate posting materials that will not cause damage (see section 9.7. and/or the Department of Student Activities with regard to non-residential spaces).

6.1.b. Chalking: Students who engage in chalking must observe the distinction between advertising events and vandalism. Only sidewalks—which does *not* include patios and steps to a building—may be chalked. Chalking on buildings and on personal or University property (e.g., buildings,

cars, bus shelters, signs) is not permitted. Chalking is also 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 considered inappropriate, 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 or attempted theft of, destruction of or damage to, and unauthorized possession or inappropriate 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 to personal and public property that surrounds the campus.

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

6.4. Appropriate Access to Property: Observe University guidelines and policies regarding access to or occupancy or use of University property and facilities and the University's name, seal, or logo (see sections 9., 12., and 15.). Storage closets and utility rooms in any University building, and the roof areas of any University building, may not be accessed by students without explicit permission (see section 9.14.n.).

6.5. Appropriate Hours and Areas of Access: Access University buildings and facilities during posted hours and in authorized areas only (see section 9.14.n.).

6.6. 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.

Section 7. Campus Protests and Demonstrations

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. Though 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, along with the freedom to engage in the performance of their duties and the pursuit of their educational activities (see section 12.). Public Safety may review and address any safety concerns occurring during a protest or demonstration.

Academic Freedom: Brandeis University adheres to the principles and traditions of academic freedom, and recognizes that these freedoms must be in balance with the rights of others, including the right of individuals not to be subjected to discrimination or harassment. It is understood that the principles of academic freedom permit topics of all types to be part of courses, lectures, and other academic pursuits. Materials that

are used or displayed in an educational setting should be related to educational purposes.

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

7.1. 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 allow the staff and faculty of the University to engage in the performance of their duties, and students to pursue their educational activities. Impeding or restricting these activities by making noise, by blocking entrances to or exits from University facilities, or by coercion, intimidation, or threats or use of violence is unacceptable (see section 2.4.). Proper means of egress must be maintained at all times.

7.2. Use of Public Space for Demonstrations: An activity that is neither disruptive nor obstructive is permitted in public areas of campus buildings only during those hours when the building in question is 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.

7.3. 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 Conference and Events Services.

7.4. 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 section 2.1.).

7.5. Disruption of scheduled speakers or events: Brandeis maintains a high tolerance for protest, but disruptions that prevent a planned event from continuing are not permissible. Students who disrupt in a way that interferes with the ability of an event to continue as planned will be warned and then asked to leave. If such disruptions do not cease, Brandeis students who do not comply with requests to leave face disciplinary consequences.

Section 8. Fire and Life Safety

Safety Vigilance: The safety of all community members and guests is of the highest importance 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 ensure 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 or safety.

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

8.1. Fire Alarms: Students are expected to vacate a building during a fire alarm, whether during a drill or in an actual emergency. When an alarm sounds, all individuals must vacate the building (see sections 2.1. and 7.4.). 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.

8.2. 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.

8.3. Candles and Incense: Candles and 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 at the Department of Community Living website. Decorative and/or scented candles are permitted if the wicks are removed. Students found responsible for candles or incense may be assessed a fine of up to \$150.00 per involved student. Fines may escalate with multiple offenses.

8.4. 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 being subject to Residence Probation or other actions, including 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. Students who set off a fire alarm due to negligence and/or tampering with the equipment will be billed for the fees associated with resetting the alarm.

Section 9. Living in the Residence Halls

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, in 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 with 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 so as to maximize communication about circumstances that could affect the quality of life in the residence halls.

9.0. Room Vacancies and Room Transfers: Any changes to a student's room assignment must be processed through the Department of Community Living. Requests are available on the Department of Community Living website:

www.brandeis.edu/studentaffairs/dcl.

Room transfers and 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 are unacceptable. Consult with the Department of Community Living or an Area Coordinator for information on these policies.

Any conduct that is disruptive to the room transfers/changes process may constitute additional violations of "Rights and Responsibilities."

9.1. Involuntary Reassignment of Housing: The Department of Community Living reserves the right to reassign students to other locations, or to remove them outright from University housing. The decision to reassign will be made by the Area Coordinator, in consultation with the Director of Community Living. 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. shall begin within 10 class days after the reassignment or removal.

It is recommended that the move happen within four business days, of notification of the decision to reassign or remove a student or as deemed appropriate by the Area Coordinator.

9.2. 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 the responsible 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 "proped" or left open. For the safety and security of the community, do not permit unknown persons to enter the building via "tailgating" (entering behind someone who is holding the door open).

9.3. 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 and 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.

9.4. 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 16.1. and 16.2.) University personnel may enter a room after knocking and identifying themselves. Residents are not permitted to change or add private locks or security devices to their rooms or to any part of the building.

9.5. Room and Common Area Accountability: The assigned residents of a given residence hall will be held accountable for any inappropriate behavior that occurs within the hall, or any damages resulting from such behavior. 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.). Common-area furniture may not be moved to individual rooms.

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 Room Condition Reports to the appropriate Area Coordinator at the beginning of the year (or when occupying a new assignment). To avoid being billed 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 entrances of residence halls remain 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.

9.6. 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. Additional furniture must meet all fire codes and be approved by the Department of Community Living before being allowed into the residence halls. Any student seeking reasonable physical alterations to their room or furniture must request permission from the Department of Community Living. Community Living may consult with the Health Center, Disabilities Services and Support, or the Department of Facilities Management before permission is granted.

9.7. 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; off-campus individuals and entities seeking to advertise to the Brandeis community must have sponsorship by a University department. Contact the Department of Community Living for information about the posting policy for residential spaces.

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

9.9. 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 an objection to any guest's proposed visit to a 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 Area 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, and hosts may be found responsible for their guests' behavior (see section 2.8.). Guests must be escorted by their host at all times.

9.10. 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. Sunday. During these times, a student should be able to study, read, relax, or sleep in their room without being disturbed by noise from 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 Student Affairs staff member may extend Quiet Hours for an approved purpose, and Quiet Hours will be extended during reading periods and final exam periods. Students in violation of Quiet Hours may be required to meet with a staff member within 24 hours.

9.11. 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 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 from another Student Affairs department. Students may not use their rooms for the purpose of operating a business (see section 14.).

9.12. 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 10.4.).

9.13. 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). No other animals are permitted in the residence halls for any period of time.

9.14. 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:

9.14.a. Bulb Safety: No halogen bulb is permitted, including in desk lamps or torchière-style floor lamps that use halogen bulbs. String lights may be used

only 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, they can pose an obstacle to egress. Lava lamps are also prohibited.

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

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

9.14.d. Proximity to Electric Heaters: Do not place any items (e.g., furniture, pillows, tapestries) 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.

9.14.e. Flammable Gases and Fluids in Residence Halls: 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.

9.14.f. Ceiling Decorations: The hanging or attaching of any flammable item, posting, or decoration (including string lights) from a ceiling, irrespective of its proximity to or obstruction of electrical or fire/life safety protection devices, is prohibited.

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

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

9.14.i. Appliances: Refrigerators must be under 35 inches tall. Microwaves may not be higher than 1000 watts. Coffee pots are allowed. No other appliances will be allowed in residence hall rooms that do not have a kitchen.

9.14.j. Exterior Installations: It is prohibited to install any outside antennae or other exterior devices or materials.

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

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

9.14.m. 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.

9.14.n. 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, such as 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 6.5.).

9.14.o. 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 9.7. and 9.15.).

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

9.15. Confiscation Policy: Items found to be in violation of these policies may be confiscated and may be returned to the owner with the agreement of the Area Coordinator. Alcohol bottles used as decorations will be disposed of.

Section 10. Library and Technology Services

Applicability of LTS Policies: Technology use policies apply to all University computer resources and information systems, to all University library resources, and to all telecommunications 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>.

10.0. LTS Authorized Use: Students must not use passwords, passphrases, or 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.

10.1. 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 for 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.

10.2. 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: for example, to assist state or federal authorities in an investigation; to access data in files of personnel for whom they are responsible; or to maintain a system or website (see section 16.1.).

10.3. Digital Civility: When using computing or telephone resources, students must not hide their identity for malicious purposes or assume the identity of another. Students must not harass (cyber-bully) others by using computer or telephone resources to make unwelcome contact. 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.).

10.4. Copyright: Library and Technology Services copyright policies are designed to respect the rights of copyright holders while providing for the fair use of copyrighted materials by Brandeis students. For information about copyright policies, see the Web page Copyright Policies, located at

<http://lts.brandeis.edu/research/help/copyright.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 the Brandeis community's access to them. 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

General Dining Services Guidelines: Students are expected to comply with requests of University staff, and to 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

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 or 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 of any event (see section 7.0.).

12.0. Priority of Activities: The priority of activities to take place in any facility is influenced by the relevance of the activity to the University's goals, the timing of the request to use the facility, and the kinds of functions for which the facility is ordinarily used.

12.1. 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 other requirements will be implemented based upon a review of the event plans by the Department of Conference and Event Services.

12.2. 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. This review will be based upon such factors as the possibility of criminal acts, the risk of harm to persons or property, and the need for crowd control. Requirements may be appealed to the Vice President for Operations, who will make the final decision.

12.3. 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 may be made, for specific purposes, by the Department of Student Activities after consultation with the Department of Public Safety.

12.4. Event Sponsor Liability: The person or group requesting the use of a facility is responsible for harm to persons or property resulting from the use of the facility, and indemnifies 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.

12.5. 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 University 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.

12.6. 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 it is 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 any direct costs related to providing safety or meeting security requirements.

12.7. 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.

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

12.9. 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 occur must receive approval from the Department of Student Activities prior to the event.

Section 13. Parking and Traffic

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 in the Brandeis community 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>.

13.0. Improper or Reckless Operation of a Motor Vehicle: The improper or reckless operation of a motor vehicle on campus 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).

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

13.2. Parking Appeals Committee: The Department of Public Safety authorizes a Parking Appeals Committee to hear appeals of parking and traffic violations. An SCP may adjudicate cases involving the behavior of students involved in traffic incidents but does not hear appeals of the actual traffic violations.

13.3. 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

14.0. Personal Income-Generating Activity: Brandeis University seeks to empower, with realistic support, students who undertake entrepreneurial endeavors. 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 any such activity also requires authorization.

14.1. Entrepreneurial Access to Brandeis Services and Facilities: Any student who uses University property to sell a product or provide a service for a fee, or who represents a for-profit entity that uses University property, 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 students 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

15.0. 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.

15.1. 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 in any electronic media.

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

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

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

15.5. 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 Student Affairs) may use the name of the University and its seal or logo for purposes of identifying the organization.

15.6. 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 Student Affairs) 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

16.0. Unauthorized Entry: The privacy of every individual in living accommodations and/or offices must be respected. Malicious or unauthorized entry into rooms, offices, personal files, electronic files (see sections 10.3. and 16.3.) and drawers or locked spaces, such as lockers, is prohibited.

16.1. Brandeis-Owned or -Operated Space Search Authorization: Except in circumstances as outlined in section 9.4. 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(s), objective(s), and location(s) 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.

16.2. 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 at least 24 hours in advance and will specify an estimated date and time of the inspection for a given area. For example, "Inspections in East Quad will take place between November 3rd and November 18th, between the hours of 6 p.m. and 9 p.m." A student's presence in a room is not required for the inspection to take place (see section 9.4.).

16.3. Student Records: The federal Family Educational Rights and Privacy Act of 1974 (FERPA) gives each enrolled student at Brandeis certain rights, including the right of 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 Education Records Policy, which is available from the University Registrar and at

Brandeis is required by law to provide statistics and narrative data 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 Student Conduct Process and the Special Examiner's Process

Applicability: Formal and informal adjudication in support of a student (that is, 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 policy violation or concerning behavior to the Department of Student Rights and Community Standards (DSRCS). Reported behaviors will be vetted to determine whether the Student Conduct Process (SCP), the Special Examiner's Process (SEP), or the Dean of Students (DOS) Office will be the appropriate mechanism or venue for response.

Behavioral Intervention — The Care Team: Brandeis convenes a team of professionals to receive 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 to any other care provider so as to maximize the student's well-being and/or academic and social success.

Reporting: Where infractions of University standards and policies are involved, reports of alleged policy violations or complaints shall be submitted to the DSRCS by the reporter in a timely manner. The Community Standards Report (CSR) is the official reporting mechanism for all allegations of a Brandeis student's possible violation of a standard found in this 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 a reporting party in a Student Conduct Process. Only Brandeis community members (Brandeis students, staff, and faculty) or former community members may serve as a reporting party in a Special Examiner's Process. The CSR will be shown, in its entirety, to the responding party(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:

Two formal conduct processes adjudicate different portions of the code. The SCP 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 Actions (section 21.) may be taken to address behavior anywhere that aggrieves a person who is not a member of the Brandeis community.

Subsequent to the receipt of a CSR, the available facts shall be gathered from the reporter, and a careful evaluation of these facts shall be made. If there is sufficient evidence to believe that a violation may have occurred, the case may be forwarded to a formal adjudication process. The formal adjudication processes include the Student Conduct Process (SCP), the Special Examiner's Process (SEP) (section 22.), and University Actions and Sanctions (section 21.). The CSAO or designee may appoint, as needed, ad hoc conduct boards in addition to the boards described in section 18.

Interim and Protective Measures are taken by the DOS Office as needed.

Confidentiality Policy: Brandeis considers student privacy to be of high importance. Adjudication processes provide participants with the opportunity to disclose sensitive, private, or otherwise protected information so as to enable the comprehensive consideration of factors that may influence findings. The Confidentiality 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 (Informal Investigation, Restorative Justice, SCP, 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 shareable beyond a small number of people who may need to know it. "Need to know" means that the relationship between the student and the recipient of the information is familial, legal, or medical (the last referring to licensed physiological or psychological professionals, including the Brandeis Sexual Assault Services and Prevention Specialist). In addition, the student's Advisor in a conduct 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 also not restricted from discussing and sharing information obtained with any person serving as a witness for them in the conduct process.

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 (reporting party) is not prevented from discussing facts, or personal opinions about those facts, as the student came to know them prior to initiating a conduct process. Only new information about those facts that is learned in a conduct process is not shareable.

This policy is not intended to discourage a Brandeis student from seeking advice regarding 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 relates to the adjudication, or to the 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 CSAO or to the Title IX Coordinator.

Section 18. Procedural Standards in the Student Conduct Process

The Student Conduct Process (SCP): The Student Conduct Process is the formal conduct process that utilizes a preponderance-of-the-evidence standard to adjudicate most allegations related to "Rights and Responsibilities" that describe on-campus behavior. Gender-based harassment allegations are not adjudicated by the SCP, but rather in accordance with the Special Examiner's Process (SEP) described in section 22. The DOS Office, pursuant to section 21., typically adjudicates off-campus behavior.

Student Rights

Brandeis University students have the right:

- a) To have access to a statement of the most recent regulations ("Rights and Responsibilities") published by the University and to receive a copy of same upon request. The University will make reasonable efforts to make its policies known to students, faculty, and staff.
- b) To a process of fundamental fairness, as outlined in University policies and procedures.
- c) To be presumed not responsible until decided otherwise.
- d) To admit responsibility for any or all of the charges.
- e) To reasonable notice of a hearing.
- f) To request a reasonable delay of a hearing due to academic or extenuating circumstances.

- g) To be advised in writing of all charges, as initiated in a charge letter that may be emailed via campus email.
- h) To submit a written account relating to the alleged charges.
- i) To request an administrative agreement option to resolve the matter, when appropriate.
- j) To speak on one's own behalf, including written and oral statements and physical exhibits, and to have material witnesses speak at a hearing.
- k) To decline to provide information at a hearing
- l) To be accompanied by an Advisor at all phases of a hearing.
- m) To receive a timely decision via campus email.
- n) To an appeal of the outcome, as outlined in the appeals process.
- o) To be assured of confidentiality, whenever possible, in accordance with the terms of the federal Family Educational Rights and Privacy Act.
- p) After a final decision has been made, and all appeals have been exhausted, to be free from subsequent hearings and/or sanctions for the same specific incident of alleged misconduct (except in cases where charges of intentional omission or ambiguity of information or dishonesty, related to the initial hearing, are being reviewed).

Procedures for Resolving Allegations

Notification:

A student will be notified of allegations via campus email. Such notification will list the alleged violations in an official charge letter. The letter will also include instructions on how to schedule a meeting with the Hearing Officer. A responding party will also receive a copy of their rights as well as a copy of the flow chart describing the process, which is found in Appendix E of this document.

Disciplinary Conference:

During this meeting, a student will be provided the opportunity to discuss the allegations, review their options for resolution, and select one of those options. Alternative options for resolution may be offered and explored at the discretion of the Hearing Officer.

Students can waive the right to this meeting and move forward to one of the options for resolution via email.

Any student who does not respond to a request to meet will have their case forwarded to an administrative hearing.

Options for Resolution

Administrative Agreement

Prior to the scheduling of a hearing, a student and their Hearing Officer may engage in a conversation to discuss responsibility and appropriate sanctions for the alleged violations. During this meeting, the Hearing Officer may withdraw any charge deemed to be without basis.

A student can choose to engage in this option via email, rather than at an in-person meeting.

In cases where a student does not accept responsibility, the charges will proceed to a hearing.

Hearing Options

Administrative Hearing: This option provides the opportunity to have a single person determine responsibility and sanctions for all allegations.

Procedures for Administrative Hearings: As soon as reasonably possible, the responding party shall meet with the Hearing Officer to discuss the full circumstances of the charge(s); under the Administrative Hearing option, this is the only opportunity to present evidence. During an administrative hearing process, the Hearing Officer may meet with witnesses, including the person who wrote the Community Standards Report, without the presence of the responding party. The Department of Student Rights and Community Standards (DSRCS) shall notify the responding party in writing of the decision, confirming the action taken and the reasons for the decision.

Student Conduct Board (SCB) Hearing: This option provides the opportunity for a student to have their case heard before a panel of students, faculty, and staff. The hearing will determine both responsibility and sanctions, if deemed necessary.

Procedures for SCP Hearings before the Student Conduct Board (SCB): A hearing shall be held as soon as practicable from the date the responding party chooses an SCB hearing. 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 responding party in person, or to the responding party's Brandeis email account or the responding party's home address, at least 48 hours in advance of the hearing.

The Hearing Administrator: An administrator from the DSRCS or another Student Affairs professional shall serve as the Hearing Administrator. The non-voting role of the Hearing Administrator is to ensure appropriate execution of the hearing as prescribed in section 18. Responsibilities of the Hearing Administrator also include: (a) advising the Board regarding the requirements and provisions of the Student Conduct Process (SCP); (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 SCP; (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 reporting party and responding party to provide information regarding the alleged violation and

relevant procedural matters. To provide adequate notice to all parties, names of any Advisors and/or witnesses will be submitted by the reporting party and the responding party to the DSRCS at least 24 hours prior to the hearing. The Hearing Administrator may share the names of witnesses and Advisors with the responding party and reporting party prior to the hearing.

Outside Contact: The responding party and reporting party and their Advisors are prohibited from confronting or questioning witnesses or any other parties regarding the case prior to the hearing.

Conflicts of Interest: Student Conduct Board members may be informed of the reporting party's and responding party's names and of all charges prior to a hearing so as to avoid conflicts of interest. Any SCB members may accordingly recuse themselves, and either party to the case may request the Board to disqualify a member 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 responding party and reporting party may agree to proceed without the prescribed minimum voting composition of the Board.

Advisors: In a hearing before the SCB, the responding party and the reporting party may each bring an Advisor of their choice from the University community to provide passive assistance. With the permission of the Hearing Administrator, 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 a hearing. To avoid even the appearance of undue influence, the administrator who advises the boards, members of the SCB, and members of the University Appeals Board is not eligible to serve as Advisors for the responding party or reporting party. 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 a 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 DSRCS staff for details.)

Attendance: The responding party and the reporting party must be present at the hearing. In the event that a hearing is being conducted via live video or audio, the participants must be available via the agreed-on means at the time designated.

Witnesses: The responding party and reporting party may present evidence and introduce witnesses during the hearing, with the passive assistance of the student's Advisor. Witnesses are those who were present during the incident in question and/or have information directly related to the incident in question. It is the responsibility of the reporting party and the responding party 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 in order 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.

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

Evidence: The responding party and the reporting party 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 responding party and the reporting party shall have the right to question all witnesses appearing before the Board, but only at the hearing. **Note:** Any records or other evidence retained by the University may be subject to production by court order.

Written Testimony: Written testimony from absentee witnesses may be received by the SCB. Proof of authorship of such testimony must be provided via certification by a notary public. Inaccessibility of a notary public must be brought to the attention of the Hearing Officer prior to the hearing. Written testimony sent from the author's Brandeis UNET account will be considered authentic with respect to authorship 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.

Burden of Proof and Standard of Evaluation: In cases where the responding party denies responsibility, the burden of proof shall rest upon the reporting party. The standard of evaluation in an SCP Full Hearing is preponderance of the evidence. This means that the SCB must believe that it is more likely than not that the violation occurred.

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 on preponderance of the 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; or (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 majority vote. The chairperson shall vote only to break a tie.

Hearing Report: A written Hearing Report, comprised of a summary of evidence presented at the hearing and the 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 SCP, after which the records will be destroyed (except in extraordinary cases as defined by the DOS Office). Access to such records is governed by the University Records Policy (see section 16.3.). 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.

Rescheduled Hearing: The responding party and reporting party shall each have the right to a rescheduled hearing if either fails 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 responding party, the responding party shall be deemed to have accepted responsibility, and the case will be referred for Administrative Action. If a hearing is rescheduled, it will take place after proper notification. If the responding party fails to attend the rescheduled hearing, the responding party shall be deemed to have accepted responsibility, and the case will be referred for Administrative Action.

Failure to Attend: If the responding party fails to attend a scheduled meeting with the DSRCS after having chosen Administrative Action, the administrator may complete the process in the responding party's absence and send notification in writing of the decision. The responding party shall have the right to one rescheduled meeting if they fail to attend the originally scheduled meeting through no fault of their own, as determined by the DSRCS. The Hearing Officer may defer (place on hold) conduct action at any stage of the process for a period not to exceed 90 class days if the responding party is unable to participate owing to their withdrawal, leave of absence, documented illness, or incapacity, or if deferral is agreed upon with the consent of the reporting party and/or with the consent of the DSRCS and the responding party. Pending charges may be discontinued thereafter depending upon the conduct of the responding party. **Note:** When students withdraw or transfer from the University during an active disciplinary proceeding, the Dean's Certification will note that the student withdrew during a pending disciplinary process. *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.*

Conduct Record: A record of the conduct process (Administrative Agreement, Student Conduct Board Hearing, or Administrative Hearing), comprised of a summary of the evidence presented and the decision rendered, shall be made by the administrator. Such records are confidential and shall be retained by the DSRCS for 7 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 SCP, 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 section 16.3.). 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.

Appeals Procedures for Conduct Processes: Following approval or modification of the sanction(s) by the DOS Office or the DSRCS, the responding party shall have the right to submit an appeals request to the DSRCS or designee concerning the decision of a board or Hearing Officer. Such appeals requests shall be based only on specific evidence presented in writing, of:

- a procedural error that materially affects the decision, or
- a 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 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 hold an appeals hearing to consider the appeal. Upon completion of the appeals hearing, the Appeals Board may uphold the original decision and sanction(s) imposed, find the responding party not responsible, or increase or decrease the sanction(s). **Note:** Appeals procedures will be addressed in the final outcome letter to the responding party.

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

Section 19. Composition of Boards

19.0. The Student Conduct Board (SCB): The SCB shall hear cases of alleged policy violations of community standards of behavior or University policies referred to it by the DSRCS, with the exception of cases related to gender-based allegations. SCB hearing procedures are enumerated in section 18.

19.1. 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 joint consent of the SCB, the reporting party, and the responding party.

19.2. 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 CSAO or designee. The term of appointment for faculty and staff members shall be two years and is renewable.

19.3. SCB Student Member Selection: Students shall be selected annually by a process open to all continuing students, both undergraduate and graduate. The Board is formed in the spring of the preceding academic year and is to comprise a representative cross-section of Brandeis students, to the extent possible given those who apply.

19.4. SCB Chairperson Selection: The SCB shall be chaired by students, rotating at each hearing.

19.5. SCB Member Removal: A member of the SCB may be removed by the DSRCS 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.

19.6. The University Appeals Board: The University Appeals Board (UAB) shall hear appeals of decisions of the SCB, an Administrative Hearing, the SEP, and any ad hoc board formed at the discretion of the CSAO or designee. For appeals of SCB decisions, an administrator from the Division of Student Affairs, designated by the CSAO or designee, will serve as chairperson of the UAB.

19.7. UAB Composition: For appeals of SCB decisions, the University Appeals Board shall be comprised of three voting members (one full-time student and two members of the faculty and/or staff appointed by the CSAO or designee.) For appeals of SEP decisions, the UAB's composition will differ from what is described above. Three voting members, of the faculty and/or staff will serve as UAB members for SEP appeals; students will not serve.

19.8. UAB Selection: Faculty and/or staff will be appointed by the CSAO or designee. Students will be selected from the Student Conduct Board. For appeals of SEP decisions, the UAB's composition will differ from what is described above. Three voting members, of the faculty and/or staff will serve as UAB members for SEP appeals; students will not serve.

19.9. 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.

19.10. UAB Hearing Administrators: The UAB shall have an administrator from the Division of Student Affairs, 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 SCP; (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 SCP; (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, all facets of the 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 evidence of intent, may be considered. 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.

Educational Sanctions 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 (in, e.g., conflict resolution)
- Education on ethical decision-making
- Education on alcohol and drug abuse
- Restitution for damages
- Counseling/assessments
- Family notification

20.1. Other Sanction Options: Educational Sanctions may be imposed in combination with other disciplinary action and may include a required completion date. Failure to complete any educational component, as with any other sanction, may result in further conduct action (see section 2.2.), including:

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 or administrator is regarded as sufficient in and of itself, further action may not be deemed necessary. The finding of responsibility, however, 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, and this may impact the student's participation in the housing lottery process.

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 or athletics, participation in a study abroad program for academic credit, representing the University in competition or in 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 the potential learning value of such conditions. The probation usually extends over a stated period, during which it is clearly understood that any such student is 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 to help them reevaluate their behavior.

20.1.g. Suspension: Suspension is an involuntary separation of the student from the institution; it differs from dismissal (see section 20.1.h.) in that it defines conditions under which return will be possible. Suspension may extend for a semester or until a designated date. While a suspension is in effect, degrees or 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 CSAO or designee 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.

20.2. Deferral of Sanction: Any sanction can be deferred for a designated period of time with the understanding that no further violation of policy can occur during this time, or the original sanction will be enacted immediately.

Section 21. University Actions and Sanctions

Brandeis University is a small, but complex, community that believes in self-care and caring for others. Given the rigor of academic programs and the numerous co-curricular and extracurricular activities in which students engage, the existence of behavioral concerns between and amongst community members is natural.

The provisions of this section describe the authorities and responsibilities of the Chief Student Affairs Officer (CSAO) or designee to intervene in cases of urgent or serious student behavior and provide constructive response to it.

21.0. 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 University community member (student, faculty, staff, or guest), or may prevent 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, or restriction from specific buildings; suspension of the student from a campus leadership position; suspending the student from class or changing the student's class schedule; removal from a job or athletic team; or other action deemed necessary to remove or minimize the threat or disruption.

The CSAO or designee is the only person authorized to grant permission to a student who wishes to return to classes and/or residence halls after any such removal.

In the event the University takes disciplinary 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 CSAO or designee to discuss the situation and provide information, including documentation by a health care provider, in order to contest the action(s) taken. The CSAO or designee shall then decide, at their discretion, to reinstate or restore the student's privileges (or not), to consider further action under this procedure, or to take additional reasonable and appropriate steps.

21.1. Emergency Suspension: Pending final action in response to 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 others in 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 CSAO or designee.

21.2. Indefinite Suspension: In the event the CSAO or designee learns that a Brandeis student has been charged with or convicted of a crime, the CSAO or designee 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 CSAO or designee 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 CSAO or designee. The final decision on continuation of the suspension shall be made by the CSAO or designee. The procedural standards set forth in section 18 do not apply to indefinite suspensions.

21.3. 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 federal, state, and local laws and ordinances. Off-campus student behavior that aggrieves any person, or on-campus student behavior that aggrieves

someone who is not a Brandeis community member, which in the judgment of the CSAO or designee constitutes behavior that is inconsistent with these standards 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 CSAO or designee, and with the SCB or the Outcomes Administrator (see section 22.) if the allegations include sexual misconduct or gender-based misconduct. The SCB or Outcome Administrator shall advise the CSAO or designee on the appropriateness of the sanction(s) imposed. The final decision shall be made by the CSAO or designee. The procedural standards set forth in section 18 do not apply to off-campus behavior or university sanctions.

21.4. 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 the possibility of, a student's doing harm to themself or others, or to address a student's severe emotional or psychological distress, the CSAO or designee 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 CSAO or designee upon release from the health care facility.

The CSAO or designee shall notify the student in writing of the emergency protocol and the basis for it. Within three business days of notification, the student shall have an opportunity to speak with the CSAO or designee, to discuss the protocol and to provide information, including documentation by a health care provider, in order to contest the action(s) taken. The CSAO or designee shall then decide, at their discretion, to reinstate or restore the student's privileges (or not), to consider further action under this procedure, or to take additional reasonable and appropriate steps.

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

21.5. Study Abroad: Any student who is found responsible of sexual misconduct may not be allowed to participate in study abroad for academic credit.

If a finding of responsibility occurs while a student is studying abroad, the student's study abroad program will be notified in writing of the finding. Brandeis and/or the student's study abroad program reserve the right to terminate the student from the program without the granting of academic credit and/or a financial refund.

Section 22. The Special Examiner's Process

In cases where the University: (a) receives a report from a willing reporting party who is a current or former Brandeis community member (student, staff, or faculty) and (b) 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 Special Examiner's Process (SEP). When a student is accused of multiple violations in connection with 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 University.

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 willing reporting party, the University reserves the right to take action pursuant to its authority as enumerated in section 21.

Roles

The SEP involves several administrative roles in support of students participating in these complex investigations and adjudications. At the discretion of the University, one administrator may fill multiple roles, and the designated administrator for any given role may change at any point in the process.

The following is a description of the various roles within the SEP, listed in the order in which they are most likely to appear in the process.

Point of Contact (POC): This is the administrator who initially receives the report of an alleged policy violation of sexual misconduct or interpersonal violence (section 3.). The POC may receive the report in the form of a Community Standards Report (CSR) or as an in person report prior to the filing of the CSR. The POC will share the information with (a) the Dean of Students (DOS) Office, so that initial and immediate determinations can be made regarding interim measures (see page 53); (b) with the Title IX Investigator/Compliance Officer or the Title IX Coordinator, who will make a determination as to whether the issue reported involves a Title IX violation; (c) and with the Chief Student Affairs Officer (CSAO) or designee, who will assign a Case Manager (see below). Most often, the POC meeting will be conducted by the Case Manager, however, for the times when it is not, the POC will be able to provide general information on the process, but they may not be able to provide comprehensive responses regarding Title IX questions or intricacies of the process and will generally defer such issues to the Case Manager.

Case Manager: Most often the Case Manager will also conduct the POC meeting. Selected by the CSAO or designee to assist with the management of the SEP. The Case Manager, in separate meetings, will meet with the reporting party and the responding party to review the reported alleged policy violations and the overall process. The Case Manager is available to both parties throughout the process to clarify questions regarding the overall process, to serve as the contact person for both parties with respect to the process, and to assist with scheduling of interviews.

Advisor: In an SEP, the reporting party and the responding party may each select an Advisor of their choice to provide emotional support and to help navigate the process, which Brandeis recognizes as complicated and stressful for both parties. An Advisor may, with the permission of the Advisee, advocate in writing for the Advisee to the Title IX Coordinator — so as, for example, to ensure adequate interim measures or to alert the University to potential Title IX violations. The Advisor may contact only the Title

IX Coordinator and/or the Case Manager. The Advisor will recognize that the Advisee must be an active participant in this process.

An Advisor may take notes, but may not speak or write to the Special Examiner, the Co-Examiner, or their Advisee while an SEP interview is in progress. The Advisee may, however, request a break so as to speak with their Advisor. An Advisor who does not follow these rules may be required to leave the interview.

Though Advisors are a potentially important source of support and guidance, the participation of a party's Advisor is not required for that party's progression through the SEP. The failure of either party to choose an Advisor will not delay the progress of the SEP. Each party is responsible for arranging for their Advisor's presence at SEP-related meetings. Investigation interviews and SEP related meetings will not be unreasonably delayed due to the lack of availability of a particular Advisor. An Advisor may not also serve as a witness (see below).

An effective Advisor demonstrates sensitivity and empathy for the Advisee and assists the Advisee in fully communicating and describing their experiences during the SEP. Given the complexity and stressful nature of the process, participants are strongly encouraged to choose a staff or faculty member as an Advisor. The advisor may not be a witness in the case. The Case Manager can provide referrals.

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 at the conclusion of this phase, they, in consultation with the Co-Examiner, will prepare a report of their recommended findings that is submitted to the Outcomes Administrator in support of the Responsibility Findings 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 there is a preponderance of the evidence to substantiate claims of policy violations. The Special Examiner will be a professional with specific training in investigating sexual misconduct in a university or comparable environment. The Brandeis Title IX Investigator/Compliance Officer or their representative will screen the applicants for Special Examiner to ensure that the individual has the training and experience necessary to conduct these types of investigations effectively. The Special Examiner is appointed by the CSAO or designee.

Co-Examiner: Selected by the CSAO or designee in consultation with the Title IX Investigator/Compliance Officer to be present at all interviews conducted by the Special Examiner involving the parties and witnesses, 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 Special Examiner's 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. At times the person serving in the Co-Examiner role may also be serving in the Case Manager role.

Outcomes Administrator: Selected by the CSAO or designee, the Outcomes Administrator conducts the following stages in the SEP: Discussion Phase, Responsibility Findings, Sanctions Phase, and Sanction(s) Notification. The Outcomes Administrator will render the final decision with respect to any findings of responsibility and will render the final decision with respect to any sanction(s).

Appeals Administrator: Selected by the CSAO or designee to oversee the Appeals Process. The person in this role will be a different person from the Outcomes Administrator. The Appeals Administrator will review all appeals relative to the grounds necessary for an appeal. If the Appeals Administrator deems that there are grounds for consideration of an appeal, they will engage the University Appeals Board (UAB). The Appeals Administrator will receive the UAB's written report and will retain the discretion to amend, uphold, or reverse the original final decision. The reporting party and the responding party will receive written notification of the appeals outcome.

Additional Terms

Community Standards Report (CSR): An official report to the University's Department of Student Rights and Community Standards 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 choosing to initiate a formal adjudication process, the reporter becomes a reporting party. The CSR will be shown, in its entirety, to the responding party. This report is a web-based form located at <http://www.brandeis.edu/studentaffairs/srcs/reporting.html>.

Confidentiality: The Confidentiality Policy set forth in section 17 applies to the SEP. The privacy policy does not extend to outcome letters (notice of responsibility findings and/or notice of sanctions) or to assessment of the conduct process itself. Outcome letters to the responding party will not include the name of the reporting party, and outcome letters to the reporting party will not include the name of the responding party.

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 pending the outcome of any investigation or formal disciplinary process, including: removal from certain roles or positions, University Actions and restrictions (see section 21.0.), or Emergency Suspension (see section 21.1.). **Note:** Interim measures may be immediate and put in place before the formal filing of a CSR. Interim measures will typically be in effect until the conclusion of the SEP. The DOS Office, 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.

No Contact Order (NCO): NCOs state that a student is restricted from contact with a named individual(s) through verbal, physical or electronic means or via third parties. It is understood that the nature of the Brandeis University environment does not mean that the complaining party will not see the responding party on campus, but rather, reasonable compliance is expected and any unnecessary contact must be avoided. Further, it puts written guidelines in place to prohibit contact. Under an NCO, if the responding party encounters the complaining party while on campus, it is the responding party's responsibility to immediately remove themselves from the situation and take means to separate. Incidental contact, however, will not be considered a violation. Incidental contact may include unintentionally passing on campus or unexpectedly seeing the other party in an on-campus building. With

incidental contact, it is the responsibility of the responding party to remove themselves from the situation. A No Contact Order is not a sanction or a disciplinary outcome. It is a protective measure meant to focus on the safety of the complaining party and/or the campus community. NCOs are administered by the Dean of Students Office (DOSO) in accordance with section 21.0. Any alleged violations of an NCO should be reported to the DOSO and will receive appropriate response, which may include University Action such as restriction from events or locations.

Restorative Justice (RJ): Restorative Justice “is a philosophical approach that embraces the reparation of harm, healing of trauma, reconciliation of interpersonal conflict, reduction of social inequality, and reintegration of people who have been marginalized and outcast.” Central to RJ is collaborative decision making that includes community members such as those who have been harmed and those who have caused harm along with others impacted by the harm. RJ depends upon the willingness of both parties to freely choose to participate and in those who have caused harm acknowledging responsibility for the harm they caused to others and to the best of their ability repair the harm they caused to harmed parties and the community.

Sanctions Panel: A group of three University administrators and/or faculty, appointed by the CSAO or designee, who will receive the Special Examiner’s report (when the responding party is found responsible for one or more alleged policy violations) and make a recommendation to the Outcomes Administrator during the Sanctions Phase as to the sanction(s) to be applied.

Standard of Evaluation: This process will use the “preponderance of the evidence” standard in evaluating the responsibility of the responding party. Under this standard, the responding party 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 means a greater weight of evidence, such that it is more likely than not that the alleged conduct occurred.

UAB for the SEP: The membership of the SEP University Appeals Board (UAB) includes three members of the faculty and/or staff. If the SEP UAB determines that a written request for an appeal has merit, it shall make recommendations to the Appeals Administrator regarding the SEP findings of responsibility and will not conduct any phase of the SEP anew.

Time Frame: Brandeis University strives for investigations to be completed within 60 calendar days following receipt of the complaint. Investigations may take longer due to the complexity of the investigation and depending on the severity and extent of the allegations, and the academic calendar. The University may need to suspend an investigation during school breaks or between school years.

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

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 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.

Process

NOTE: Upon receiving a report of alleged sexual misconduct or interpersonal violence, the Point of Contact (POC) will share the information with the Dean of Students (DOS) Office so that initial and immediate determinations can be made regarding interim measures. Interim measures can be put in place immediately, before the formal filing of the Community Standards Report (CSR). Once the CSR is filed, the Special Examiner's Process (SEP) flows as follows:

1. Meeting with the POC to make the report, submission of a CSR that states the name of the alleged perpetrator (if known) and describes with reasonable specificity the incident(s) of alleged misconduct, including the date and place of such incident(s)
2. A Case Manager is assigned to guide the parties throughout the process
3. Reporting party meets with the Case Manager to discuss the allegations and make a decision to proceed with an SEP
4. The Case Manager meets with the responding party to discuss the allegations
5. The Case Manager provides written notice of the investigation to both parties citing alleged policy violations
6. Response by the responding party accepting or denying responsibility
7. Investigation:
 - a. Appointment of Special Examiner and Co-Examiner
 - b. Fact-finding phase — noting that after statements are shared, each party may, while investigations are ongoing, submit additional statements, evidence, and witness recommendations
8. Issuance of a Special Examiner's Report — both parties receive copies
9. Response from parties to the report, in writing or in person
10. Decision on responsibility — Note may be delayed if, based on the report or responses, there is a decision to seek additional information, witnesses, etc.
11. When there is a finding of responsibility, applying sanctions
12. Appeals process

Disclosure Phase: A formal complaint must be in writing. Complaints should be made as quickly as possible and it is strongly encouraged that complaints be filed within one year of the alleged violation, so that witnesses can better recall events and evidence is still obtainable. It must state the name of the alleged perpetrator (if known) and describe with reasonable specificity the incident(s) of alleged misconduct, including the date and place of such incident(s). The complaint must be in the Reporting party's own words, and may not be authored by others, including family members, advisors, or attorneys. Attached to the complaint should be a list of any sources of information (for example, witnesses, correspondence, records, and the like) that the Reporting party believes may be relevant to the investigation. However, a complaint should not be delayed if such sources of information are unknown or unavailable.

Brandeis University will not investigate a new complaint if it has already adjudicated a formal complaint based on the same circumstances or if the University has already conducted an informal investigation based on the same circumstances. Whether or not

a complaint is filed with Brandeis University, any person may file a complaint of discrimination with Massachusetts Commission Against Discrimination, the U.S. Equal Employment Opportunity Commission, the U.S. Department of Education Office of Civil Rights, or any other state or federal agency having jurisdiction.

Assessment Phase: After receiving a report, at times but not always in the form of a CSR, the POC will meet with the reporter to gather the available facts, and will conduct a careful evaluation both of these facts, and of the credibility of the person reporting them. The POC will consult with the Title IX Investigator/Compliance Officer or the Title IX Coordinator, and who will determine if a reasonable relationship might exist between the CSR's allegations and one or more prohibited behaviors described in "Rights and Responsibilities." A determination will be made if the alleged policy violations should be investigated further.

If an SEP is warranted, a Case Manager will be assigned by the Chief Student Affairs Officer (CSAO) or designee. The Case Manager will review the SEP in full with the reporting party, including which sexual misconduct and interpersonal violence policies may have been violated. The Case Manager will also review the decision about the reporting party's choice of Advisor. If the reporting party is a Brandeis student, the discussion will also include dialogue about ongoing efforts to support the student in a variety of non-conduct related areas, including but not limited to medical and counseling services, academic support services, living arrangements, classroom assignments, directory information accessibility, and travel considerations. Further, the reporting party will be reminded that the SEP does not substitute for the filing of a complaint with law enforcement. The reporting party may initiate both processes. Information about initiating a criminal complaint will be provided. Criminal investigations need not be initiated nor concluded prior to the initiation of an SEP.

Note: In addition to the above interactions with the reporting party, the DOS Office, in conjunction with the Title IX Investigator/Compliance Officer, will communicate with the reporting party and the responding party about any interim measures that the DOS Office may impose.

Subsequent to the initial meeting with the reporting party, the Case Manager will contact the responding party in writing (via Brandeis email account) to inform the responding party that a Community Standards Report (CSR) has been submitted. Within two business days, or as soon as is practicable, the responding party will meet in person with the Case Manager. The Case Manager will provide a copy of the CSR to the responding party and offer the responding party the opportunity to compose a written response to the allegations described in the CSR.

The Case Manager will discuss the process in full with the responding party, including the decision about the responding party's choice of Advisor. Since the responding party is always a Brandeis student, the discussion will also include dialogue about ongoing efforts to support the student. Once the SEP is activated by a CSR, it may not be interrupted by the withdrawal by the responding party from the University or by completion of graduation requirements. **Note:** When students withdraw or transfer from the University during an active SEP or other disciplinary proceeding, the Dean's Certification will note that the student withdrew during a pending disciplinary process. *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 Case Manager will provide written notification of the SEP and alleged policy violations to the reporting party and responding party. The responding party must accept or deny responsibility for the allegations presented in the CSR. If the responding party accepts responsibility, the Outcomes Administrator will issue an outcome for the case, including disciplinary actions or sanctions. Notification will be made in writing to the reporting party and the responding party. If the responding party fails to cooperate prior to accepting or denying responsibility for the allegation(s), the University may consider the responding party to have accepted responsibility, the responding party may have forfeited their opportunity to participate in the SEP, and the Special Examiner will report accordingly to the Outcomes Administrator who will issue a notice of responsibility findings.

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

Cooperation by the parties with the Special Examiner and Co-Examiner is expected. If a party fails to respond to correspondence (see section 1.10.) or attend a scheduled meeting with the Special Examiner or Co-Examiner, the Special Examiner or Co-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 Co-Examiner.

At any point during the SEP, either party is entitled to change their initial course of action. For example, a reporting party may drop one or more alleged policy violations, or a responding party may accept responsibility. The University also reserves the right to add or drop alleged policy violation(s) based on information obtained during the course of the SEP.

Fact-Finding Phase: The Special Examiner and the Co-Examiner (hereinafter referred to as "Examiners") will conduct the Fact-Finding Phase, which consists of interviews with the parties, interviews with witnesses, and the collection of all relevant documents and physical evidence.

Interviews with Parties and Witnesses: Interviews with the parties, witnesses, and experts will be conducted at the discretion of the Special Examiner. The Examiners will seek to secure written releases as necessary to access pertinent records protected by confidentiality and privacy policies and laws. The Examiners will determine who will be interviewed, as well as how many times and in what order individuals will be interviewed. The sexual history of either party with third parties or the character of either party will not be admissible. The Investigators may choose to examine the sexual history between the parties if they deem such evidence relevant to the investigation. Immigration status will not be considered during a Title IX report or adjudication. **Note:** The names of witnesses who were interviewed as well as the names of potential witnesses who declined to participate or were unresponsive to interview requests will be outlined in the Special Examiner's Report.

Interviews with the reporting party and responding party: Interviews with the parties will be conducted separately and, when possible, in person. Interview times will be determined by the Special Examiner and set after

consulting the parties' academic class schedules. Interview times will be rescheduled when they are in direct conflict with a scheduled class. Other rescheduling of interview times will be made at the discretion of the Special Examiner. These interviews will address all facts and circumstances relevant to the investigation. 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 Examiners.

Interviews of Witnesses: Interviews of witnesses named by the parties during the Assessment Phase or Fact-Finding Phase of the SEP, as well as of those identified by the Examiners, may be conducted in person, by telephone, or by use of Internet-based tools, at the discretion of the Examiners. Some witnesses may not be local or easily accessible, but the Examiners will make a good-faith effort to contact all pertinent witnesses. Expert witnesses may be consulted to verify materials, or to 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.

Documents and Other Physical Evidence: Documents and other physical evidence received during the SEP and deemed relevant by the Examiners will be shared equally with the parties to ensure the opportunity for response. The Examiners retain 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.

Special Examiner's Report: Upon conclusion of all interviews and collection of all known documents and materials deemed necessary and relevant by the Special Examiner, the Special Examiner, in consultation with the Co-Examiner, will assemble a report for the Outcomes Administrator that summarizes factual findings, offers conclusions about the credibility of testimony, and offers opinions about whether the responding party is responsible or not responsible for any or all alleged policy violations. **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 reporting party and the responding party with separate meeting opportunities to meet with the Outcomes Administrator in order to learn about and respond to the Special Examiner's findings and recommendations.

The parties, in separate meetings, will receive printed copies of the Special Examiner's report. Every effort will be made to meet with the parties in person, but if difficulty scheduling a meeting will delay the process, the report will be shared electronically.

Upon receiving the report, each party will have five business days within which to provide new, pertinent information or names of witnesses for the Outcomes Administrator's consideration. If after meeting with the parties and after the submission of any new information or witness names, the Outcomes Administrator seeks additional fact-finding, they will request the Special Examiner to make any and all necessary inquiries. The Outcomes Administrator may also present follow-up questions to the Special Examiner regarding the report. The Special Examiner will

subsequently submit a supplemental report to the Outcomes Administrator based on any follow-up questions or new inquiries. Both parties will receive a copy of the supplemental report as well as of any documents to which the supplemental report responds. The Outcomes Administrator retains the discretion to hold another round of meetings with the parties to discuss the new findings.

Responsibility Findings: The Outcomes Administrator will render the final decision as to any findings of responsibility and will notify the parties in writing. If the responding party is found responsible for one or more policy violations, the SEP will progress to the Sanctions Phase.

Sanctions Phase: This phase of the SEP involves the determining of sanctions for a party found responsible for one or more policy violations. For findings of responsibility of policy violations other than 3.5, 3.6 or 3.7, the Outcomes Administrator, after consultation with the Co-Examiner, may decide to offer Restorative Justice (RJ) as an option for sanctioning to the parties. The option for RJ would be presented to the reporting party first, and if desired, would be presented to the responding party. Neither party would be pressured to participate in RJ and must make the decision to do so of their own free will. To proceed with RJ, both parties would have to agree to participate in restoration of the harm done. If both parties do not agree to use RJ, a Sanctions Panel will be used. If both parties agree to use RJ, but the RJ process fails to reach agreed upon sanctions, a Sanctions Panel will be used.

If RJ is used during the Sanctions Phase the process would be as follows:

1. The CSAO or designee appoints RJ Co-Facilitators.
2. The RJ Co-Facilitators determine who should participate in the RJ conference. In addition to the reporting party and the responding party, participants may include harmed parties such as friends, roommates, staff members, or other campus partners, as well as support persons for the main parties.
3. The RJ Co-Facilitators facilitate pre-conference meetings with all participants to explain the principles of RJ, hear the person's story, discuss the parties' concerns and potential benefits of an RJ conference, and to address any possible areas for concern in advance.
4. After the pre-conference meetings are completed, the Co-Facilitators convene to prepare for the RJ conference.
5. The RJ conference includes the following components:
 - a. Welcome (includes introductions, agreements, and ground rules)
 - b. Harm Identification (includes questions for everyone participating and summarizing harms for accuracy).
 - c. Agreement Process (includes list of harms, how to make things right without passing judgment, agreement to proceed, brainstorming, collective agreement about repairing harm, and administrative review).
 - d. Closing (includes thanking everyone and checking in about how things went).
 - e. The Co-Facilitators will notify the Outcomes Administrator of the agreed upon sanctions resulting from the RJ process.

Important Note: An important part of the RJ process is respecting the confidentiality of information shared during the process. Information shared by a party or other participant during the RJ process will be considered strictly confidential and may not

be disclosed by any recipient of such information during any subsequent conduct proceeding. Students will be required to sign a confidentiality agreement as part of the RJ process.

If the responding party is found responsible for violation of 3.5, 3.6 or 3.7, or if the Outcomes Administrator determines that RJ is not appropriate to determine sanctions, a Sanctions Panel will be convened.

A Sanctions Panel is comprised of three University administrators and/or faculty, appointed by the CSAO or designee, who will receive the Special Examiner's report and make recommendations as to the sanctions(s) to be imposed on the responding party. The Outcomes Administrator will not serve on the panel.

The panel will consult the Special Examiner's report and will be entitled to interview the Examiners. The panel will not interview the parties, witnesses, or other experts or individuals. Upon voting, the panel will communicate its recommendations regarding the sanction(s) for the responding party to the Outcomes Administrator, who will render the final decision as to any sanction(s).

Sanctions Notification: The Outcomes Administrator will communicate the final sanction(s) decision in writing to the reporting party and the responding party within seven days under ordinary circumstances. The reporting party will be informed of any sanctions 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: Both the reporting party and the responding party are entitled to appeal the final decision in the SEP to the University Appeals Board (UAB). The UAB's composition, when engaged in an SEP, will differ from what is described in section 19.7. Faculty and staff members will serve as UAB members; students will not. Such appeals requests shall be based only on specific evidence, presented in writing, of:

- a procedural error that materially affects the decision, or
- a 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 Outcome Administrator's final decision. Appeals that are not related to either of the above two grounds will not be considered. On the first business day after the conclusion of the appeals deadline, the Outcomes Administrator will alert the parties by email that one or more appeals have been filed. The appellee(s) will be permitted to receive a printed copy of the appeal and will be permitted to submit a statement to the Appeals Administrator in response to the appeal within seven business days. The Special Examiner will respond in writing to the Appeals Administrator about the appeal(s). If the Appeals Administrator deems that grounds exist for an appeal based on the criteria outlined above, the Appeals Administrator will convene the UAB. The appeal(s) and the responses by the appellee(s) and the Special Examiner will then be forwarded to the UAB.

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

The Appeals Administrator will receive the UAB's written report and will retain the discretion to amend, uphold, or reverse the original final decision. The reporting party and the responding party will receive written notification of the appeals outcome.

Records Retention: Documents generated from the SEP will be retained pursuant to the rules in section 16.3. 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

See section 20 for definitions of specific sanctions. In all cases, except for dismissal, educational training is included along with any other sanction or combination of sanctions.

Sanctions for Sexual Harassment and Sexual Exploitation may include: University Restrictions, Disciplinary Probation, Suspension or Dismissal. See section 20 for definitions of specific sanctions.

Sanctions for Non-Consensual Physical Contact may include: University Restrictions, Disciplinary Probation, Suspension or Dismissal. See section 20 for definitions of specific sanctions.

Sanctions for Non-Consensual Intercourse That Does Not Include the Use of Force will usually be Suspension or Dismissal. See section 20 for definitions of specific sanctions.

Sanctions for Non-Consensual Intercourse That Involves the Use of Physical Force, Threat of Force, or Purposeful Incapacitation will result in Dismissal from Brandeis University.

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

Section 23. The Informal Title IX Process

As noted in section 3, 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 a reporting party in the SEP, the University may initiate an Informal Investigation into the allegations to address issues of safety as they relate to the discloser/reporter and the entire Brandeis community.

In cases where the University: (a) receives a report from a willing reporting party who is a current or former Brandeis community member (student, staff, or faculty), and (b) determines that one or more possible violations of section 3 or gender-based behaviors from any other section exist the case may be resolved by an informal Title IX process upon request by the complaining party. The reporting party will be presented with both the formal and informal processes for consideration. The decision regarding which process, formal or informal, to pursue is that of the reporting party without pressure from the University regarding their decision.

In an informal process there is an option for either Restorative Justice or an Informal Investigation.

Process for Restorative Justice (RJ)

Restorative Justice (RJ): Restorative Justice “is a philosophical approach that embraces the reparation of harm, healing of trauma, reconciliation of interpersonal conflict, reduction of social inequality, and reintegration of people who have been marginalized and outcast.” Central to RJ is collaborative decision making that includes community members such as those who have been harmed and those who have caused harm along with others impacted by the harm. RJ depends upon the willingness of both parties to freely choose to participate and in those who have caused harm acknowledging responsibility for the harm they caused to others and to the best of their ability repair the harm they caused to harmed parties and the community.

To pursue RJ as an option for resolution, both parties, reporting party and responding party, must agree to participate. In an RJ process, there would not be specific policy violations addressed, but rather the focus would be to address the behavior that caused harm and to repair the harm caused to harmed parties and the community. However, RJ would not be deemed appropriate for alleged harm that aligns with violations of 3.5, 3.6 or 3.7 of the code.

If the RJ process fails to lead to a resolution that is accepted by both parties, it will be considered a failed process and an Informal Title IX Investigation will be held. See below for the process for an Informal Title IX Investigation.

If RJ is agreed upon by both the reporting party and responding party, the following steps will be taken:

1. The Title IX Investigator/Compliance Officer determines that RJ is a viable option, based on the responding party acknowledging responsibility for the harm they caused and both parties wishing to participate in restoration of the harm done.
2. The Chief Student Affairs Officer (CSAO) or designee appoints RJ Co-Facilitators.
3. The RJ Co-Facilitators determine who should participate in the RJ conference. In addition to the reporting party and the responding party, participants may include harmed parties such as friends, roommates, staff members, or other campus partners, as well as support persons for the main parties.
4. The RJ Co-facilitators facilitate pre-conference meetings with all participants to explain the principles of RJ, hear the person's story, discuss the parties' concerns and potential benefits of an RJ conference, and to address any possible concerns in advance.

5. After the pre-conference meetings are completed, the Co-Facilitators convene to prepare for the RJ conference.
6. The RJ conference includes the following components:
 - a. Welcome (includes introductions, agreements, and ground rules)
 - b. Harm Identification (includes questions for everyone participating and summarizing harms for accuracy).
 - c. Agreement Process (includes list of harms, how to make things right without passing judgment, agreement to proceed, brainstorming, collective agreement about repairing harm, and administrative review).
 - d. Closing (includes thanking everyone and checking in about how things went).
7. The Co-Facilitators notify the Outcomes Administrator of the agreed upon requirements and/or protective measures resulting from the RJ process.

Important Note: An important part of the RJ process is respecting the confidentiality of information shared during the process. Information shared by a party or other participant during the RJ process will be considered strictly confidential and may not be disclosed by any recipient of such information during any subsequent conduct proceeding. Students will be required to sign a confidentiality agreement as part of the RJ process.

If the alleged harm aligns with violation of 3.5, 3.6 or 3.7 of the code, or if the Outcomes Administrator determines that RJ is not appropriate, or if both parties do not agree to participate in RJ, an Informal Investigation will be conducted.

Process for an Informal Investigation

Informal Title IX Investigation: An internal University investigation based on a disclosure or complaint. In an informal adjudication, if a Community Standards (CSR) exists, the discloser or reporter has decided not to pursue a Special Examiner's Process. No formal charges are levied against the student whose behavior is described. The informal investigation process is detailed below.

Unlike the Special Examiner's Process, an informal Title IX process does not result in formal charges levied against a responding party. Accordingly, sanctions will not result from an informal process (investigation or RJ). The informal Title IX process may, however, result in protective measures. Examples of protective measures include, but are not limited to, No Contact Orders, relocation of residence hall room, or restricting the responding party's movements on, or access to, campus.

Note: If a reporting party chooses an informal Title IX investigation, they cannot seek a formal Special Examiner's Process based upon the same reported incident.

Roles

The Informal Investigation uses many of the same roles as the Special Examiner's Process (SEP) and one administrator may play more than one role in the process. For definitions of these roles see section 22.

NOTE: Upon receiving a report of alleged sexual misconduct or interpersonal violence, the Point of Contact (POC) will share the information with the Dean of Students (DOS) Office so that initial and immediate determinations can be made regarding interim measures. Interim measures can be put in place immediately, before the formal filing of the Community Standards (CSR). Once the CSR is filed, the informal investigation flows as follows:

1. Meeting with the POC to make the report, submission of a CSR that states the name of the alleged perpetrator (if known) and describes with reasonable specificity the incident(s) of alleged misconduct, including the date and place of such incident(s).
2. A Case Manager is assigned to guide the parties throughout the process.
3. Reporting party meets with the Case Manager to discuss the allegations and make a decision to proceed with an informal investigation.
4. The Case Manager meets with the responding party to discuss the allegations.
5. The Case Manager provides written notice of the investigation to both parties.
6. Investigation:
 - a. Appointment of Investigator
 - b. Fact-finding phase — noting that after statements are shared, each party may, while investigations are ongoing, submit additional statements, evidence, and witness recommendations
7. Issuance of Investigator's findings and recommendations to the Outcomes Administrator.
8. Outcomes Administrator meets separately with both parties to discuss investigation findings and if the allegations are substantiated to implement necessary protective measures. Protective measures focus on the safety of the complaining party and/or the campus community. Examples of protective measures include, but are not limited to, No Contact Orders, relocation of residence hall room, or restricting the responding party's movements on, or access to, campus.

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 three thousand dollars or by imprisonment in a house of correction for not more than one year, or 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 seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to themself 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 one thousand dollars.

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 seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen 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 seventeen and eighteen to each of its members, plebes, pledges or applicants for membership. 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 seventeen and eighteen, that each of its members, plebes, pledges, or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

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 seventeen and eighteen.

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 seventeen and eighteen 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.
<http://www.brandeis.edu/humanresources/>

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.
<http://lts.brandeis.edu/>

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.

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

University Computer Policy; Department of Library and Technology Services, Feldberg 112.
lts.brandeis.edu/about/policies/computingpolicies.html

Leadership Handbook; Department of Student Activities.
<http://www.brandeis.edu/studentlife/activities/leadership/index.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 PARC: Prevention,**Advocacy & Resource Center**

Usdan G108

781-736-3370 (24/7 hotline)

781-736-3371 (office line)

parc@brandeis.edu

Education, empowerment, and support by professional staff and/or peers, with focus on helping those impacted by sexual assault, dating/domestic violence, or stalking to decide what they want to do next

Brandeis Counseling Center

781-736-3730 (office line)

781-736-3785 (after hours urgent care)

brandeis.edu/studentaffairs/counseling
Advice; individual counseling**The Department of Spiritual and****Religious Life**

781-736-3570

<https://www.brandeis.edu/spiritual-life/>

Advice; spiritual direction and support

Brandeis Health Center

781-736-3677

brandeis.edu/studentaffairs/health

Screening, treatment and follow-up care for sexually transmitted infections; emergency contraception

*Confidential peer resources***Brandeis Counseling and Prevention,****Advocacy & Resource Center****(6TALK)**

781-736-8255

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

781-736-3695

586-ASK-SSIS (text)

ssis@brandeis.edu

Queer Resource Center (QRC)

Located at the Gender and Sexuality Center, Usdan G105, Weiner Lounge

781-736-8583

qrcbrandeis@gmail.com

Students talking About Relationships**(STAR)**

781-736-4745

star@brandeis.edu

Confidential community resources

**Asian Task Force Against
Domestic Violence**
617-338-2355
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

**Middlesex County Victim Witness
Services Bureau**
781-897-8300

The Network/La Red
617-742-4911

**Rape, Abuse & Incest National
Network (RAINN)**
800-656-HOPE

REACH - Beyond Domestic Violence
800-899-4000

SafeLink Domestic Violence Hotline
877-785-2020
TTY: 877-521-2601
Available 24/7; multilingual

Victim Rights Law Center
617-399-6720, ext. 19

Additional community resources

Jane Doe Inc.
617-248-0922

**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

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

University Police (available 24/7)
University Police

Waltham Police
781-893-3700

Emergency 781-736-3333
Business 781-736-5000
Brandeis.edu/publicsafety
Reporting incidents; filing protective order
assistance with filing a report with
Waltham Police

**Department of Community Living
781-736-5060**

brandeis.edu/dcl
Area Coordinators and Community
Advisors support residential students,
provide referrals to resources and assist
with housing interim/protective
measures

Acting Title IX Coordinator

Elizabeth Herriott Tierney
781-736-4456
etierney@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 <http://www.brandeis.edu/studentlife/srscs/>

- 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 (disclosure) 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 with a sexual assault nurse examiner (SANE) at a local hospital (Newton-Wellesley Hospital or Beth Israel Hospital).

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:

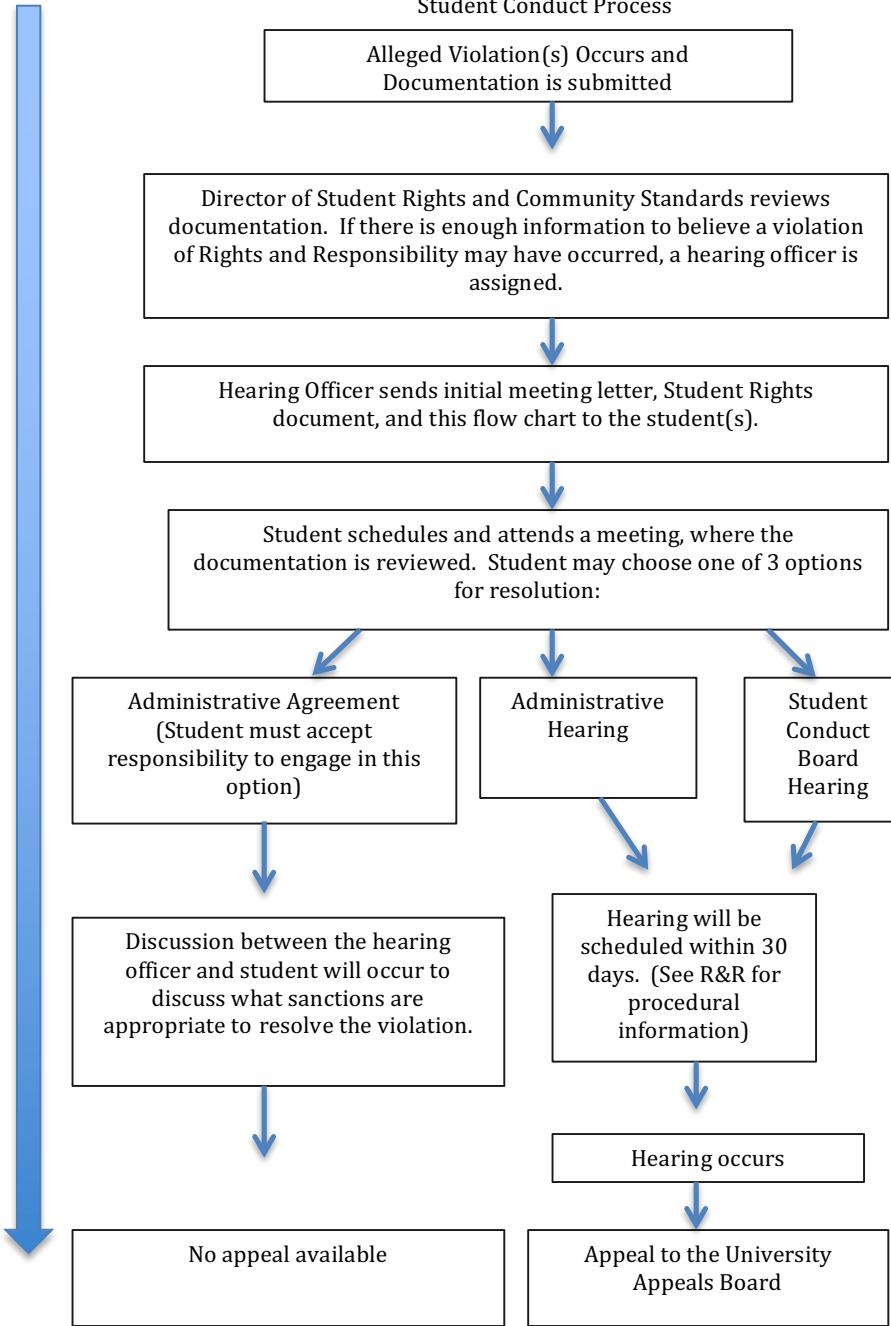
- Temporary or permanent Brandeis housing assignment change
- Alteration or removal of university directory information (directory.brandeis.edu)
- University **No Contact Orders** or court-issued restraining orders (to ensure that shared classes or other shared experiences are avoided)
- Assistance with 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

Appendix E
Student Conduct Process Flow Chart
Department of Student Rights and Community Standards

Student Conduct Process



Appendix F

Department of Community Living, Event Registration Guidelines

The following outlines what a registered event is, how to request a registered event, and the responsibilities of the primary host and alcohol beverage server. The Department of Community Living reserves the right to update these guidelines at any given time. Depending on campus community need, the Department of Community Living can modify the guidelines for specific campus areas at any given time.

Defining a Registered Event

- A registered event can be defined as a gathering of students in one residential space that consist of more than double plus one the assigned room occupancy.
- Students gathering in residential areas in large groups (more than double plus one the occupancy of the room or suite) can be viewed as having an unregistered party and can be documented.

How to Request Approval for a Registered Event

- The request form for a registered event can be found on the DCL website. Students must submit their request form at least two business days prior to their desired event. For example, for an event to take place on Friday, Saturday or Sunday, the request form must be submitted by Wednesday.
- Registered events are considered to be a privilege for residential students. Students or whole residential areas can lose the privilege to register events due student conduct concerns or campus safety. DCL reserves the right to suspend the event registration process at any given time.

Responsibilities of the Primary Host

- Must be the person to complete the event registration request form and to meet with a DCL professional staff member to receive the event registration permit along with the ABS.
- Has to live in the room or suite that is hosting the event and needs to be present for the entire duration of the event. Must be of legal drinking age for events including alcohol.
- Oversee the guests coming to the registered event and ensuring no more than 25-30 guests at a time.
- Will ensure guests do not leave registered event with open containers and do not gather in large groups inside or outside residential areas.

Responsibilities of the Alcohol Beverage Server

- Must be a current Brandeis student of legal drinking age. The ABS cannot be the same person as the primary host.

- Has to meet with a DCL professional staff member to receive the event registration permit along with the primary host.
- Will ensure there is healthy food and water ratio to alcohol present that is easily accessible for guests at registered events. Must end the alcohol drink service a half hour prior to the event ending.
- Will consult educational alcohol pouring chart provided by DCL prior to mixing drinks.

General Information for Registered Events

- The registration permit must be posted on the exterior door from the start time of the registered event and taken down after the event ends.
- Common container items are prohibited at any time in the residence halls. Common containers include, but are not limited to, funnels, kegs, beer balls, coolers of mixed drinks, "punch bowls," etc. Any mixed drinks should be made in front of the consumer of the beverage.
- No handles of hard liquor can be present at registered events.
- Guests are strongly discouraged from bringing their own alcohol to registered events.
- Only 25-30 guests to be allowed at any given time in suites with common areas (including the occupants).
- The primary host and/or ABS will contact campus emergency services to assist with those in medical need or unruly guests.

Additional Information:

Relevant Rights and Responsibilities Excerpts:

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. Brandeis students are reminded that they are responsible for the conduct of their guests.

Section - 5.1 Legal Drinking Age: No student under the legal drinking age of 21 is allowed to possess or consume alcoholic beverages on campus.

Section - 5.8. Event Registration: Any student or group of students wishing to sponsor a party or event with alcohol in the residence halls must request permission for the event from the Area Coordinator responsible for that area by submitting an Event.

Registration Form: www.brandeis.edu/studentaffairs/dcl at least two business days before the event is to take place. The sponsor of the event is responsible for providing food and non-alcoholic 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 of their guests. Approval of a gathering does not constitute permission to violate any University policies.

Section – 5.10 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 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 and in addition to a current and valid Brandeis Identification Card for Brandeis students.

Section – 9.10 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 Student Affairs staff member may extend Quiet Hours for an approved purpose or during reading periods and final exam periods.