



# Annual Security Report for 2020

October 2021



**Community College of Rhode Island**



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## **FROM THE CHIEF OF POLICE DIRECTOR OF SAFETY AND SECURITY**



Welcome to the Community College of Rhode Island, New England's largest community college.

*The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* requires each institution of higher learning to prepare, publish, and distribute an annual security report containing crime statistics and specific policy and security information. Additionally, the Violence Against Women Act has further amended the Clery reporting requirements to include reporting on domestic violence, dating violence, and stalking. The College works to educate its community on prevention of these crimes and provides information and resources available to those suffering the impact of these acts. Please visit our webpage below for a listing of services and resources:

[CCRI Campus Police Homepage](#)

**I am honored to announce that your campus police department became the first state college police department to become accredited by the RI Police Accreditation Commission.** We were the 33<sup>rd</sup> agency in the state (State, City, Town, campus, etc.) to become accredited. I am very proud of our staff and the professionalism that they have displayed. Accreditation will demand we maintain our commitment to training and policy development in accordance with the best practices throughout the country.

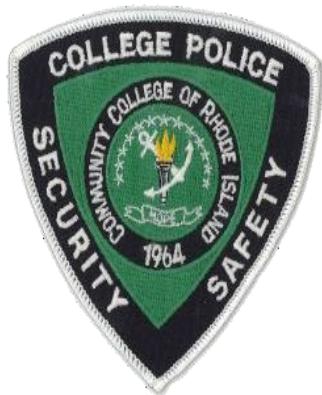
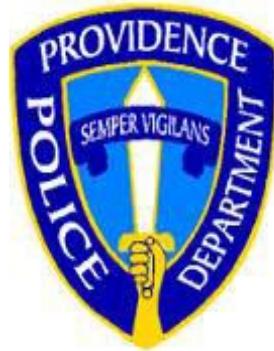
As you read the annual security report, you will find we consistently maintain a safe environment on all of our campuses. We accomplish this with the help of our staff, faculty, and our student body. We need everyone to be part of the community. If you see something, say something. If you need our assistance, be assured that we are here to help. You are our mission.

Again, welcome to CCRI. We wish you success in your studies and hope you enjoy your student experience.

*Sean T. Collins*

Chief of Campus Police

## LAW ENFORCEMENT, SECURITY RESPONSES AND RELATIONSHIPS WITH LOCAL LAW ENFORCEMENT



We are committed to a safe school environment on all of our campuses at the Community College of Rhode Island. The charge of the Community College of Rhode Island Police Department (CCRI PD) is to serve and protect the campus community and to enhance the quality of life on each of our four campuses. This is achieved in conjunction with the campus community through the enforcement of laws, crime prevention activities, and education and community awareness. The foundation of our department is community service. All people within our jurisdiction are served with respect and fairness.

The CCRI PD is committed to the prevention of crime, the investigation of problems and incidents, the preservation of security, and the enforcement of all laws and College rules. Services of the CCRI PD are oriented to produce an environment that enables the College to implement its mission of education and public service.

The CCRI PD patrols on foot and in motor vehicles on campuses in Warwick, Lincoln, Providence, and Newport. The Warwick and Lincoln Campuses are patrolled 24 hours per day, 7 days a week, but are closed to everyone at 11 pm. Persons needing to be in the building(s) after 11 pm must make arrangements ahead of time. Exceptions are made on a case-by-case basis. The Providence and Newport CCRI PD operate 7 am–11 pm, with some

fluctuation of hours based on functions specific to the respective campus. The Newport Campus is closed on Sundays. All campuses are generally closed on major holidays.

Chief Sean T. Collins, who has more than 39 years of experience in municipal, federal, and college law enforcement, leads the department. The CCRI PD consists of two captains, four lieutenants, 23 sworn police officers, and one college patrol person. The CCRI PD is a sworn police department trained by the Rhode Island Municipal Police Training Academy, or its equivalent in other jurisdictions. CCRI PD officers have full arrest powers to enforce the laws of the State of Rhode Island. While officers do not carry firearms, they are equipped with less lethal tools. Our jurisdiction is primarily within the geographical boundaries of each campus and the surrounding public streets and sidewalks adjacent the campuses.

**The RI Board of Education under Rhode Island General Law (RIGL 16-52-2) grants the authority for campus police officers.** Campus police officers have the same authority conferred upon municipal police in the State of Rhode Island. Their authority includes the right to make arrests and issue Rhode Island Traffic Tribunal summonses. The department maintains a close working relationship with the local police departments where each campus is located, the College's Office of Student Affairs, the College's Judiciary Committee, Student Government, Physical Plant, and other campus and non-campus organizations. The police department has many responsibilities, including patrolling, both on foot and in vehicles; preventing, detecting and investigating criminal activities; assisting the disabled; fire safety services; crime prevention services; general building security; and special event security. The department is also responsible for issuing parking permits, parking control, and motor vehicle traffic control on campus.

The CCRI PD maintains Memorandums of Understanding with the Providence, Warwick, Newport, and Lincoln Police Departments. This allows rapid and robust mutual aid to assist our police department in any emergency. THE CCRI PD can contact neighboring agencies immediately by radio to request this assistance.

For more information, we can be reached by phone at:

- Warwick (Knight) (401) 825-2109; the office is located on the ground floor rear of the Mega Structure.
- Lincoln (Flanagan) (401) 333-7035; there is a kiosk at the B entrance; the office is located on the lower level basement.
- Providence (Liston) (401) 455-6050; the office is located at the 1st floor main entrance.
- Newport County (401) 851-1620; there is a kiosk at the main entrance and the office is located on the lower level basement farthest from the elevator.
- Westerly Contact Westerly Police at (401) 596-2022 or dial 911 for emergencies.

## **THE CRIME AWARENESS AND CAMPUS SECURITY ACT**

The Student Right to Know and Campus Crime Awareness Act of 1990 mandates that all universities and colleges report certain information relating to campus crime statistics and campus police policies of that institution. In addition, the law requires the College to prepare, publish, and make available to all current students and

employees, and to any applicant for enrollment or employment upon request, an annual police/security report. The report must include information about campus police/security policies and crime statistics of that institution.

Dedicated enforcement of College regulations, coupled with crime prevention and safety programs, help to meet these responsibilities. The Department strives to provide the high quality of safety and crime prevention services required to meet the needs of a progressive academic institution.

## REPORTING A CRIME OR AN EMERGENCY

The police department makes every effort to prevent crime by providing highly visible patrols with police personnel that respond quickly to the needs of the College community. Prompt and accurate reporting of crimes to the CCRI PD is encouraged even if the complainant or reporting party does not wish to pursue formal charges. To report a crime or emergency:

**Emergencies at any campus: 825-2000 (x2000) or 911.** For routine/non-emergency business:

- Warwick (401) 825-2109
- Providence (401) 455-6050
- Westerly Contact Westerly Police at (401) 596-2022 or dial 911.
- Lincoln (401) 333-7035
- Newport (401) 851-1620

Crimes can also be reported via the **Blue Light phones** on the Flanagan (Lincoln) and Liston (Providence) campuses, which are connected directly to campus police. While crimes should be reported to the campus police immediately, crimes may also be reported to any Campus Security Authority (CSAs). CSAs are instructed to report crimes immediately to the police.

An officer is dispatched to investigate and take appropriate action when a complaint is received. All crimes are investigated and if prosecution through the court is required, we defer to the municipality where the incident occurred. When a student is involved, he/she is referred to the Dean of Students Office for appropriate action.



The CCRI PD offers the ability to report anonymously:

<https://www.ccri.edu/campuspolice/forms/anonymous-crime-report.html>

New officers attend and are certified by the Rhode Island Municipal Police Training Academy (Police Officers Commission on Standards and Training) to meet the training goals of the department. Upon completion of the academy, officers return to the department working under the direct supervision of the shift lieutenant and receive instructions on basic police procedures, report writing, and patrol procedures of the department. Officers receive instruction on C.P.R. /A.E.D. and Narcan delivery on a regular basis from certified instructors.

All new officers receive field training under a peer system. New members are assigned to a senior police officer and are provided instruction on all facets of the police department's operation. Police officers are also required to take part in external professional education, workshops, and in-service trainings on the latest law enforcement techniques.

## HOW WE PREPARE THE ANNUAL DISCLOSURE AND CRIME STATISTICS

The CCRI PD prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”). This report is prepared in coordination with local law enforcement agencies surrounding each of our campuses (Providence Police, Lincoln Police, Warwick Police, Newport Police, Westerly Police and the State Police), Divisions of Academic Affairs, Business Affairs, and Student Affairs. Each entity provides updated information of their educational efforts and programs to comply with the Clery Act. Campus crime arrest and referral statistics include those reported to the CCRI PD and designated campus officials called **Campus Security Authorities** (CSAs). CSAs at CCRI are identified as, but not limited to:

- Vice President of Student Affairs and Dean of Students
- Chief of Campus Police and all members of the Police Department
- Associate Dean of Students
- Director and Assistant Director of Student Services
- Director and Assistant *Director* of Athletics and Staff
- All Directors and Deans
- Student Judicial Affairs
- Advisors to Students/Student Organizations
- Title IX Coordinator(s) and Investigators

Each year, an email is sent providing all faculty, staff, and students with the website to access this report. Copies of the report may also be obtained at any of the CCRI PD offices or by calling (401) 825-2109. All prospective employees may obtain a copy from Human Resources by calling (401) 825-2311 or visiting the website <http://www.ccri.edu/campuspolic/clery/>

The CCRI PD maintains a computerized database utilizing IMC software from Tritech, Inc. IMC is a police records management and dispatching system that captures all calls for service and criminal complaints. IMC provides analysis of statistical information for the Clery Report.

## MEDICAL EMERGENCY RESPONSE SERVICES

In a medical emergency, members of the CCRI community should dial 911 and/or call the CCRI PD emergency telephone line at (401) 825-2000. All CCRI PD officers are trained in first aid, Narcan, and AED and will respond immediately. Students should contact the college nurse for routine care.

## MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The CCRI PD regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to maintenance for correction. All members of the college community can easily report equipment/safety problems by calling Campus Police dispatch at any time, day or night, at (401) 825-2109 or ext. 2109.



## TIMELY WARNINGS AND EMERGENCY NOTIFICATIONS

The Clery Act requires the College to issue a “*timely warning*” to the campus community regarding any Clery Act crime reported to campus security authorities that occurs within the college’s geography and is deemed to represent a serious or continuing threat to the college community. *Emergency notifications* may involve serious weather or crime issues that are not Clery Act-defined crimes. In the event that a situation arises either on or off campus which, in the judgment of the CCRI PD in consultation with the Director of Administration, constitutes a serious or continuing threat to students and employees, a campus-wide “*alert-emergency notification*” or “*timely warning*” will be issued through the college email system to students, faculty, and staff. Depending on the particular circumstances of the crime or event, and all situations that could pose an immediate threat to the campus community, the college may use its emergency alert system, which provides the college community with more immediate notification. Timely notification is used to protect the college community and prevent further victimization from the immediate threat. Examples of an emergency notification requirement would be an immediate threat to the health and safety of the community, such as a building fire, earthquake, gas leak, or an armed intruder. Anyone with information warranting an emergency notification or “*timely warning*” should report the circumstances to the CCRI Police immediately at (401) 825-2000.

The college has multiple systems for notifying the community in the event of emergencies. The college contracts with **Rave Alert** for emergency notification services. This allows authorized users to send an immediate notification to all or selected members of the CCRI community who have provided emergency notification contact information. Messages about immediate or potential threats to the community can be sent via **text, home phones, and multiple e-mail addresses**. All members of the college community are requested regularly to provide updated emergency contact information so that they can receive messages from the emergency notification system.



The emergency notification system will be activated upon confirmation of an emergency that poses an immediate threat to the health or safety of students, faculty, and staff on campus, or when there is an event that requires closing the campus or limiting access (e.g. severe weather). Major incidents of arson, criminal homicide, and robbery are typical crimes requiring an alert. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by the CCRI PD, as well as when and where the incident occurred, when it was reported, and the amount of information known by the CCRI PD. For example, if an assault occurs between two students who have a disagreement, there may be no ongoing threat to other college community members and an alert would not be distributed. In addition, cases reported long after the incident occurred may not require a "*timely warning*" notice to the community. The emergency notification system will NOT be used to send messages about criminal activity in the area unless the crime presents an immediate threat to safety on a campus. The confirmation of an emergency or dangerous situation and the decision to issue an emergency notification system message is typically made by the Chief of Police/Director of Safety and Security, and/or the Director of Administration. The director may also confer with local first responders and/or the National Weather Service when confirming an emergency.

Executive leadership of the college are included in the decision to send a message if time permits. Depending on the type of emergency, Campus Police and/or members of the administration will confirm the emergency with the assistance of local/state first responders and/or the National Weather Service and will determine the appropriate segment(s) of the campus community to receive the notification. Campus Police can contact state and/or local police via radio and telephone directly. A decision will then be made by the Chief/Director and/or the Director of Administration as to the content of the notification and the notification will be initiated. For example, a threat to the Warwick Campus would not necessarily affect the Lincoln Campus and such a threat would likely only result in a warning to the Warwick Campus community. Similarly, a gas leak at the Newport Campus would likely only result in notification of evacuation to the Newport County Campus community.

**The College will, without delay, and taking into account the safety of the community, determine the content of the emergency message and initiate the emergency messaging system,** unless issuing a message will, in the judgment of the CCRI PD or other responsible authorities, jeopardize or compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency situation. The CCRI PD and the administration maintain a set of pre-recorded messages in the emergency notification system to support rapid communication in the event of an immediate threat to the campus community. As an event unfolds, the college may update the community via emails that are more detailed and/or through its website or other social media. The larger

community surrounding the affected campus (s) may be updated by marketing through the website, various social media, and/or a media liaison.

CCRI students, faculty, and staff are automatically enrolled in our Rave Emergency Alert system if a phone number was supplied during enrollment to the [MyCCRI Portal](#). To update an individual's phone numbers go to:

<https://www.ccri.edu/emergency/rave.html#text>

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

The college's Emergency Management Plan includes information about incident teams; college operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. Campus departments are responsible for developing contingency plans and continuity-of-operations plans for their staff and areas of responsibility.

CCRI PD officers and supervisors have received training in Incident Command and responding to critical incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the CCRI PD, local police from the respective campus jurisdiction, and/or the RI State Police, local emergency services, fire, rescue, etc., and those who typically respond and work together to manage the incident. Other CCRI departments and other local or federal agencies could also be involved in responding to the incident depending on the nature of the incident.

Although each campus is different, all alarms and instructions must be followed. Once a fire alarm is activated or a public address message states that an evacuation is ordered, all occupants of the building must immediately evacuate. Occupants are advised to move away from the building to a safe area and not interfere with emergency responders. Evacuees may be directed to holding areas depending on the scenario, campus or incident in question. All faculty, students, and staff must follow the directions of emergency responders.

Each year, the college will conduct a test of its emergency response and evacuation procedures and document the results. The date, time, and description of the exercise will be recorded as well as whether the test/exercise was announced or unannounced.

The college did not conduct an emergency response exercise in 2020 due to COVID-19 restrictions. A test of the RAVE system was conducted on March 13 and 15 of 2020. The test was announced.

## **Screening and Discipline**

CCRI complies with all federal, state, and local regulations relating to the prohibition of criminal conduct, including those that regulate the possession, use, and sale of alcoholic beverages, controlled substances, and firearms. Regulations governing student conduct are contained within the Student Handbook:

[http://www.ccri.edu/Advising/Student\\_Services/handbook.html](http://www.ccri.edu/Advising/Student_Services/handbook.html). Employees are notified by the Office of Human Resources of all pertinent regulations: [https://www.ccri.edu/hr/employee\\_and\\_labor\\_relations/handbook/](https://www.ccri.edu/hr/employee_and_labor_relations/handbook/).

## **Policy on Off-Campus Conduct**

The college shall have jurisdiction over student conduct that occurs on campus property or in correlation with college functions and affairs. The college shall also have discretion to exercise jurisdiction over conduct which occurs off-campus and that violates student conduct and discipline policies or regulations if the conduct occurred off campus when: 1) the alleged misconduct indicates the student may be a threat to the safety or security of members of the college community, college property, functions or facilities or 2) the alleged misconduct involves academic work or any records, documents or identifications of the college.

Specifically, Student Judicial Affairs may choose to exercise jurisdiction over off-campus incidents under section 1) above where the alleged misconduct involves:

- A. Sexual misconduct (see Page 39 of the [CCRI Student Handbook](#))
- B. Sexual harassment
- C. Possession or use of weapons, explosives or destructive devices
- D. Manufacture, sale or distribution of controlled substances
- E. Hate crimes
- F. Hazing
- G. Conduct that would constitute felony burglary, robbery, theft, etc.
- H. Retaliation

Students involved in any of these offenses are subject to suspension or expulsion from the College.

## **DANGEROUS OR DEADLY WEAPONS OR DEVICES**

CCRI has maintained a long-standing policy prohibiting weapons on any of its campuses. The introduction of guns, knives or other devices on campus is potentially dangerous to the entire college community and inconsistent with a safe learning environment. Faculty, staff, and students are advised that the introduction of any weapon is a direct violation of policy and a serious breach of security that will require immediate discipline, up to and including dismissal.



This policy does not apply to law enforcement or other persons exempted by federal and/or state law.

Anyone aware of a potential violation of the No Weapons Policy should contact Campus Police immediately at (401) 825-2000 or ext. 2000.

## **ACCESS TO BUILDINGS**

The CCRI PD is responsible for securing and unlocking all campus buildings according to scheduled activities. Police officers will assist any faculty or staff member that needs access to the buildings or their office after normal business hours. Most buildings allow electronic access via your employee identification card. Students have access during open hours when doors are opened automatically. The only campus without electronic locks is the Newport County Campus. The CCRI PD maintains a strict key control system and works closely with the vendor hired as the college locksmith for areas still controlled by a key. All requests for building and office keys and/or keycards must be submitted and approved by the CCRI PD before any are issued. A report is sent to the college locksmith requesting immediate repairs whenever CCRI PD personnel find broken locks or doors.

Although police are on duty 24 hours in Warwick and Lincoln, the department directs that all persons leave the building by 11 pm except for special events.

Faculty and staff must complete and file a Keri System electronic door system access request form with Campus Police, signed by a supervisor, to be granted regular access to needed rooms. The form is located at police HQs (Knight Campus), any of the Campus Police substations, and on our webpage at:

<https://www.ccri.edu/campuspolic/pdfs/Door%20Access%20Request%20Form.pdf>

For COVID-19 campus protocols, up-to-date policies, and entry guidance please visit the Coronavirus [website](#), download the [Employee Manual](#), or email the COVID Operations team at [covid19testing@ccri.edu](mailto:covid19testing@ccri.edu).

## **POLICY ON ALCOHOL, DRUGS AND AMNESTY**

CCRI seeks to encourage and sustain an academic environment that respects both individual freedom and promotes the health, safety, and welfare of all members of its community. In keeping with these objectives, the college has established a policy governing the possession, sale, and consumption of alcoholic beverages on the campus and in conformance with the laws of Rhode Island. Possession and/or consumption of alcohol are strictly controlled by the college. Rhode Island State Law states that no alcoholic beverages can be sold, delivered, or, in any way, given to a person under 21 years of age. Anyone under the age of 21 who knowingly makes false statements as to his/her age in order to purchase or, in any way, procure alcoholic beverages shall be subject to appropriate prosecution under state law. The college sponsors programs that promote awareness of the physical, psychological, social, and behavioral effects of alcohol consumption consistent with its educational mission. Assistance is available in finding community resources for those who are experiencing alcohol related difficulties.

The use of narcotics or dangerous drugs on the campus violates college policy and Rhode Island State Law. The law prohibits the manufacture, distribution, dispensation, sale, possession or use of any illegal drug. Educational programs and seminars are developed, which provide significant information and literature regarding the implications and consequences of drug use. Follow these links for wellness resources on substance abuse help:

<https://www.ccri.edu/hr/benefits/318EAP.html>

[https://www.ccri.edu/advising/health\\_and\\_wellness](https://www.ccri.edu/advising/health_and_wellness)

Any student who violates institutional policy or law as it relates to the use of alcohol and drugs may be subject to disciplinary action taken by the college, including suspension or expulsion.

### **Federal law prohibits marijuana on campus.**

CCRI does consider all factors when a community member is involved in a crime of violence and in violation of the alcohol/drug policies. CCRI recognizes that students who have been drinking and/or using drugs (whether voluntarily or involuntarily) at the time of an incident of violence (such as Domestic Violence, Dating Violence, Stalking or Sexual Assault) may be hesitant to report such incidents due to fear of potential consequences. CCRI strongly encourages students/employees to report such incidents to officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of violence to a CCRI official or law

enforcement may not be subject to disciplinary action for violations of the drug/alcohol policies. Manufacturing and delivery of drugs/alcohol may still be prosecuted. This policy may apply to respondents as well. CCRI may grant additional amnesty for violations in certain circumstances.

## CRIME REPORTS AND CRIME LOG

Crime reports are available upon request and can be furnished by the CCRI PD in two business days or within reason. The Federal Education Rights and Privacy Act may restrict certain information from being disclosed. The daily crime log contains information on reports made to the CCRI PD for the last 60 days. The crime logs can be viewed at all campuses upon request.

## CONFIDENTIAL REPORTING PROCEDURES

If you are the victim of a crime and do not want to pursue action within the college system or the criminal justice system, you may still want to consider making a confidential report. The Chief/Director or a designee of the CCRI PD can file a report on the details of the incident without revealing your identity with your permission.\* The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the college can keep an accurate record of the number of incidents involving students; determine if there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and reported in the annual crime statistics for the institution.

\*In cases of sexual assault/harassment, your identity may be revealed to the Title IX coordinator. A victim's identity will not be revealed in any "timely warning" or message under any circumstance.

Some individuals request that the college keep their name confidential or anonymous and/or not investigate an alleged incident. The college will honor this request to the extent permitted by law and provided it does not interfere with the college's ability to address behavior. There are certain instances in which CCRI has a broader obligation to the college community and may need to override an individual's request for privacy or that the college not investigate a matter. Because confidentiality and privacy requests can affect the college's ability to appropriately address and resolve the behavior in question, we will weigh these requests very carefully and will act discreetly with regard to individual privacy and sensitivity to any situation that could violate the Code of Conduct or Sexual Harassment and Sexual Violence Policy. The Title IX Coordinator or Dean of Students will share information with college personnel who assist in implementing these policies and procedures absent special circumstances.

For more information, please see the college policy on Sexual Violence and confidential options:

[Title IX Sexual Harassment Policy and Procedures](#)

## **MANDATED REPORTERS AND EXEMPTIONS**

The Clery Act requires institutions of higher learning to identify persons on their campuses who are mandated to report crime. These employees are known as **Campus Security Authorities (CSAs)**. Specifically, the Act requires that the school designate persons who have a significant responsibility for student and campus activities but do not have significant counseling responsibilities to report crimes that come to their attention:

- Vice President of Student Affairs and Dean of Students
- Chief of Campus Police and all members of the Police Department
- Associate Dean of Students
- Director and Assistant Director of Student Services
- Director and Assistant Director of Athletics and Staff
- Directors and Deans
- Student Judicial Affairs
- Advisors to Students/Student Organizations
- Title IX Coordinator(s) and Reporting Officials
- Officials who oversee extracurricular activities

The list above does not imply that others should not or cannot report crime on our campuses or that they do not have an ethical or moral responsibility to do so.

### **Persons Exempt from Mandated Reporting**

Pastoral and professional counselors working in Counseling Services, Health Services or Campus Ministry.

Because of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to **20 U.S.C. Section 1092 (f)**, clarification was given to those considered to be **Campus Security Authorities (CSAs)**.

Campus “*Pastoral Counselors*” and Campus “*Professional Counselors*”, when acting as such, are not considered a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics when they deem it appropriate. The college is not required to issue a timely notification for a report made to a pastoral or professional counselor.

The rulemaking committee defines counselors as:

#### **Pastoral Counselor**

An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

#### **Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

The Community College of Rhode Island encourages all counselors to advise clients that confidential reporting of crimes is desired for inclusion in the annual disclosure of crimes statistics.

## **DEFINITIONS OF REPORTABLE CRIMES**

### ***Murder/Non-negligent Manslaughter***

The willful (non-negligent) killing of one human being by another.

### ***Manslaughter by Negligence***

The killing of another person through gross negligence.

### ***Sexual Assault (Sex Offenses)***

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

### ***Rape***

The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration of a sex organ of another person, without the consent of the victim. Both males and females can be raped.

### ***Fondling***

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

### ***Incest***

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

### ***Statutory Rape***

Non-forcible sexual intercourse with a person who is under the statutory age of consent.

### ***The State of Rhode Island definitions of Sexual Assault:***

**First-degree Sexual Assault:** A person is guilty of first-degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following, circumstances exist:

- (1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless.
- (2) The accused uses force, element of surprise, or coercion.
- (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

**Second-degree Sexual Assault:** A person is guilty of a second-degree sexual assault if he or she engages in sexual contact with another person and if any of the following, circumstances exist:

- (1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled,

or physically helpless.

- (2) The accused uses force, element of surprise, or coercion.
- (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

**Third-degree Sexual Assault:** A person is guilty of third-degree sexual assault if he or she is over the age of eighteen (18) years and engaged in sexual penetration with another person over the age of fourteen (14) years and under the age of consent, sixteen (16) years of age.

### ***Robbery***

The taking, or attempt to take, anything of value under confrontational circumstances from the control, custody, or care of another person or persons by force (or threat of force), violence, or by putting the victim in fear of immediate harm.

### ***Aggravated Assault***

An unlawful attack by one person upon another for inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

### ***Burglary (Breaking and Entering)***

The unlawful entry into a building or structure with the intent to commit a felony or theft. Forced entry is not a required element of the offense, so long as the entry is unlawful (a trespass). The entry may be made through an unlocked door or window. Burglary includes unsuccessful attempts at entry using force or where an offender is frightened off while entering an unlocked door or open window.

### ***Motor Vehicle Theft***

The theft or attempted theft of a motor vehicle.

### ***Arson***

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

### ***Hate Crime***

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Categories of bias include race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

### ***Liquor Law Violation***

Any violation of any law or ordinance prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages. Driving under the influence of an intoxicating substance comes under a different statute as does "drunkenness."

### **Drug Abuse Violation**

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

### **Weapons Possession**

Any violation of any laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, edged instruments, explosives, incendiary devices, or other deadly weapons.

### **Domestic Violence**

The Violence Against Women Act (VAWA) defines Domestic Violence, Dating Violence, and Stalking:

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

**Dating Violence:** Defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship *shall be determined based on the reporting party's statement* and with consideration to the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence

**Stalking:** Defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling

**The State of RI defines Dating Violence, Domestic Violence, and Stalking:**

**DATING VIOLENCE**

(R.I.G.L. 16-22-24)

"Dating violence" means a pattern of behavior where one person uses threats of, or actually uses, physical, sexual, verbal or emotional abuse to control his or her dating partner.

The following words and phrases, when used in the above definition, have the following meanings:

"Dating partner" means any person involved in an intimate association with another primarily characterized by the expectation of affectionate involvement whether casual, serious or long term.

**DOMESTIC VIOLENCE**

(R.I.G.L. 12-29-2)

"Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member against another:

- (1) Simple assault (§ 11-5-3);
- (2) Felony assaults (§§ 11-5-1, 11-5-2, and 11-5-4);
- (3) Vandalism (§ 11-44-1);
- (4) Disorderly conduct (§ 11-45-1);
- (5) Trespass (§ 11-44-26);
- (6) Kidnapping (§ 11-26-1);
- (7) Child-snatching (§ 11-26-1.1);
- (8) Sexual assault (§§ 11-37-2, 11-37-4)
- (9) Homicide (§§ 11-23-1 and 11-23-3);
- (10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order and the penalty for its violation or a violation of a no contact order issued pursuant to § 12-29-4;
- (11) Stalking (§§ 11-59-1 et seq.);
- (12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14);
- (13) Burglary and Unlawful Entry (§ 11-8-1 et seq.);
- (14) Arson (§ 11-4-2 et seq.);
- (15) Cyber stalking and cyber harassment (§ 11-52-4.2);
- (16) Domestic assault by strangulation (§ 11-5-2.3); and
- (17) Electronic tracking of motor vehicles (§ 11-69-1)

The following words and phrases, when used in the above definition, have the following meanings:

"Family or household member" means: Spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three (3) years, and persons who have a child in common regardless of whether they have been married or have lived together, or if persons who are or have been in a substantive dating or engagement relationship within the past one (1) year which shall be determined by the court's consideration of the following factors:

- (1) The length of time of the relationship;
- (2) The type of the relationship;
- (3) The frequency of the interaction between the parties

"Victim" means a family or household member who has been subjected to domestic violence.

### **STALKING**

(R.I.G.L. §§ 11-59-1 through 11-59-2) "Stalking" means when a person: 1) harasses another person; or 2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury.

The following words and phrases, when used in the above definition, have the following meanings:

"Course of conduct" means a pattern of conduct composed of a series of acts over a period, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

"Harasses" means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury.

### **Consent**

Consent means conduct that signifies through words or behaviors that the parties have indicated agreement to engage in sexual activity. Consent is an informed agreement to participate in specific sexual acts.

- Past consent does not imply future consent
- Silence or absence of resistance, by itself, does not imply consent
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another
- Consent can be withdrawn at any time, including during sexual activity
- Coercion, force or threat of force invalidates consent

### **The State of Rhode Island defines coercion or force as when the accused:**

- Uses, or threatens to use, a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon
- Overcomes the victim through the application of physical force or physical violence
- Coerces the victim to submit by threatening to use force or violence on the victim and the victim reasonably believes that the accused has the present ability to execute these threats
- Coerces the victim to submit by threatening to at some time in the future murder, inflict serious bodily injury upon or kidnap the victim or any other person and the victim reasonably believes that the accused has the ability to execute this threat

### **Escort Policy**

It is the policy of the CCRI PD to escort any individual that has concern for their personal wellbeing. Explain what

your concerns are after contacting an officer. We do not provide vehicle escorts, but will walk you to your on-campus destination. Please be patient if an officer cannot accompany you immediately.

You may call the CCRI PD at one of the following numbers for assistance.

- |                             |                          |
|-----------------------------|--------------------------|
| • Warwick (401) 825-2109    | • Lincoln (401) 333-7035 |
| • Providence (401) 455-6050 | • Newport (401) 851-1620 |

## EDUCATION AND PREVENTION PROGRAMS

The programs to prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking mean comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end Domestic Violence, Dating Violence, Sexual Assault, and Stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness or outcome;
- Consider environmental risk and protective factors as they occur on the individual, relationship, collegial, community, and societal levels

Programs to prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking include both primary prevention and awareness programs directed at incoming students and new employees, ongoing prevention and awareness campaigns directed at students and employees and risk reduction strategies.

The college continues to develop an annual educational campaign consisting of presentations and distribution of educational materials to all new students; presentations and distribution of materials to all new employees during new employee orientation; and ongoing presentation of materials and educational sessions to employees and students through the academic year.

The college offers the following programs to students during a normal academic year: Sexual Assault/Harassment, SafeZone Training, Transgender 101 Workshops, Trauma Informed Crisis Intervention and De-Escalation training, and Bystander Intervention training. These programs were not conducted in 2020 as all classes were conducted online due to COVID-19 restrictions.

The college did conduct a virtual community conversation titled “A Discussion about Race and Inclusion at CCRI,” as well as Diversity, Equity, and Inclusion training and QPR Institute Suicide Prevention Gatekeeper Program training for employees during the 2020 calendar year.

All new employees are required to complete Workplace Harassment Training from United Educators, a comprehensive program designed to identify harassment and provide guidance in situations involving prohibited behavior. Student employees and athletes must participate in sexual assault prevention training.

## BYSTANDER INTERVENTION TRAINING

Bystander intervention offers safe and positive options that can be carried out by an individual or individuals to prevent harm or intervene when there is a risk of Domestic Violence, Dating Violence, Sexual Assault or Stalking. Bystander intervention includes recognizing situations of potential harm, understanding cultural conditions that



facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Such action should be prudent and with regard for one's own safety. Contact law enforcement and seek assistance from faculty, staff or other persons in authority to end the abuse.

## How to Be an Active Bystander

Bystanders play a critical role in the prevention of Sexual and Relationship Violence. They are "individuals" who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. Dial 911 if you or someone else is in immediate danger. This could be when a person is yelling at or being physically abusive toward another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK
- Confront people who seclude, hit on, try to make out with or have sex with people who are incapacitated
- Speak up when someone discusses plans to take sexual advantage of another person
- Believe someone who discloses sexual assault, abusive behavior or experiences with stalking
- Refer people to on or off-campus resources listed in this document for support in health, counseling or with legal assistance

## Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce the risk of sexual assault or harassment for yourself or others:

- Be aware of your surroundings; knowing where you are and who is around you may help you find a way to get out of a bad situation
- Walk with purpose; even if you do not know where you are going, act like you do
- Trust your instincts; if a situation or location feels unsafe or uncomfortable, it probably is not the best place to be
- Keep your hands free while walking in unfamiliar areas
- Make sure your cell phone is with you, charged and that you have money for transportation
- Do not allow yourself to be isolated with someone you do not trust or someone you do not know
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone
- Go with a group of friends when you go to a social gathering; arrive together, check in with each other throughout the evening, and leave together; know where you are and who is around you and others
- If you see something suspicious, contact law enforcement immediately, (local authorities can be reached by calling 911)
- Do not leave your drink unattended while talking, dancing, using the restroom or making a phone call; if you have left your drink alone, just get a new one
- Do not accept drinks from people you do not know or trust; if you choose to accept a drink, go with the person to the bar to order it, watch it being poured and carry it yourself; do not drink from the punch bowls or other large, common open containers at parties
- Watch out for your friends, and vice versa; if a friend seems disoriented, is overly intoxicated for

the amount of alcohol they have had or is acting out of character, get him or her to a safe place immediately; intervene if a friend is engaging in inappropriate behavior

- Seek medical care immediately if you suspect you or a friend has been drugged; be explicit with emergency/medical personnel so they can give you or your friend the correct tests (you may need a urine test and possibly others)

*Remember that being in this situation is not your fault.* You did not do anything wrong; it is the person who is making you uncomfortable that is to blame. Be true to yourself. Do not feel obligated to do anything you do not want to do. “I don’t want to” is always a good enough reason.

## CAMPUS SEXUAL ASSAULT INFORMATION

CCRI prohibits discrimination and harassment of any kind. Sexual Assault and Sexual Violence are examples of discrimination and harassment. All forms of Rape, Domestic Violence, Dating Violence, and Stalking are prohibited. The next of kin shall be treated as the alleged victim if the victim is deceased as a result of such a crime or offense. The college provides a “Rights and Options for all Parties” brochure to those affected by incidents and complaints. This brochure is located here:

[Title IX Sexual Violence Rights and Options for All Parties Brochure](#)

### What To Do in the Event of a Sexual Assault

Your first priority is to get to a place of safety and seek medical care in the event you are a victim of sexual assault. Seeking help from a hospital or a trauma center ensures that individuals receive the necessary medical treatment and tests at no expense. It also provides the opportunity for collection of evidence that could aid in prosecution (if chosen) that cannot be obtained later. Ideally, individuals should not wash, douche, use the toilet or change clothing prior to a medical/legal exam.

### Local, State, or Campus Police

You will want to seek advice on what to do next once you have received appropriate medical care. You have multiple options available to you and you will be the person who makes the decisions. Report the incident to local, state or the CCRI PD. You can consult with a police officer trained in sexual trauma to access medical care or counseling and learn about your legal rights WITHOUT having to file a police report. If you choose to consult with the CCRI PD, we will notify local law enforcement should you choose to file a criminal complaint.

### Community Resources

Community support services give victims access to free confidential counseling from counselors trained in the area of sexual assault crisis intervention. Off-campus services that are available 24 hours a day and seven days a week include:

Day One (401) 421-4100

Women’s Center (401) 861-2760

## **College Resources**

The college strongly encourages individuals who have been assaulted to report the incident in a timely manner. Individuals reporting to the Director of Institutional Equity/Title IX coordinator, Dean of Students or Campus Police shall be informed of the available options and will be provided information on interim protective measures if appropriate to the situation. For matters taking place on campus, involving other members of the college community or taking place at college events, the individual may choose to have the investigation pursued through the criminal justice system, the college disciplinary system or both. College action is limited and the college's disciplinary system is no substitution for legal action, criminal or civil. The college strongly encourages individuals to file a criminal complaint, but it is the individual's decision, and a report to the local police is not required in order to report the matter to the college or to receive accommodations or interim measures. Those affected by sexual violence (rape, fondling, dating/domestic violence, stalking, etc.) will receive a written notice of their rights and options for academic, working and related accommodations, as well as information on resources on and off-campus for advocacy, legal support, medical and psychological care, and visa and immigration assistance.

## **Confidential College Reporting**

Individuals may choose to file a confidential complaint where their identity will remain undisclosed at <https://www.ccri.edu/campuspolice/forms/silentwitness.html>. This will allow the incident to be counted in campus crime statistics, but this severely limits the ability to investigate or pursue charges against the respondent.

Various on-campus support and counseling services are available:

### **ON-CAMPUS CONFIDENTIAL COUNSELING SUPPORT**

Advising and Counseling  
(for confidential, emotional support)

- Warwick: (401) 825-2301
- Lincoln: (401) 333-7160
- Providence: (401) 455-6063
- Newport: (401) 851-1625  
(401) 825-1240  
[advising@ccri.edu](mailto:advising@ccri.edu)

### **ON-CAMPUS REPORTING**

Title IX Coordinator/Director of Institutional Equity: Alix Ogden  
Knight Campus  
(401) 825-2387  
[aogden@ccri.edu](mailto:aogden@ccri.edu)

Dean of Students: Michael Cunningham  
Knight Campus, Rm 0060  
(401) 825-2379  
[deanofstudents@ccri.edu](mailto:deanofstudents@ccri.edu)

Hours of operation vary and should not be considered an emergency contact. Check the website for current hours of operation.

## **On and Off-Campus Reporting**

### **Campus Police (24-hour resources and criminal complaints):**

Emergencies: (401) 825-2000 or ext. 2000 from any campus phone, all campuses  
Routine: (401) 825-2109 or ext. 2109

## **Student Handbook (Page 27)**

### **Court Orders of Protection**

The college, local and state police, as well as members of CCRI's professional staff, can assist you in obtaining a restraining order against someone who has assaulted you. Depending upon the situation, you may obtain a Temporary Restraining Order (TRO), a District Court or Family Court Restraining order, a No Contact Order (NCO) (for the duration of the criminal case) and a no contact order issued from the college administration. Restraining orders issued from a court or justice of the peace are legally enforceable and a person violating the order can be arrested immediately. Violation of the college's NCO are punishable under the range of sanction's available to the college administration, which usually includes expulsion. Police advocates are available in most of the college's jurisdictions. In addition to the Campus Police/police advocates helping you through the process, you can contact the courts directly:

Garrahy Judicial Complex (Providence County) (401) 458-3372

Noel Judicial Complex (Kent County) (401) 822-6680

McGrath Judicial Complex (Washington County) (401) 782-4174

Murray Judicial Complex (Newport County) (401) 619-2555 / (401) 619-2865

### **What to Do If You Have Been Accused of Sexual Misconduct**

Allegations of sexual assault or harassment are extremely serious and the college will address concerns raised to college officials. The college will not presume that you have violated the Student Conduct Code or any state or federal law. However, the college may put interim measures in place or take other action, such as no-contact directives or interim suspensions if the college reasonably deems it necessary, including for the safety of the parties or the college community. A trained member of the Title IX compliance group will conduct a Title IX investigation if you are accused of sexual misconduct. You will be notified about the accusation and you will be given an opportunity to respond to the accusation.

Please see the Rights and Options brochure below for further information on your rights and resources available to you, including the ability to seek support from a free college counselor and accommodations for work and/or academic obligations. The brochure also provides information about off-campus resources such as immigration, visa, and legal assistance.

#### Title IX Sexual Violence Right and Options for All Parties Brochure

If you are charged with sexual misconduct through local law enforcement action that is unrelated to CCRI, the college reserves the right to act preventively for the well-being of the broader community, up to and including interim suspension. However, no formal disciplinary action will be taken until the legal process has been concluded in accordance with the college's policy on off-campus affairs.

## **SEX OFFENDER REGISTRY INFORMATION**

The Federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information is provided by the state concerning registered sex offenders and where it may be obtained. It also requires sex offenders to register with the state and to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation or is a student.

Convicted sex offenders must register with the local police department in their municipality in the State of Rhode Island. Every person convicted on or after July 1, 1997, including juveniles sentenced as adults of an offense for which registration is required as part of their sentence imposed upon conviction, is to register and re-register with their local police agencies.

In addition, all persons convicted of violations under the laws of the United States or any other state substantially similar to an offense for which registration is required, shall provide to the local agency all necessary information within ten days of establishing a residence and reregistering within 10 days of any change.

### **Information on Sex Offenders**

Any person wanting information on registered sex offenders or related information should contact the local municipal police agency with jurisdiction for the location of our campuses. The State of Rhode Island Parole Board maintains a sex offender database at the following web site:

<https://www.icrimewatch.net/index.php?AgencyID=56404>

## **TITLE IX AND THE TITLE IX COORDINATORS AND INVESTIGATORS**

The Title IX Coordinator and Assistant Coordinators/investigators for CCRI are:

Alix Ogden, Title IX Coordinator  
Vice President, Administration  
Knight Campus  
400 East Ave., Warwick, RI 02886  
(401) 825-2387  
[aogden@ccri.edu](mailto:aogden@ccri.edu)

Michael Cunningham, Deputy Title IX Coordinator  
Dean of Students  
Knight Campus  
400 East Ave., Warwick, RI 02886  
(401) 825-2379, (401) 333-7121  
[Mjcunningham2@ccri.edu](mailto:Mjcunningham2@ccri.edu)

Tracy Karasinski, Task Force Member  
Dean, Office of Opportunity and Outreach  
Knight Campus  
400 East Ave., Warwick, RI 02886  
(401) 825-2305, (401) 455-6013  
[tkarasinski@ccri.edu](mailto:tkarasinski@ccri.edu)

**COUNCIL ON POSTSECONDARY EDUCATION SEXUAL HARASSMENT  
AND SEXUAL VIOLENCE POLICY**

**RI Office of the Postsecondary Commissioner**

560 Jefferson Blvd, Suite 100  
Warwick, RI 02886  
401-736-1100



The following Policy from the Council on Postsecondary Education provides the College's response to any form of *Sexual Harassment*, up to and including *Sexual Violence*. It also describes the investigation process, adjudication process and the appeal process.

**COUNCIL ON POSTSECONDARY EDUCATION**

**TITLE IX**

**SEXUAL HARASSMENT**

**POLICY AND PROCEDURES**

**COUNCIL ON POSTSECONDARY EDUCATION**  
**TITLE IX SEXUAL HARASSMENT POLICY AND PROCEDURES**

**I. Policy Statement**

It is the Policy of the Council on Postsecondary Education (“CPE”), its constituent institutions of higher education (specifically, Rhode Island College and the Community College of Rhode Island) and the Office of Postsecondary Commissioner (collectively referred to as the “Covered Entities”) to prohibit all forms of unlawful Sexual Harassment occurring within the Covered Entities’ Education Programs or Activities, as those terms are defined herein.

**II. Purpose and Goals of Policy**

- A. Define the conduct that is prohibited (Sexual Harassment at the Covered Entities);
- B. Provide examples of such prohibited conduct;
- C. Set forth the reporting options and procedures pertaining to such conduct that is witnessed, experienced or learned about by, or reported to, employees of the Covered Entities.
- D. Set forth the process to investigate and adjudicate complaints of Sexual Harassment encompassed within this Policy.
- E. Provide contact information for the Title IX Coordinator at each Covered Entity.
- F. Provide a list of internal and external resources available to individuals who experience, witness, or are accused of acts of Sexual Harassment.

**III. Background**

Sexual Harassment, as defined herein, is prohibited in Education Programs or Activities by Title IX of the Education Amendments of 1972 and its implementing regulations (“Title IX”) (see 34 C.F.R. § 106 et seq.). Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as defined herein, are also prohibited under the Violence Against Woman Reauthorization Act of 2013 (“VAWA”).

**IV. Applicability**

All faculty, staff, and students at all Covered Entities must comply with this Policy to help foster an inclusive and safe academic and work environment. This Policy applies to the perpetration of Sexual Harassment by one member of the Covered Entity’s community (faculty, staff, student, or volunteer) against another. The Policy may also apply where one of the involved or affected parties is a visitor or a contractor performing work on behalf of the Covered Entity.

**V. Remedies for Sexual Harassment**

Administrators, faculty members, staff, students, contractors, guests, and other members of a Covered Entity’s community who commit Sexual Harassment are subject to the full range of discipline including, but not limited to,

verbal reprimand; written reprimand; mandatory training, coaching, or counseling; mandatory monitoring; partial or full probation; partial or full suspension; permanent separation from the institution (i.e., termination or dismissal); physical restriction from the Covered Entity's property; cancellation of contracts; and any combination of the same. Disciplinary sanctions for violations of this Policy are imposed in accordance with applicable policies and collective bargaining agreements.

A Covered Entity will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the Covered Entity's education programs or activities.

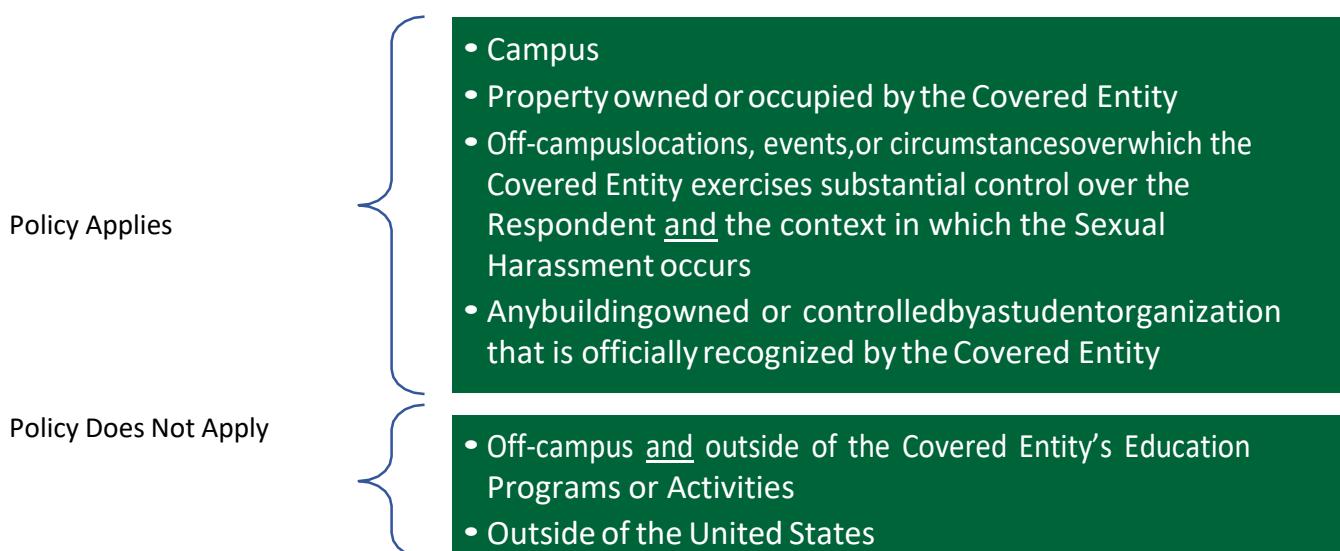
## **VI. Scope**

This Policy applies to Sexual Harassment that occurs within the Covered Entities' Education Programs or Activities and its procedures are the exclusive means for resolving Formal Complaints of Sexual Harassment.

This Policy does not apply to Sexual Harassment that occurs off-campus, in a private setting, and outside the scope of a Covered Entity's Education Programs or Activities; such Sexual Harassment or other forms of sexual misconduct may be prohibited by a Covered Entity's Student Code of Conduct if committed by a student or employment policies if committed by an employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this Policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in a Covered Entity's Education Programs or Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States may be governed by a Covered Entity's Student Code of Conduct if committed by a student or employment policies if committed by an employee.

The following graphic summarizes the geographic scope of this Policy:



## **VII. Other Forms of Sexual Misconduct or Sex Discrimination**

Complaints involving allegations of sex discrimination that do not meet the definition of Sexual Harassment under this Policy are investigated and adjudicated in accordance with the Council for Postsecondary Education Non-Discrimination Policy and Complaint Procedures.

Each Covered Entity shall investigate complaints against their students involving sexual misconduct that does not meet the definition of Sexual Harassment under this Policy in accordance with procedures described in their respective student conduct policies or the Council for Postsecondary Education Non-Discrimination Policy and Complaint Procedures, as determined by the Covered Entity.

## **VIII. Definitions**

- A. “Sexual Harassment” is conduct on the basis of sex that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.<sup>1</sup>
- B. “Quid Pro Quo Sexual Harassment” occurs when an employee of a Covered Entity conditions the provision of an aid, benefit, or service of the Covered Entity on an individual’s participation in unwelcome sexual contact. The following is an example of “Quid Pro Quo Sexual Harassment”:
  - A faculty member conditions a student’s favorable evaluation on the student’s submission to sexual advances. The faculty member then gives the student a poor evaluation after the student rejects the faculty member’s advances.
- C. “Hostile Environment Sexual Harassment” is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the Covered Entity’s Education Programs or Activities. The following are examples of “Hostile Environment Sexual Harassment”:
  - A student editor for the college newspaper continually and inappropriately touches another student newspaper staff member in a sexual manner over an extended period of time. The touching is unwelcome and continues even after the student editor is asked to stop. The conduct makes the staff member uncomfortable and creates an offensive environment in the news room.
  - A male faculty member has a habit of touching the hair and shoulders of female students during class when he walks through the classroom reviewing their projects. Additionally, when he addresses female students, he often prefacing his comments with “hey, beautiful” or “hello gorgeous.” Several students have changed courses as a result.
- D. “Sexual Assault” includes the sex offenses of rape, attempted rape, and sodomy, sexual assault with an object, fondling, incest, and statutory rape as defined in 20 U.S.C. §1092(f)(6)(A)(v).<sup>2</sup> These sex offenses encompass the following prohibited conduct:
  - The carnal knowledge<sup>3</sup> of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of a temporary or permanent mental or physical incapacity.
  - Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of a temporary or permanent mental or physical incapacity.
  - Using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening

- of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of a temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
- Touching the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of a temporary or permanent mental or physical incapacity.
  - Sexual intercourse between persons who are related to each other within the degrees where in marriage is prohibited by Rhode Island law.
  - Sexual intercourse with a person who is under the statutory age of consent as defined by Rhode Island law.
- E. “Domestic Violence” is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Rhode Island, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of Rhode Island.
- F. “Dating Violence” is physical violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on a consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.
- G. “Stalking” is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.
- H. “Consent” refers to words or actions that a reasonable person in the perspective of the Respondent would understand as agreement to engage in the sexual conduct at issue. A person who is incapacitated is not capable of giving Consent.
- I. “Coercion” is defined as direct or implied threat of force, violence, danger, hardship, or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would not have been performed or acquiesce in an act to which one would otherwise not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. A person’s words or conduct alone cannot amount to Coercion for purposes of this Policy unless they wrongfully impair the other’s freedom of will and ability to choose whether to engage in sexual activity.
- J. “Incapacitated” refers to the state where a person does not appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.
- K. “Retaliation” is intimidation, threats, coercion, or discrimination against any individual for the purpose of

interfering with any right or privilege secured by Title IX and its implementing regulations or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy.

- L. “Complainant” means an individual who is reported to be the victim of conduct that could constitute Sexual Harassment.
- M. “Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.
- N. “Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Covered Entity investigate the allegation of Sexual Harassment in accordance with this Policy. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the Covered Entity’s education programs or activities. A “document filed by a Complainant” means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing the Complaint.
- O. “Supportive Measures” are non-disciplinary, non-punitive individualized services offered, as appropriate, and reasonably available, and without fee or charge, that are designed to restore or preserve equal access to the Covered Entity’s Education Programs or Activities without unreasonably burdening another party, including measures designed to protect the safety of all parties implicated by a report or the Covered Entity’s education environment, or to deter Sexual Harassment. Examples of Supportive Measures include, but are not limited to: counseling, extensions of academic or other deadlines, course-related adjustments, modifications to work or class schedules, campus escort services, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. Supportive Measures may also include mutual restrictions on contact between the parties implicated by a report.
- P. “Education Programs or Activities” refers to all the operations of a Covered Entity, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life (where applicable), dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the Covered Entity. It also includes off-campus locations, events, or circumstances over which the Covered Entity exercises substantial control over the Respondent and the context in which the Sexual Harassment occurs, including Sexual Harassment occurring in any building owned or controlled by a student organization that is officially recognized by the Covered Entity.

<sup>1</sup> Sexual assault, domestic violence, and stalking are also crimes under Rhode Island law. Information about these criminal offenses can be found in Appendix B.

<sup>2</sup> This Policy’s definition of “Sexual Assault” is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the Covered Entities to adopt a definition of “Sexual Assault” that incorporates various forcible and non-forcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

<sup>3</sup> “Carnal knowledge” exists where there is the slightest penetration of the vagina or penis by the sexual organ of the other person.

## **IX. Understanding Hostile Environment Sexual Harassment**

In determining whether a hostile environment exists, the Covered Entity will consider the totality of circumstances, including factors such as the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including accounting for whether one individual has power or authority over the other); the context in which the conduct occurred; and the number of persons affected.

Sexual Harassment need not be intentional. The intent of the person who is alleged to have committed such behavior is not relevant to determining whether a violation has occurred. The relevant determination is whether a reasonable person similarly situated could have reasonably considered the alleged behavior to be Sexual Harassment.

Sexual Harassment can arise from many different types of unwelcome verbal, nonverbal and physical conduct ranging from sexual gestures or teasing to sexual assault, acts of sexual violence, including domestic and dating violence, stalking and other coercive activity. Examples of such conduct and behaviors that may constitute Sexual Harassment include, but are not limited to, the following:

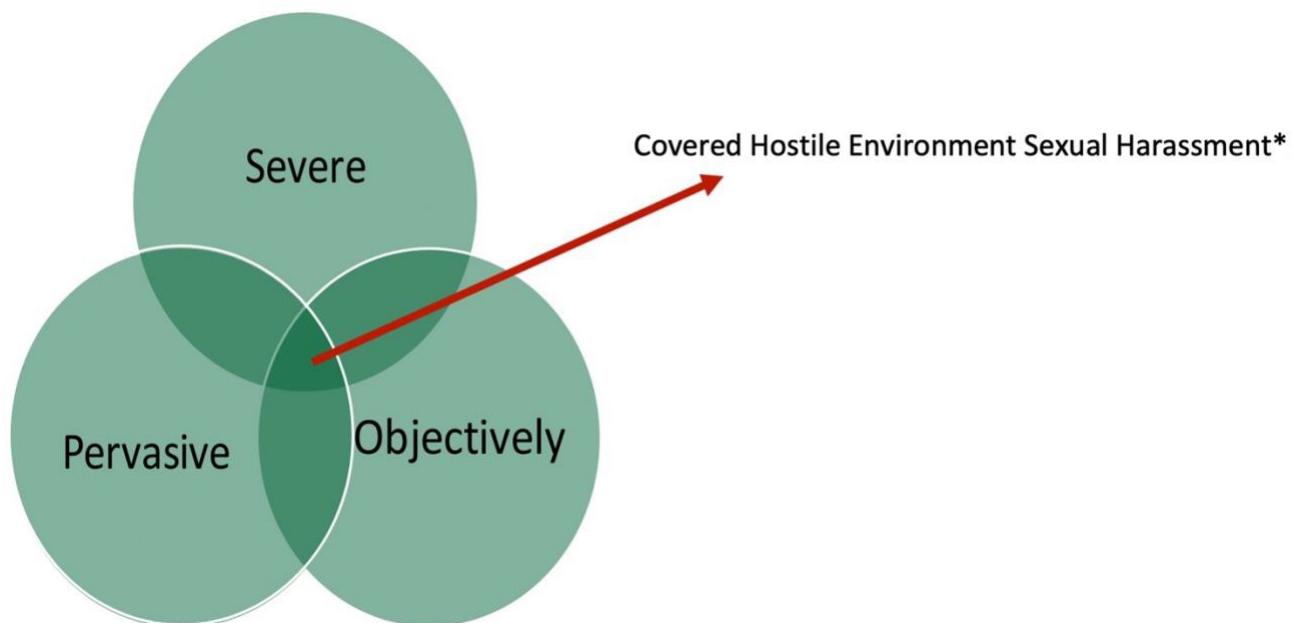
- Verbal: Sexual remarks, comments, jokes and innuendos, communicating unwelcomed stories about someone's social or sexual life, and propositions or pressure for social or sexual contact.
- Non-verbal: The display of sexually explicit stares, gestures, or suggestive pictures, including secretly video recording sexual acts or objects.
- Physical: Unwanted touching, patting, grabbing, pinching, including sexual assault, domestic violence, dating violence, stalking, and rape.

Acts that do not necessarily involve conduct of a sexual nature but are based on sex or gender- stereotyping, and which may include physical aggression, intimidation, hostility, humiliation, insulting and hazing, may also be considered Hostile Environment Sexual Harassment under this Policy. Specific examples of such behavior that may lead to a finding of Sexual Harassment include the following:

- A male employee is repeatedly taunted and insulted verbally by his co-workers for his "looking like a girl," "for acting like a girl" and "acting like a queer."
- A female program director is repeatedly called "bossy", "overly aggressive" and "un-lady like" by her male supervisors with some of these criticisms noted in her performance evaluations.

The Covered Entities encourage members of their communities to report any and all instances of Sexual Harassment, even if they are unsure whether the conduct rises to the level of a Policy violation.

The following diagram explains the scope of Hostile Environment Sexual Harassment as encompassed within this Policy, as compared to other forms of sex-based harassment addressed by the Nondiscrimination Policy and Complaint Procedures:



\*All other sex-based harassment falls under the Nondiscrimination Policy and Complaint Procedures.

## **X. Consent and Incapacitation**

### **A. Consent**

Impairment or incapacitation due to alcohol and/or drug use, permanent/ temporary psychological or physical disability, and being below the age of consent (age 16) are factors, which may make consent impossible.

Silence or an absence of resistance does not imply consent, and consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Even in the context of an ongoing relationship, consent must be sought and freely given for each specific sexual act. Consent may be withdrawn at any time. When consent is withdrawn, sexual activity must immediately stop.

### **B. Incapacitation**

Incapacitation is a state where an individual cannot make an informed and rational decision to consent to engage in sexual contact because the individual lacks conscious knowledge of the nature of the act (e.g., to understand the “who, what, where, when, why or how” of the sexual interaction) and/or is physically or mentally helpless. An

individual is also considered incapacitated, and therefore unable to give consent, when asleep, unconscious, or otherwise unaware that sexual contact is occurring.

Incapacitation can only be found when the Respondent knew or should have known that the Complainant was incapacitated when viewed from the position of a sober, reasonable person. One's own intoxication is not an excuse for failure to recognize another person's incapacitation.

Incapacitation may result from the use of alcohol and/or other drugs; however, consumption of alcohol or other drugs, inebriation, or intoxication alone are insufficient to establish incapacitation. Incapacitation is beyond mere drunkenness or intoxication. The impact of alcohol or drugs varies from person to person, and evaluating incapacitation requires an assessment of how consumption of alcohol and/or drugs impacts an individual's:

- Decision-making ability
- Awareness of consequences
- Ability to make informed judgments
- Capacity to appreciate the nature of circumstances of the act

No single factor is determinative of incapacitation. Some common signs that someone may be incapacitated include slurred speech, confusion, shaky balance, stumbling or falling down, vomiting, and unconsciousness.

## **XI. Reporting Sexual Harassment**

Any person may report Sexual Harassment to the Covered Entity's Title IX Coordinator. Reports may be made in person, by regular mail, telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

In addition to reporting to the Title IX Coordinator, any person may report Sexual Harassment to a Covered Entity official with authority to institute corrective measures when Sexual Harassment has occurred. Such officials, referred to as "Reporting Officials," must promptly forward reports of Sexual Harassment to the Title IX Coordinator.

The name and contact information for each Covered Entity's Title IX Coordinator, as well as a list of Reporting Officials, if any, is attached here to as Exhibits A and B.

## **XII. Employee Reporting**

All employees of the Covered Entities are strongly encouraged to report Sexual Harassment to the Covered Entity's Title IX Coordinator when they receive a report of such conduct or witness such conduct. The report should include all known relevant details of the alleged Sexual Harassment.

Notwithstanding the language above, employees who are designated as Campus Security Authorities under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") must fulfill their reporting obligations as described by the Covered Entity's policies.

All employees are required to report known or suspected cases of child abuse and/or neglect to the Rhode Island

Department of Children, Youth and Families (DCYF) within 24 hours of becoming aware of such abuse/neglect. DCYF has a single, statewide toll-free hotline that operates twenty-four (24) hours per day, seven (7) days per week. The number is 1-800-RI-CHILD (1-800-742-4453).

### **XIII. Guidance for Individuals Reporting Sexual Assault, Domestic Violence, Dating Violence, or Stalking**

If you believe you are the victim of Sexual Assault, Domestic Violence, or Dating Violence, get to safety and do everything possible to preserve evidence by making certain that the scene is not disturbed. Preservation of evidence may be necessary for proof of the crime or in obtaining a protection order. For those who believe that they are victims of Sexual Assault, Domestic Violence, or Dating Violence, the Covered Entities recommends the following:

- Get to a safe place as soon as possible. Try to preserve all physical evidence of the crime — avoid bathing, using the toilet, rinsing one's mouth or changing clothes. If it is necessary, put all clothing that was worn at the time of the incident in a paper bag, not a plastic one.
- Do not launder or discard bedding or otherwise clean the area where the assault occurred- preserve for law enforcement.
- Preserve all forms of electronic communication that occurred before, during, or after the assault.
- Contact law enforcement by calling 911 or campus police.
- Get medical attention – all medical injuries are not immediately apparent. This will help collect evidence that may be needed in case the individual decides to press charges. Local hospitals have evidence collection kits necessary for criminal prosecution should the victim wish to pursue charges. Take a full change of clothing, including shoes, for use after a medical examination.
- Contact a trusted person, such as a friend or family member for support.
- Talk with counselors, health care providers, or other campus officials who can help explain options, give information, and provide emotional support.
- Talk with or make a report to the Title IX Coordinator.
- Explore this Policy and its avenues for resolution.

It is also important to take steps to preserve evidence in other investigations, such as Stalking; to the extent, such evidence exists. Such evidence is more likely to be in the form of letters, emails, text messages, electronic images, etc., rather than evidence of physical contact and violence.

Once a report of Sexual Assault, Domestic Violence, Dating Violence, or Stalking is made, the victim has several options such as, but not limited to:

- Obtaining Supportive Measures
- Contacting parents or a relative
- Seeking legal advice
- Seeking personal counseling (always recommended)
- Pursuing legal action against the perpetrator
- Filing a Formal Complaint
- Requesting that no further action be taken

The Covered Entity's Department of Public Safety can assist individuals in obtaining a personal protection order ("PPO").

#### **XIV. Preliminary Assessment**

Upon receipt of a report made pursuant to Section VI, the Title IX Coordinator will conduct a preliminary assessment to determine:

- Whether the conduct, as reported, falls or could fall within the scope of the Policy; and
- Whether the conduct, as reported, constitutes or could constitute Sexual Harassment

If the Title IX Coordinator determines that the conduct reported could not fall within the scope of the Policy, and/or could not constitute Sexual Harassment, even if investigated, the Title IX Coordinator will close the matter and may notify the reporting party if doing so is consistent with the Family Educational Rights and Privacy Act (“FERPA”).

The Title IX Coordinator may refer the report to other offices, as appropriate.

If the Title IX Coordinator determines that the conduct reported could fall within the scope of the Policy, and/or could constitute Sexual Harassment, if investigated, the Title IX Coordinator will proceed to contact the Complainant.

As part of the preliminary assessment, the Title IX Coordinator may take investigative steps to determine the identity of the Complainant, if such identity is not apparent from the report.

#### **XV. Contacting the Complainant**

If a report is not closed as a result of the preliminary assessment and the Complainant’s identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures; to discuss and consider the Complainant’s wishes with respect to such Supportive Measures; to inform the Complainant of the availability of such Supportive Measures with or without filing a Formal Complaint; and to explain the process for filing and pursuing a Formal Complaint. The Complainant will also be provided options for filing complaints with the local or State police and information about resources that are available on-campus and in the community.

#### **XVI. Supportive Measures**

If a report is not closed as a result of the preliminary assessment, the Covered Entity will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

Contemporaneously with the Respondent being notified of a Formal Complaint, the Title IX Coordinator will notify the Respondent of the availability of Supportive Measures for the Respondent, and the Covered Entity will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The Covered Entity will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The Covered Entity will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the Covered Entity’s ability to provide the Supportive Measures in question.

#### **XVII. Emergency Removal and Administrative Leave**

At any time after receiving a report of Sexual Harassment, the Title IX Coordinator may remove a student

Respondent from one or more of the Covered Entity's Education Programs or Activities on a temporary basis if the Covered Entity's threat assessment committee conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal. In the event the Title IX Coordinator imposes an interim removal, the Title IX Coordinator must offer to meet with the Respondent within twenty-four hours and provide the Respondent an opportunity to challenge the interim removal.

In the case of a Respondent who is a non-student employee (administrator, faculty, or staff), and in its discretion, the Covered Entity may place the Respondent on administrative leave at any time after receiving a report of Sexual Harassment, including during the pendency of the investigation and adjudication process.

For all other Respondents, including independent contractors and guests, the Covered Entity retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### **XVIII. Formal Complaint**

A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the Covered Entity investigate and adjudicate a report of Sexual Harassment in accordance with these procedures. Provided, however, that at the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the Covered Entity's education programs or activities.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by regular mail, or by email using the contact information specified in Exhibit A or B.

In any case, including a case where a Complainant elects not to file a Formal Complaint, the Title IX Coordinator may file a Formal Complaint on behalf of the Covered Entity if doing so is not clearly unreasonable. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the Covered Entity's community. No person other than the Complainant or the Title IX Coordinator may submit a Formal Complaint.

If the Complainant or the Title IX Coordinator files a Formal Complaint, then the Covered Entity will commence an investigation and proceed to adjudicate the matter as specified in these procedures. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

In a case where the Title IX Coordinator files a Formal Complaint, the Title IX Coordinator will not act as a Complainant or otherwise as a party for purposes of the investigation and adjudication processes.

### **XIX. Consolidation of Formal Complaints**

The Covered Entity may consolidate Formal Complaints of Sexual Harassment where the allegations arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this Policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Retaliation may be consolidated with a Formal Complaint of Sexual Harassment.

### **XX. Dismissal Prior to Commencement of Investigation**

In a case where the Complainant files a Formal Complaint, the Title IX Coordinator will evaluate the Formal

Complaint and must dismiss it if the Title IX Coordinator determines:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the Policy specified in Section VI (i.e., because the alleged conduct did not occur in the Covered Entities' Education Programs or Activities and/or the alleged conduct occurred outside the geographic boundaries of the United States).

In the event the Title IX Coordinator determines the Formal Complaint should be dismissed pursuant to this section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The dismissal is a final determination unless modified or overturned on appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other offices and procedures, as appropriate.

## **XXI. Notice of Formal Complaint**

Within five (5) business days of the Title IX Coordinator receiving a Formal Complaint, the Title IX Coordinator will transmit a written notice to the Complainant and Respondent that includes:

- A physical copy of this Policy or a hyperlink to this Policy;
- Sufficient details known at the time so that the parties may prepare for an initial interview with the investigator, to include the identities of the parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident (if known);
- A statement that the Respondent is presumed not responsible for the alleged Sexual Harassment and that a determination of responsibility will not be made until the conclusion of the adjudication and any appeal;
- Notifying the Complainant and Respondent of their right to be accompanied by an advisor of their choice;
- Notifying the Complainant and Respondent of their right to inspect and review evidence;
- Notifying the Complainant and Respondent of the Covered Entities' prohibitions on retaliation and false statements; and
- Information about resources that are available on campus and in the community.

Should the Covered Entity elect, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the Covered Entity will provide a supplemental written notice describing the additional allegations to be investigated.

## **XXII. Investigation**

### **A. Commencement and Timing**

After the written notice of Formal Complaint is transmitted to the parties, an investigator selected by the Title IX Coordinator will undertake an investigation to gather evidence relevant to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication lies with the Covered Entity and not with the parties. The investigation will culminate in a written investigation report that will be submitted to the adjudicator during the selected adjudication process. Although the length of each investigation may vary depending on the totality of the circumstances, the Covered Entity strives

to complete each investigation within ninety (90) calendar days of the transmittal of the written notice of Formal Complaint.

### **B. Equal Opportunity**

During the investigation, the investigator will provide an equal opportunity for the parties to be interviewed, to present witnesses (including fact and expert witnesses), and to present other inculpatory and exculpatory evidence. Notwithstanding the foregoing, the investigator retains discretion to limit the number of witness interviews the investigator conducts if the investigator finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator will not restrict the ability of the parties to gather and present relevant evidence on their own.

The investigation is a party's opportunity to present testimonial and other evidence that the party believes is relevant to resolution of the allegations in the Formal Complaint. A party that is aware of and has a reasonable opportunity to present particular evidence and/or identify particular witnesses during the investigation, and elects not to, will be prohibited from introducing any such evidence during the adjudication absent a showing of mistake, surprise, or excusable neglect.

### **C. Documentation of Investigation**

The investigator will take reasonable steps to ensure the investigation is documented. Interviews of the parties and witnesses may be documented by the investigator's notes, audio recorded, video recorded, or transcribed. The particular method utilized to record the interviews of parties and witnesses will be determined by the investigator in the investigator's sole discretion, although whatever method is chosen shall be used consistently throughout a particular investigation.

### **D. Access to the Evidence**

At the conclusion of the evidence-gathering phase of the investigation, but prior to the completion of the investigation report, the investigator will transmit to each party and their advisor, in either electronic or hard copy form, all evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence the Covered Entity may choose not to rely on at any hearing and inculpatory or exculpatory evidence whether obtained from a party or some other source. Thereafter, the parties will have ten (10) calendar days in which to submit to the investigator a written response, which the investigator will consider prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this complaint resolution process and may not photograph or disseminate the evidence to the public.

### **E. Investigation Report**

After the period for the parties to provide any written response as specified above has expired, the investigator will complete a written investigation report that fairly summarizes the various steps taken during the investigation, summarizes the relevant evidence collected, lists material facts on which the parties agree, and lists material facts on which the parties do not agree. When the investigation report is complete, the investigator will transmit a copy to the Title IX Coordinator. The investigator will also transmit the investigation report to each party and their

advisor, in either electronic or hard copy form. The parties and their advisors are provided the report for the purposes of this complaint resolution process and may not disseminate the report to the public.

### **XXIII. Adjudication**

#### **A. Hearing Officer**

After receipt of the investigation report, the Title IX Coordinator will promptly appoint a hearing officer who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the hearing officer is provided a copy of the investigation report and a copy of all evidence transmitted to the parties by the investigator.

#### **B. Hearing Notice and Response to the Investigation Report**

After the hearing officer is appointed by the Title IX Coordinator, the hearing officer will promptly transmit written notice to the parties notifying the parties of the hearing officer's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the Covered Entity's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) calendar days from the date of transmittal of the written notice of hearing.

A party's written response to the investigation report must include:

- To the extent the party disagrees with the investigation report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history, or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- Any objection that the party has to the Covered Entity's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that the Covered Entities provide an advisor for purposes of conducting cross- examination.

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Sexual Harassment.

### **C. Pre-Hearing Conference**

Prior to the hearing, the hearing officer will conduct a pre-hearing conference with the parties and their advisors. During the pre-hearing conference, the hearing officer will discuss the hearing procedures with the parties; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the hearing officer determines, in the hearing officer's discretion, should be resolved before the hearing.

### **D. Issuance of Notices of Attendance**

After the pre-hearing conference, the hearing officer will transmit notices of attendance to any Covered Entity employee (including administrator, faculty, or staff) or student whose attendance is requested at the hearing as a witness. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the hearing officer immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The Covered Entity will not issue a notice of attendance to any witness who is not an employee or a student.

### **E. Hearing**

After the pre-hearing conference, the hearing officer will convene and conduct a hearing pursuant to the Covered Entity's Hearing Procedures. The hearing will be audio recorded. The audio recording will be made available to the parties for inspection and review on reasonable notice, including for use in preparing any subsequent appeal.

The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. By default, the hearing will be conducted with the hearing officer, the parties, the advisors, witnesses, and other necessary Covered Entity personnel together in the same physical location. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the hearing officer's discretion, the hearing may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

While the Hearing Procedures and rulings from the hearing officer will govern the particulars of the hearing, each hearing will include, at a minimum:

- Opportunity for each party to address the hearing officer directly and to respond to questions posed by the hearing officer;
- Opportunity for each party's advisor to cross-examine directly, orally, and in real time, relevant questions, and follow up questions, of the other party and any witnesses, including questions that support or challenge credibility;
- Opportunity for each party to raise contemporaneous objections to testimonial or non-testimonial evidence and to have such objections ruled on by the hearing officer and a reason for the ruling provided;
- Opportunity for each party to submit evidence that the party did not present during the investigation due

- to mistake, inadvertence, surprise, or excusable neglect; and
- Opportunity for each party to make a brief closing argument.

Except as otherwise permitted by the hearing officer, the hearing will be closed to all persons except the parties, their advisors, the investigator, the hearing officer, the Title IX Coordinator, and other necessary Covered Entity personnel. Witnesses will be sequestered from one another at the hearing until such time as their testimony is complete.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them before the conclusion of the investigation.

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the hearing officer.

Subject to the minimum requirements specified in this section, the hearing officer will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility. The hearing officer will independently and contemporaneously screen questions for relevance in addition to resolving any contemporaneous objections raised by the parties and will explain the rational for any evidentiary rulings.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The hearing officer will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this section are met.

#### **F. Subjection to Questioning**

In the event that any party or witness refuses to attend the hearing, or attends but refuses to submit to questioning by the parties' advisors, the statements of that party or witness, as the case may be, whether given during the investigation or during the hearing, will not be considered by the hearing officer in reaching a determination of responsibility.

Notwithstanding the foregoing, the hearing officer may consider the testimony of any party or witness, whether given during the investigation or during the hearing, if the parties jointly stipulate that the testimony may be considered or in the case where neither party requested attendance of the witness at the hearing.

In applying this section, the hearing officer will not draw an inference about the determination regarding responsibility based solely on a party or a witness's absence from the live hearing and/or refusal to submit to questioning by the parties' advisors.

#### **G. Deliberation and Determination**

After the hearing is complete, the hearing officer will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The hearing officer will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or

because it constitutes impermissible sexual history information. The hearing officer will resolve disputed facts using a preponderance of the evidence (i.e., “more likely than not”) standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the Policy as alleged in the Formal Complaint.

#### **H. Discipline and Remedies**

In the event the hearing officer determines that a student or other non-employee Respondent is responsible for violating this Policy, the hearing officer will, prior to issuing a written decision, consult with an appropriate Covered Entity official with disciplinary authority over the Respondent and such official will determine any discipline to be imposed. The hearing officer will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant.

In the event the hearing officer determines that an employee Respondent is responsible for violating this Policy, the hearing officer will, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing support measures or other remedies will be provided to the Complainant. The hearing officer will refer the matter to the appropriate Vice President, Provost, or Associate Commissioner, along with a recommendation regarding appropriate disciplinary and/or corrective action that comports with applicable personnel policies and collective bargaining agreements. The Vice President, Provost, or Associate Commissioner shall consult with the Covered Entity’s Office of Human Resources and determine the appropriate disciplinary and/or corrective action in accordance with applicable personnel policies and collective bargaining agreements.

#### **I. Written Decision**

After reaching a determination and consulting with the appropriate Covered Entities official and Title IX Coordinator, the hearing officer will prepare a written decision that will include:

- Identification of the allegations potentially constituting Sexual Harassment made in the Formal Complaint;
- A description of the procedural steps taken by the Covered Entity upon receipt of the Formal Complaint, through issuance of the written decision, including notification to the parties, interviews with the parties and witnesses, site visits, methods used to gather non-testimonial evidence, and the date, location, and people who were present at or presented testimony at the hearing.
- Findings of fact, made under a preponderance of the evidence standard, that support the determination;
- A statement of, and rationale for, each allegation that constitutes a separate potential incident of Sexual Harassment, including a determination regarding responsibility for each separate potential incident;
- The discipline determined by the appropriate Covered Entity official (for students and non-employees) or the discipline recommended to the appropriate Covered Entity official (for employees);
- Whether the Complainant will receive any ongoing support measures or other remedies as determined by the Title IX Coordinator; and
- A description of the Covered Entity’s process and grounds for appeal.

The hearing officer’s written determination will be transmitted to the parties. Transmittal of the written determination to the parties concludes the hearing process, subject to any right of appeal.

Although the length of each adjudication by hearing will vary depending on the totality of the circumstances, the Covered Entities strives to issue the hearing officer's written determination within fourteen (14) business days of the conclusion of the hearing.

#### **XXIV. Dismissal During Investigation or Adjudication**

The Covered Entity shall dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that one or more of the following is true:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved; or
- The conduct alleged in the Formal Complaint falls outside the scope of the Policy.

The Covered Entity may dismiss a Formal Complaint at any point during the investigation or adjudication process if the Title IX Coordinator determines that any one or more of the following is true:

- The Complainant provides the Title IX Coordinator written notice that the Complainant wishes to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed);
- The Respondent is no longer enrolled or employed by the Covered Entity; or
- Specific circumstances prevent the Covered Entity from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this section, the Title IX Coordinator will provide written notice of dismissal to the parties and advise them of their right to appeal. The Title IX Coordinator may refer the subject matter of the Formal Complaint to other offices or procedures, as appropriate. The dismissal is a final determination unless modified or overturned on appeal.

#### **XXV. Appeal**

Either party may appeal the determination of an adjudication, or a dismissal of a Formal Complaint, on one or more of the following grounds:

- A procedural irregularity affected the outcome;
- There is new evidence that was not reasonably available at the time the determination or dismissal was made, that could have affected the outcome;
- The Title IX Coordinator, investigator, or hearing officer had a conflict of interest or bias for or against complainants or respondents generally, or against the individual Complainant or Respondent, that affected the outcome.

No other grounds for appeal are permitted.

A party must file an appeal within seven (7) business days of the date they receive notice of dismissal or written determination. The appeal must be submitted in writing to the Covered Entity's designated appeal officer. The appeal must specifically identify the determination and/or dismissal appealed from, articulate which one or more of the three grounds for appeal are being asserted, explain in detail why the appealing party believes the appeal should be granted, and articulate what specific relief the appealing party seeks.

Promptly upon receipt of an appeal, the appeal officer will conduct an initial evaluation to confirm that the appeal is timely filed and that it invokes at least one of the permitted grounds for appeal. If the appeal officer determines that the appeal is not timely, or that it fails to invoke a permitted ground for appeal, the appeal officer will dismiss the appeal and provide written notice of the same to the parties.

If the appeal officer confirms that the appeal is timely and invokes at least one permitted ground for appeal, the appeal officer will provide written notice to the other party that an appeal has been filed and that the other party may submit a written opposition to the appeal within seven (7) business days. The appeal officer shall also promptly obtain from the Title IX Coordinator any records from the investigation and adjudication necessary to resolve the grounds raised in the appeal.

Upon receipt of any opposition, or after the time period for submission of an opposition has passed without one being filed, the appeal officer will promptly decide the appeal and transmit a written decision to the parties that explains the outcome of the appeal and the rationale.

The determination of a Formal Complaint, including any discipline, becomes final when the time for appeal has passed with no party filing an appeal or, if any appeal is filed, at the point when the appeal officer has resolved all appeals, either by dismissal or by transmittal of a written decision. No further review beyond the appeal is permitted.

Although the length of each appeal will vary depending on the totality of the circumstances, the Covered Entity strives to issue the appeal officer's written decision within (21) business days of an appeal being filed.

## **XXVI. Advisor of Choice**

The Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be any person the party chooses.

Except for the questioning of witnesses during the hearing, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the Covered Entity about the matter without the party being included in the communication. In the event a party's advisor of choice engages in material violation of the parameters specified in these procedures, the Covered Entity may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

In the event a party is not able to secure an advisor to attend the hearing and requests the Covered Entity to provide an advisor, the Covered Entity will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The Covered Entity will have sole discretion to select the advisor it provides. The advisor the Covered Entity provides may be, but is not required to be, an attorney.

The Covered Entity is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing and requests that the Covered Entity provide an advisor.

## **XXVII. Treatment Records and Other Privileged Information**

During the investigation and adjudication processes, the investigator and adjudicator are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally recognized privilege, such as the attorney client privilege unless the Covered Entity has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator and/or adjudicator may consider any such records or information otherwise covered by this section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense.

## **XXVIII. Sexual History**

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this section, but only to the limited extent the Complainant has used the information.

## **XXIX. Informal Resolution**

At any time after the parties are provided written notice of the Formal Complaint, and before the completion of any appeal, the parties may voluntarily consent, with the Title IX Coordinator's approval, to engage in mediation, facilitated resolution, or other form of dispute resolution the goal of which is to enter into a final resolution resolving the allegations raised in the Formal Complaint by agreement of the parties.

The specific manner of any informal resolution process will be determined by the parties and the Title IX Coordinator, in consultation together. Prior to commencing the informal resolution process agreed upon, the Title IX Coordinator will transmit a written notice to the parties that:

- Describes the parameters and requirements of the informal resolution process to be utilized;
- Identifies the individual responsible for facilitating the informal resolution (who may be the Title IX Coordinator, another Covered Entities official, or a suitable third-party);
- Explains the effect of participating in informal resolution and/or reaching a final resolution will have on a party's ability to resume the investigation and adjudication of the allegations at issue in the Formal Complaint; and
- Explains any other consequence resulting from participation in the informal resolution process, including

a description of records that will be generated, maintained, and/or shared.

After receiving the written notice specified in this paragraph, each party must voluntarily provide written consent to the Title IX Coordinator, before the informal resolution may commence.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur are stayed and all related deadlines are suspended. A party may withdraw their consent to participate in informal resolution at any time before a resolution has been finalized.

If the parties do not reach a resolution through the informal resolution process, the Complainant may choose to proceed with the formal investigation and adjudication process outlined in these procedures.

If the parties reach a resolution through the informal resolution process, and the Title IX Coordinator agrees that the resolution is not clearly unreasonable, the Title IX Coordinator will reduce the terms of the agreed resolution to writing and present the resolution to the parties for their written signature. Once both parties and the Title IX Coordinator sign the resolution, the resolution is final, and the allegations addressed by the resolution are considered resolved and will not be subject to further investigation, adjudication, remediation, or discipline by the Covered Entity, except as otherwise provided in the resolution itself, absent a showing that a party induced the resolution by fraud, misrepresentation, or other misconduct or where required to avoid a manifest injustice to either party or to the Covered Entity. Informal resolution reached pursuant to this section is not subject to appeal.

Absent extension by the Title IX Coordinator, any informal resolution process must be completed within twenty-one (21) calendar days. If an informal resolution process does not result in a resolution within twenty-one (21) calendar days, and absent an extension, abeyance, or other contrary ruling by the Title IX Coordinator, the informal resolution process will be deemed terminated, and the Formal Complaint will be resolved pursuant to the investigation and adjudication procedures. The Title IX Coordinator may adjust any time periods or deadlines in the investigation and/or adjudication process that were suspended due to the informal resolution.

Other language in this section notwithstanding, informal resolution will not be permitted if the Respondent is a non-student employee accused of committing Sexual Harassment against a student.

### **XXX. Presumption of Non-Responsibility**

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

### **XXXI. Resources**

The Covered Entities shall publish and make available to all students and employees, information about “available resources” for individuals who believe they are victims of, witnesses to, or are simply concerned about, Sexual Harassment and other forms of sexual violence. Such “available information” should include a list of internal and external agencies, offices, hotlines, websites, or other information resources or service providers the Covered Entity believes would be important or valuable resources for their students and employees.

The current “available resources” listings for Rhode Island College, the Community College of Rhode Island, and the Office of the Postsecondary Commissioner are attached hereto as Exhibits A and B respectively and are incorporated by reference into this Policy. Each Covered Entity shall be obligated to keep their “available

resources" listings current, and to promptly provide all updates to them (i.e. revisions to Exhibits A and B) to the Council, which will substitute the updated exhibits for the old ones and attach them to this Policy.

#### **XXXII. Conflicts of Interest, Bias, and Procedural Complaints**

The Title IX Coordinator, investigator, hearing officer, appeals officer, and informal resolution facilitator will be free of any material conflicts of interest or material bias. Any party who believes one or more of these officials has a material conflict of interest or material bias must raise the concern promptly so that the Covered Entity may evaluate the concern and find a substitute, if appropriate. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for the purpose of any appeal.

#### **XXXIII. Objections Generally**

Parties are expected to raise any objections, concerns, or complaints about the investigation, adjudication, and appeals process in a prompt and timely manner so that the Covered Entity may evaluate the matter and address it, if appropriate.

#### **XXXIV. Constitutional Rights and Academic Freedom**

The Covered Entities will construe and apply this Policy consistent with the First Amendment to the U.S. Constitution and the principles of academic freedom specified in its handbooks. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment and/or the principles of academic freedom specified in the Covered Entity's handbooks.

#### **XXXV. Relationship with Criminal Process**

This Policy sets forth the Covered Entities' processes for responding to reports and Formal Complaints of Sexual Harassment. The Covered Entities' processes are separate, distinct, and independent of any criminal processes. While the Covered Entities may temporarily delay its processes under this Policy to avoid interfering with law enforcement efforts if requested by law enforcement, the Covered Entities will otherwise apply this Policy and its processes without regard to the status or outcome of any criminal process.

#### **XXXVI. Civil Lawsuits**

The Complainant may choose to file a civil lawsuit against the Respondent, whether or not criminal charges have been filed. A civil lawsuit provides the Complainant the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering, and emotional distress.

#### **XXXVII. Amnesty**

The health and safety of every student is of utmost importance. The Covered Entities recognize that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of violence occurs, including, but not limited to, domestic violence, dating violence, stalking, or sexual assault may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The Covered Entities strongly encourage students to report incidents of violence to institution officials. The reporting party, responding party, a bystander acting in good faith, or a reporting individual acting in good faith, who discloses any incident of violence to the Covered Entity or law enforcement will not be subject to the Covered Entity's student

conduct code for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the incident of violence.

#### **XXXVIII. Vendors, Contractors and Third Parties**

The Covered Entities do business with various vendors, contractors, and other third parties who are not students or employees of the Covered Entities. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this Policy, the Covered Entity retains its right to limit any vendor, contractor, or third-party's access to campus for any reason. And the Covered Entity retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this Policy.

#### **XXXIX. Bad Faith Complaints and False Information**

It is a violation of this Policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false or frivolous. It is also a violation of this Policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this Policy. Violations of this section are not subject to the investigation and adjudication processes in this Policy; instead, they will be addressed under the Code of Student Conduct in the case of students and other Covered Entity policies and standards, as applicable, for other persons.

#### **XL. Retaliation**

It is a violation of this Policy to engage in Retaliation. Reports and Formal Complaints of retaliation should be filed directly with the Title IX Coordinator. Any report or Formal Complaint of Retaliation will be processed under this Policy in the same manner as a report or Formal Complaint of Sexual Harassment. The Covered Entity retains discretion to consolidate a Formal Complaint of Retaliation with a Formal Complaint of Sexual Harassment for investigation and/or adjudication purposes if the two Formal Complaints share a common nexus.

#### **XLI. Confidentiality**

The Covered Entity will keep confidential the identity of any individual who has made a report or Formal Complaint of Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Sexual Harassment or Retaliation including any Respondent, and the identity of any witness. The Covered Entity will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records. Notwithstanding the foregoing, the Covered Entity may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the Covered Entity's obligations under Title IX and its implementing regulations including the conduct of any investigation, adjudication, or appeal under this Policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the Covered Entity's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this Policy.

While the Covered Entities will maintain confidentiality specified in this section, the Covered Entity will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that

the manner in which they communicate about, or discuss a particular case, may constitute Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this Policy.

Note that certain types of Sexual Harassment are considered crimes for which the Covered Entity must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

#### **XLII. Extension of Deadlines**

All deadlines and other time periods specified in this Policy are subject to modification by the Covered Entity where, in the Covered Entity's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator, adjudicator, or the parties; and unforeseen weather events.

#### **XLIII. Other Violations of this Policy**

Alleged violations of this Policy, other than violations of the prohibitions on Sexual Harassment and Retaliation, will be subject to review under the Student Code of Conduct for students and applicable personnel policies for employees. Examples of such violations include, but are not limited to, failure to abide by Supportive Measures or dissemination of evidence in contradiction to Section XXII.D of this Policy.

#### **XLIV. Education**

Each Covered Entity shall provide information regarding its education and primary prevention and awareness programs as required by VAWA as an appendix to this Policy.

#### **XLV. Outside Appointments and Dual Appointments**

The Covered Entities retains discretion to retain and appoint suitably qualified persons who are not Covered Entity's employees to fulfill any function of the Covered Entity under this Policy, including, but not limited to, the investigator, hearing officer, informal resolution officer, and/or appeals officer.

The Covered Entities also retain discretion to appoint two or more persons to jointly fulfill the role of investigator, hearing officer, informal resolution officer, and/or appeals officer.

#### **XLVI. Training**

The Covered Entities will ensure that Covered Entity officials acting under this Policy, including but not limited to the Title IX Coordinator, investigators, hearing officers, administrative officers, informal resolution facilitators, Covered Entities provided advisors, and appeals officers receive training in compliance with 34 C.F.R. § 106.45(b)(1)(iii) and any other applicable federal or state law.

## **XLVII. Recordkeeping**

The Covered Entities will retain those records specified in 34 C.F.R. § 106.45(b)(10) for a period of seven years after which point in time they may be destroyed, or continue to be retained, in the Covered Entities' sole discretion. The records specified in 34 C.F.R. § 106.45(b)(10) will be made available for inspection, and/or published, to the extent required by 34 C.F.R. § 106.45(b)(10) and consistent with any other applicable federal or state law, including FERPA.

## **EXHIBIT A**

### **Title IX Coordinator and Resource Listings for The Community College of Rhode Island**

#### **TITLE IX AND THE TITLE IX COORDINATORS/REPORTING OFFICIALS**

The Title IX Coordinator and Assistant Coordinators/investigators for CCRI are:

Alix Ogden, Title IX Coordinator  
Vice President, Administration  
Knight Campus  
400 East Ave., Warwick, RI 02886  
(401) 825-2387  
[aogden@ccri.edu](mailto:aogden@ccri.edu)

Michael Cunningham, Deputy Title IX Coordinator  
Dean of Students  
Knight Campus  
400 East Ave., Warwick, RI 02886  
(401) 825-2379, (401) 333-7121  
[Mjcunningham2@ccri.edu](mailto:Mjcunningham2@ccri.edu)

Tracy Karasinski, Task Force Member  
Dean, Office of Opportunity and Outreach  
Knight Campus  
400 East Ave., Warwick, RI 02886  
(401) 825-2305, (401) 455-6013  
[tkarasinski@ccri.edu](mailto:tkarasinski@ccri.edu)

#### **INTERNAL RESOURCES**

The personnel in these offices can provide advice and counseling, detailed information on health issues, reporting procedures and referrals to other resources:

##### **Advising and Counseling** (for confidential, emotional support)

(401) 825-1240 or [advising@ccri.edu](mailto:advising@ccri.edu)

- Warwick: (401) 825-2301
- Lincoln: (401) 333-7160
- Newport: (401) 851-1625
- Providence: (401) 455-6063

Hours vary and should not be considered an emergency contact. Check website for hours of operation.

##### **Student Services Handbook**

##### **Campus Police**

Lincoln	(401) 333-7035
Newport	(401) 851-1620
Providence	(401) 455-6050
Warwick	(401) 825-2109

## **EXTERNAL RESOURCES**

Other resources available to persons who report being the victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking include:

### Rape, Abuse and Incest National Network



### Hospitals:

Kent County Memorial Hospital	455 Toll Gate Rd, Warwick, RI	(401) 737-7000
Newport Hospital	11 Friendship Street, Newport, RI	(401) 846-6400
Rhode Island Hospital	593 Eddy Street, Providence, RI	(401) 444-4000
Women & Infants Hospital	101 Dudley Street, Providence, RI	(401) 274-1100

### Law Enforcement Advocates:

City of Warwick: (401) 468-4372

City of Providence: (401) 243-6344, (401) 243-6338 (bilingual Spanish), (401) 241-2166 (cell phone)

### Day One:

1 (800) 494-8100 or <http://www.dayoneri.org/>

A forensic nurse can be made available, usually through a local hospital.

### Rhode Island Commission for Human Rights

180 Westminster Street, 3rd Floor

Providence, Rhode Island 02903

(401) 222-2662

### U.S. Department of Justice

[www.justice.gov/ovw/sexual-assault](http://www.justice.gov/ovw/sexual-assault)

### Equal Employment Opportunity Commission (Boston Area Office)

J.F.K. Federal Building Room

475 Government Center

Boston, MA 02203

1 (866) 408-8075 (Toll Free) or (617) 565-3200

### U.S. Department of Education, Office for Civil Rights (Boston

Office) 5 Post Office Square, 8th Floor

Boston, MA 02109

(617) 289-0111

<http://www2.ed.gov/about/offices/list/ocr/index.html>



**EXHIBIT B**  
**RHODE ISLAND STATE LAW**  
**SEXUAL OR RELATIONSHIP ASSAULT OR VIOLENCE**

**SEXUAL ASSAULT- (R.I.G.L. 11-37-1 thru 11-37-6)**

**§ 11-37-1. Definitions.**

The following words and phrases, when used in this chapter, have the following meanings:

- 1) "Accused" means a person accused of a sexual assault.
- 2) "Force or coercion" means when the accused does any of the following:
  - i) Uses or threatens to use a weapon, or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon.
  - ii) Overcomes the victim through the application of physical force or physical violence.
  - iii) Coerces the victim to submit by threatening to use force or violence on the victim and the victim reasonably believes that the accused has the present ability to execute these threats.
  - iv) Coerces the victim to submit by threatening to at some time in the future murder, inflict serious bodily injury upon or kidnap the victim or any other person and the victim reasonably believes that the accused has the ability to execute this threat.
- 3) "Intimate parts" means the genital or anal areas, groin, inner thigh, or buttock of any person or the breast of a female.
- 4) "Mentally disabled" means a person who has a mental impairment which renders that person incapable of appraising the nature of the act.
- 5) "Mentally incapacitated" means a person who is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or who is mentally unable to communicate unwillingness to engage in the act.
- 6) "Physically helpless" means a person who is unconscious, asleep, or for any other reason is physically unable to communicate unwillingness to an act.
- 7) "Sexual contact" means the intentional touching of the victim's or accused's intimate parts, clothed or unclothed, if that intentional touching can be reasonably construed as intended by the accused to be for the purpose of sexual arousal, gratification, or assault.
- 8) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, and anal intercourse, or any other intrusion, however slight, by any part of a person's body or by any object into the genital or anal openings of

another person's body, or the victim's own body upon the accused's instruction, but emission of semen is not required.

9) "Spouse" means a person married to the accused at the time of the alleged sexual assault, except that such persons shall not be considered the spouse if the couple are living apart and a decision for divorce has been granted, whether or not a final decree has been entered.

10) 'Victim" means the person alleging to have been subjected to sexual assault.

#### **§ 11-37-2. First-degree sexual assault.**

A person is guilty of first-degree sexual assault if he or she engages in sexual penetration with another person, and if any of the following circumstances exist:

- 1) The accused, not being the spouse, knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless.
- 2) The accused uses force or coercion.
- 3) The accused, through concealment or by the element of surprise, is able to overcome the victim.
- 4) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

#### **§ 11-37-4. Second-degree sexual assault.**

A person is guilty of a second-degree sexual assault if he or she engages in sexual contact with another person and if any of the following circumstances exist:

- 1) The accused knows or has reason to know that the victim is mentally incapacitated, mentally disabled, or physically helpless.
- 2) The accused uses force, element of surprise, or coercion.
- 3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification, or stimulation.

#### **§ 11-37-6. Third-degree sexual assault.**

A person is guilty of third-degree sexual assault if he or she is over the age of eighteen (18) years and engaged in sexual penetration with another person over the age of fourteen (14) years and under the age of consent, sixteen (16) years of age.

### **DOMESTIC VIOLENCE- (R.I.G.L. 12-29-2)**

#### **§ 12-29-2. Definitions.**

"Domestic violence" includes, but is not limited to, any of the following crimes when committed by one family or household member against another:

- 1) Simple assault (§ 11-5-3);
- 2) Felony assaults (§§ 11-5-1, 11-5-2, and 11-5-4);
- 3) Vandalism (§ 11-44-1);
- 4) Disorderly conduct (§ 11-45-1);
- 5) Trespass (§ 11-44-26);
- 6) Kidnapping (§ 11-26-1);
- 7) Child-snatching (§ 11-26-1.1);
- 8) Sexual assault (§§ 11-37-2, 11-37-4)
- 9) Homicide (§§ 11-23-1 and 11-23-3);
- 10) Violation of the provisions of a protective order entered pursuant to § 15-5-19, chapter 15 of title 15, or chapter 8.1 of title 8 where the respondent has knowledge of the order and the penalty for its violation or a violation of a no contact order issued pursuant to § 12-29-4;
- 11) Stalking (§§ 11-59-1 et seq.);
- 12) Refusal to relinquish or to damage or to obstruct a telephone (§ 11-35-14);
- 13) Burglary and Unlawful Entry (§ 11-8-1 et seq.);
- 14) Arson (§ 11-4-2 et seq.);
- 15) Cyber stalking and cyber harassment (§ 11-52-4.2);
- 16) Domestic assault by strangulation (§ 11-5-2.3.); and
- 17) Electronic tracking of motor vehicles (§ 11-69-1)

The following words and phrases, when used in the above definition, have the following meanings:

"Family or household member" means: Spouses, former spouses, adult persons related by blood or marriage, adult persons who are presently residing together or who have resided together in the past three (3) years, and persons who have a child in common regardless of whether they have been married or have lived together, or if persons who are or have been in a substantive dating or engagement relationship within the past one (1) year which shall be determined by the court's consideration of the following factors:

- 1) The length of time of the relationship;
- 2) The type of the relationship;
- 3) The frequency of the interaction between the parties.

"Victim" means a family or household member who has been subjected to domestic violence.

**STALKING- (R.I.G.L. 11-59-1 through 11-59-2)**

**§ 11-59-1. Definitions.**

For the purpose of this chapter:

- 1) "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."
- 2) "Harasses" means a knowing and willful course of conduct directed at a specific person with the intent to seriously alarm, annoy, or bother the person, and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress, or be in fear of bodily injury.

**§ 11-59-2. Stalking prohibited.**

Any person who: 1) harasses another person; or 2) willfully, maliciously, and repeatedly follows another person with the intent to place that person in reasonable fear of bodily injury, is guilty of the crime of stalking. Stalking shall be deemed a felony punishable by imprisonment for not more than five (5) years, by a fine of not more than ten thousand dollars (\$10,000).

## COMMUNITY COLLEGE OF RHODE ISLAND GEOGRAPHY



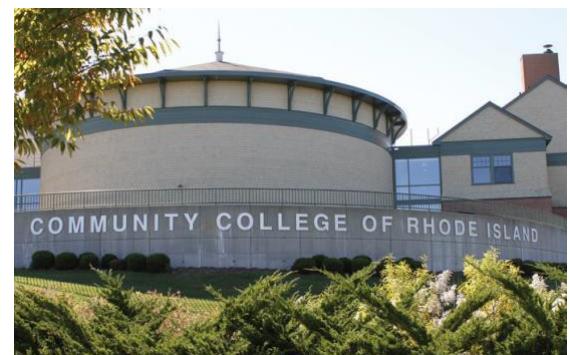
**Knight Campus, 400 East Avenue, Warwick RI**



**Flanagan Campus, 1762 Louisquisset Pike, Lincoln RI**



**Liston Campus, 1 Hilton Street, Providence RI**



**Newport County Campus, 1 John H Chafee Boulevard, Newport RI**

## **On Campus**

All property owned or controlled by the college, within the same reasonably contiguous geographic area, and is used in direct support of, or related to, the college's purpose of education. This includes all academic, administrative and support buildings and facilities. This comprises the property of the four campuses: Knight (Warwick), Flanagan (Lincoln), Liston (Providence), and Newport County (Newport).

## **Public Property**

All public property, including streets and sidewalks that are within, immediately adjacent to or accessible from a campus. Clery defines this as any property that immediately borders and is accessible from the campus. At the Knight Campus, this includes portions of East Avenue and Commonwealth Avenue in Warwick. At the Flanagan Campus, this includes portions of Old Louisquisset Pike in Lincoln. At the Liston Campus, this includes portions of Hilton, Pilgrim, Staniford, Milk, and Blackstone Streets in Providence. At the Newport County Campus, this includes portions of John H Chafee Boulevard, Coddington Highway, and Maple Avenue in Newport.

## **Non-Campus Property**

Any building or property that is not part of a campus; does not fit the definition of a separate campus; is owned and controlled by an officially recognized college student organization; or is owned and controlled by the college for supporting the college's educational purposes and is not within the same reasonably contiguous geographic area of the college. In this category, the college has two locations: Davies Career Technical High School at 50 Jenckes Hill Road, Lincoln; and Westerly Education Center at 23 Friendship Street, Westerly.

# Crime Statistics by Campus



KNIGHT CAMPUS, WARWICK

## CRIME STATISTICS Knight Campus (Warwick)

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	2	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	1	0	0
Burglary	0	0	0	2	0	0	1	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	1	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrests: Weapons	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons	0	0	0	0	0	0	0	0	0
Arrests: Drugs	0	0	1	0	0	0	0	0	0
Disciplinary Referrals: Drugs	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0
Disc. Referrals: Liquor Law Vio.	0	0	0	0	0	0	0	0	0

NOTES:

**OC**=On Campus; **NON-C** = Non campus property; **Public Prop**= Public Property



FLANAGAN CAMPUS, LINCOLN

## CRIME STATISTICS Flanagan Campus (Lincoln)

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	1	0	0	1	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	1	0	0	0	0	0
Domestic Violence	0	0	0	1	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrests: Weapons	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons	0	0	0	0	0	0	0	0	0
Arrests: Drugs	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drugs	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0
Disc. Referrals: Liquor Law Vio.	0	0	0	0	0	0	0	0	0

NOTES:

**OC** = On Campus; **NON-C** = Non campus property; **Public Prop** = Public Property



LISTON CAMPUS, PROVIDENCE

## CRIME STATISTICS Liston Campus (Providence)

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	1	0	0	1	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	1
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	1	0	0	1	0	0	1	0	0
Arrests: Weapons	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons	0	0	0	0	0	0	0	0	0
Arrests: Drugs	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drugs	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0
Disc. Referrals: Liquor Law Vio.	0	0	0	0	0	0	0	0	0

NOTES:

**OC** = On Campus; **NON-C** = Non campus property; **Public Prop** = Public Property



NEWPORT CAMPUS

## CRIME STATISTICS Newport Campus

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrests: Weapons	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons	0	0	0	0	0	0	0	0	0
Arrests: Drugs	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drugs	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0
Disc. Referrals: Liquor Law Vio.	0	0	0	0	0	0	1	0	0

NOTES:

**OC** = On Campus; **NON-C** = Non campus property; **Public Prop** = Public Property



### WESTERLY SATELLITE CAMPUS

## CRIME STATISTICS Westerly Campus

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrests: Weapons	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons	0	0	0	0	0	0	0	0	0
Arrests: Drugs	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Drugs	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0
Disc. Referrals: Liquor Law Vio.	0	0	0	0	0	0	0	0	0

NOTES:

**OC** = On Campus; **NON-C** = Non campus property; **PUBLIC PROP** = Public Property

## HATE CRIME STATISTICS Knight Campus (Warwick)

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	1(R)2(RL) 1(RL)(SO)	0	0	1 (R) (SO)	0	0
*Race (R); Religion (RL); Sexual Orientation (SO); Gender(G); Gender Identity (GI); Ethnicity (E); National Origin (NO); Disability (D).									

NOTES:

**OC**=ON CAMPUS; **NON-C** = NON CAMPUS PROPERTY; **PUBLIC PROP**= PUBLIC PROPERTY

## HATE CRIME STATISTICS Flanagan Campus (Lincoln)

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	1(RL)	0	0	0	0	0
*Race (R); Religion (RL); Sexual Orientation (SO); Gender(G); Gender Identity (GI); Ethnicity (E); National Origin (NO); Disability (D).									

NOTES:

**OC**=ON CAMPUS; **NON-C** = NON CAMPUS PROPERTY; **PUBLIC PROP**= PUBLIC PROPERTY

## HATE CRIME STATISTICS Liston Campus (Providence)

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	1(R)	0	0	0	0	0
*Race (R); Religion (RL); Sexual Orientation (SO); Gender(G); Gender Identity (GI); Ethnicity (E); National Origin (NO); Disability (D).									

NOTES:

**OC**=ON CAMPUS; **NON-C** = NON CAMPUS PROPERTY; **PUBLIC PROP**= PUBLIC PROPERTY

## HATE CRIME STATISTICS Newport Campus

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0
*Race (R); Religion (RL); Sexual Orientation (SO); Gender(G); Gender Identity (GI); Ethnicity (E); National Origin (NO); Disability (D).									

NOTES:

**OC**=ON CAMPUS; **NON-C** = NON CAMPUS PROPERTY; **PUBLIC PROP**= PUBLIC PROPERTY

## HATE CRIME STATISTICS Westerly Campus

Crime	2020			2019			2018		
	OC	NON-C	PublicProp	OC	NON-C	Public Prop	OC	NON-C	PublicProp
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0
*Race (R); Religion (RL); Sexual Orientation (SO); Gender(G); Gender Identity (GI); Ethnicity (E); National Origin (NO); Disability (D).									

NOTES:

**OC**=ON CAMPUS; **NON-C** = NON CAMPUS PROPERTY; **PUBLIC PROP**= PUBLIC PROPERTY

## **SECURITY AWARENESS PROGRAMS**

Students are informed of services offered by the CCRI PD during orientation through a brochure and presentations that outline ways to maintain personal safety. Students are advised to visit the CCRI PD website to learn about crime on-campus and in surrounding neighborhoods. The website also displays informational videos such as '**Run, Hide, Fight,**' designed by Homeland Security in response to active shooter situations. Similar information is presented to new employees and annually during professional development trainings. Crime Prevention notices are posted periodically and when necessary we provide information to the college community regarding the protection of personal property and how to maintain personal safety on campus.

Periodically during the academic year, the CCRI PD, in cooperation with other college organizations and departments, present notices or awareness on the community's safety.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

The CCRI PD provides security alert posters, displays, and articles and advertisements in college and student publications in addition to information disseminated to students and employees through crime notices. Information is released to the college community through security alerts throughout the campus and disseminated through the college's electronic mail system or instant messaging system when an alert needs to be posted promptly.

Visit the CCRI PD [\*\*website\*\*](#) for guides and resources on:

*Crime Prevention:* [https://www.ccri.edu/campuspolice/crime-incident-reporting/personal\\_safety\\_on\\_campus.html](https://www.ccri.edu/campuspolice/crime-incident-reporting/personal_safety_on_campus.html)

*Emergency Preparedness:* [https://www.ccri.edu/campuspolice/emergency-procedures/emergency\\_response\\_guide.html](https://www.ccri.edu/campuspolice/emergency-procedures/emergency_response_guide.html)

*Fire Safety:* [https://www.ccri.edu/campuspolice/emergency-procedures/emergency\\_response\\_guide.html#fire\\_explosion](https://www.ccri.edu/campuspolice/emergency-procedures/emergency_response_guide.html#fire_explosion)

*Fire Prevention:* <https://www.nfpa.org/>

*Domestic/Dating Violence, Sexual Assault and Stalking Prevention:*  
<https://www.ccri.edu/campuspolice/clery/report/programs.html>

## PERSONAL SAFETY ON CAMPUS



The CCRI PD prepares and distributes crime prevention and personal safety tips throughout the year through the appropriate media. These publications are available to all members of the college community. To assist police in keeping the campus crime-free we recommend the following to all members of the college community:

- Look alert, assertive, self-confident and in control; those who look lost, confused, passive or in a fog are more vulnerable
- Stay aware of your surroundings
- Stick to well-lit and well-traveled areas
- Walk or jog with a companion at night
- Have your keys in your hand as you approach your car or building
- **Request an escort** if you feel uneasy or concerned for your safety
- If approached by a would-be attacker do not panic; if you panic, you will not be able to outthink or out-maneuver the attacker
- If threatened, the first order of business is getting away; drop anything that might slow you down
- Don't accept a drink from anyone you do not know and trust
- Don't get into an elevator with someone who looks out of place or behaves in a strange or threatening way
- Be careful when using bathrooms that are isolated
- Report all harassing phone calls, emails, etc., to the CCRI PD
- Report all suspicious persons or activity to the CCRI PD

## PERSONAL PROPERTY PROTECTION



- Lock personal items in your vehicle's trunk; a thief only needs seconds to take items from a vehicle when left in plain sight
- Never leave your wallet, handbag, briefcase, laptop, cell phone etc., in a common area or out in the open
- If you have a "find my phone/computer" app, USE IT by activating it
- Lock personal valuables and cash in your desk and out of sight
- Never carry large sums of money; if you must, do not advertise
- Don't attach your identification card to your key ring; this practice could help a thief find your home or vehicle easily
- Engrave an identifying number and take down all serial numbers in case your property is stolen
- Report a lost college key immediately to the CCRI PD
- Do not hide extra sets of keys in your office or vehicle
- Always carry your purse tightly clutched in your hand or under your arm
- Use a lock down device for your laptop
- Never leave your vehicle or office unsecured
- Report all suspicious persons or activity to the CCRI PD

For additional crime prevention issues, please contact your local CCRI PD office.

CCRI DOES NOT assume liability for vehicles or their contents parked on its premises.

## STAY SAFE ONLINE

Tips from the National Cyber Security Alliance: <https://staysafeonline.org/stay-safe-online/>

## **SMOKING**



IT IS EVERYONE'S RESPONSIBILITY TO INFORM VIOLATORS OF THE SMOKING POLICY.

It is the policy of the Rhode Island Council on Postsecondary Education and CCRI to maintain a healthy environment for all students and employees. Therefore, smoking is prohibited from any entrance to the building or in any building on the campus. The Smoking Policy states that smoking must be at least 50 feet from any state building. Please use one of the designated areas if you do smoke on campus.

Students are subject to the process and procedures as outlined by the Office of the Dean of Students through the Student Handbook.

This prohibition does not apply to the use of tobacco products as part of a preapproved, limited classroom demonstration, or research project.

## **MOTORIST ASSISTS**



The CCRI PD does not provide emergency road service. We will allow you to use a telephone to call for assistance in the event you are unable to start your vehicle because of battery trouble or other mechanical problems. We may also allow you to use a "jump kit" if available. We will not attempt to unlock your vehicle if your keys are locked inside. You will have to await a spare key or utilize an auto club such as AAA.

## LOST AND FOUND PROPERTY



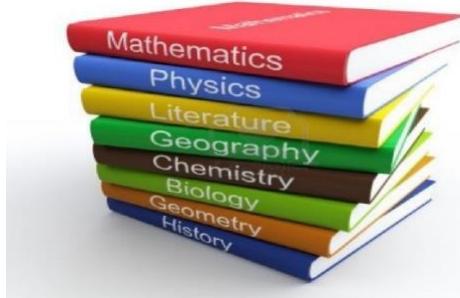
The CCRI PD handles all lost and found property. If students find textbooks, handbags, clothing, eyeglasses or any items they should bring the items to the police department so we can attempt to locate the owner. We also encourage students to come to the police department to check for their lost items and file a report. Students must provide proper identification whenever claiming property. Perishable and personally worn items will not be stored for health reasons.

The CCRI PD does list found property on our website, but this list may not be all-inclusive:<https://www.ccri.edu/campuspolice/found.html>

Unclaimed property will be disposed of according to our policy at the end of each semester. Money and jewelry will be turned over to the Rhode Island Treasurer for disposal. Electronics that may contain personal information, such as laptops and thumb drives, will be destroyed. Other goods of value will be donated to places such as the Salvation Army, Lion's Club, homeless shelters, women's shelters, etc.

## TEXTBOOKS

Please record your identification/CCRI email in the book in order to assist us in returning lost textbooks. You can leave a sheet of paper in the book with your contact information or put information on the book cover rather than writing on the book's pages and decreasing the value.



## **Appendix A**

### **CCRI Campus Disciplinary Procedures for Students and the Student Conduct Hearing Board**

#### **Article III: Authority**

1. The Dean of Students Office shall empanel student conduct hearing boards as needed and shall appoint a member of the administrative staff to serve as a limited voting chair of each hearing board. Administrative chairs shall only vote in event of a tie. Each hearing board must have an equal number of student and faculty representatives, but not less than one each, to hold a hearing.
2. When convening a hearing board will unnecessarily delay the timely hearing of a case or when insufficient members to hold a hearing are available, a case may be referred to an administrative hearing conducted by a designated Student Services dean serving as a conduct hearing officer following the general procedures established for a hearing.
3. The dean of students shall determine which conduct hearing board or conduct hearing officer shall be authorized to hear each case.
4. The Dean of Students Office shall develop policies for the administration of the program and procedural rules for the conduct of hearings that are consistent with provisions of the Student Conduct Code. Such policies and procedures must be included with notification to a student that he or she has been accused of violating the Student Conduct Code.
5. Decisions made by a conduct hearing board or conduct hearing officer shall be final, subject to the normal appeal process.
6. A conduct hearing board or officer may be designated as arbiter of disputes within the student community in cases that do not involve a violation of the Student Conduct Code. All parties must agree to arbitration and to be bound by the decision with no right of appeal. Arbitration or mediation is never allowed when a charge of sexual assault is made as defined on Page 39 of the CCRI Student Handbook: [CCRI Student Handbook 2021-2022](#)

The student conduct hearing board shall hold hearings. During breaks or at other times when a conduct hearing board cannot be convened, hearings may be conducted by an administrative hearing officer acting as chairperson and board.

1. Hearings normally shall be conducted in private.
2. Admission of any person to the hearing shall be at the discretion of the student conduct hearing board chair and/or a conduct hearing officer.

3. In hearings involving more than one respondent, the chairperson of the student conduct hearing board, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
4. The complainant and the respondent have the right to be assisted by any adviser they choose. The complainant and/or the respondent is responsible for presenting his or her case and, therefore, advisers are not permitted to speak or to participate directly in any hearing before a student conduct hearing board.
5. In cases involving rape, fondling, sexual harassment, domestic violence, dating violence, stalking, hate crimes or bullying, the complainant may request that steps be taken to provide testimony in a manner that does not require being in the presence of the respondent as long as such steps do not deny the respondent access to the information presented by the complainant.
6. The complainant and the respondent shall have the privilege of presenting witnesses with relevant information regarding the charge(s), subject to the right of questioning only by a student conduct hearing board. Neither the complainant nor the respondent may question witnesses or each other. Questions may be directed to the chair of the student conduct hearing board by the complainant or respondent.
7. The student conduct hearing board, at the discretion of the chairperson, may accept pertinent records, exhibits and written statements as evidence for consideration.
8. All procedural questions are subject to the final decision of the chairperson of the student conduct hearing board.
9. After the hearing, a student conduct hearing board shall determine and notify the dean of students within two (2) academic days of the hearing (by majority vote) whether the student has violated each section of the Student Conduct Code that the student is charged with violating.
10. A student conduct hearing board's determination shall be made on the basis of the preponderance of evidence standard, i.e. the greater weight of the evidence demonstrates that the respondent violated the Student Conduct Code.
11. Except in the case of a student charged with failing to obey the summons of a student conduct hearing board or college official, no student may be found to have violated the Student Conduct Code solely because the student failed to appear before a hearing board. In all cases, the evidence in support of the charges shall be presented and considered.
12. Only the respondent is notified of the outcome and the sanction of a conduct hearing board. The complainant will be informed of the decision of the board, but not the details of any sanction except in cases involving allegations of sexual assault, domestic violence, dating violence, stalking or otherwise provided for by law. In these cases, both complainant and the accused will be notified of the decision in full and concurrently.

## **Section A. Charges and Hearings**

1. Any member of the college community may file a complaint against any student for misconduct.

Complaints shall be prepared in writing and directed to the Dean of Students Office. Any charge should be submitted as soon as possible after the event has taken place, preferably within 10 academic days. Complaints of sexual misconduct should be made, and shall proceed, pursuant to that process (see Page 39 of the [CCRI Student Handbook 2021-2022](#)).

2. The Dean of Students Office will hold a preliminary interview to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the college. Such disposition shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the matter will be referred to a student conduct hearing board.
3. All charges shall be presented to the accused student in written form. A time shall be set for a hearing, not less than three (3) or more than 10 business days after the respondent's initial interview or, in the case of an allegation of sexual misconduct, after the date the findings were delivered to the parties. Maximum time limits for scheduling of hearings may be extended at the discretion of the dean of students with required notification of the parties involved.
4. The student conduct hearing board shall hold hearings. During breaks or at other times when a conduct hearing board cannot be convened, an administrative hearing officer acting as chairperson and board may conduct hearings.
  - a. Hearings normally shall be conducted in private.
  - b. Admission of any person to the hearing shall be at the discretion of the student conduct hearing board chair and/or a conduct-hearing officer.
  - c. In hearings involving more than one respondent, the chairperson of the student conduct hearing board, at his or her discretion, may permit the hearings concerning each student to be conducted separately.
  - d. The complainant and the respondent have the right to be assisted by any adviser they choose. The complainant and/or the respondent is responsible for presenting his or her case and, therefore, advisers are not permitted to speak or to participate directly in any hearing before a student conduct hearing board.
  - e. In cases involving rape, fondling, sexual harassment, domestic violence, dating violence, stalking, hate crimes or bullying, the complainant may request that steps be taken to provide testimony in a manner that does not require being in the presence of the respondent as long as such steps do not deny the respondent access to the information presented by the complainant.
  - f. The complainant and the respondent shall have the privilege of presenting witnesses with relevant information regarding the charge(s), subject to the right of questioning only by a student conduct hearing board. Neither the complainant nor the respondent may question witnesses or each other. Questions may be directed to the chair of the student conduct hearing board by the complainant or respondent.

- g. The student conduct hearing board, at the discretion of the chairperson, may accept pertinent records, exhibits and written statements as evidence for consideration.
  - h. All procedural questions are subject to the final decision of the chairperson of the student conduct hearing board.
  - i. After the hearing, a student conduct hearing board shall determine and notify the dean of students within two (2) academic days of the hearing (by majority vote) whether the student has violated each section of the Student Conduct Code that the student is charged with violating.
  - j. A student conduct hearing board's determination shall be made based on the preponderance of evidence standard, i.e. the greater weight of the evidence demonstrates that the respondent violated the Student Conduct Code.
  - k. Except in the case of a student charged with failing to obey the summons of a student conduct hearing board or college official, no student may be found to have violated the Student Conduct Code solely because the student failed to appear before a hearing board. In all cases, the evidence in support of the charges shall be presented and considered.
  - l. Only the respondent is notified of the outcome and the sanction of a conduct hearing board. The complainant will be informed of the decision of the board, but not the details of any sanction except in cases involving allegations of sexual assault, domestic violence, dating violence, stalking or otherwise provided for by law. In these cases, both complainant and the accused will be notified of the decision in full and concurrently.
5. In such circumstances where Campus Police serve a student with a no-trespass order as a matter of public safety, Campus Police shall file a complaint with the Dean of Students Office (in the format required by that office) within one business day in order to process the complaint through the established student conduct process.

## **Section B. Interim Measures**

1. **Interim suspension:** In certain circumstances, the Associate Vice President for Student Services or designee may impose a college suspension prior to the hearing before a student conduct hearing board. It may be imposed:
  - i) To ensure the safety and well-being of members of the college community or preservation of college property;
  - ii) To ensure the student's own physical or emotional safety and well-being; or
  - iii) If the student poses a definite threat of disruption of or interference with normal operations of the college. During the interim suspension, students shall be denied access to the campus (including classes) and/or all other college activities or privileges for which the student might otherwise be eligible, as the associate vice president for Student Services or his/her; designee may determine to be appropriate. In some circumstances, the college may request a psychiatric evaluation from a licensed mental health professional as a condition of return. Notification of the student's faculty and limited notification of key college departments will

be made.

2. No-contact directive: In certain circumstances, the Dean of Students may impose a no-contact directive prior to the hearing before a student conduct hearing board when the charge is harassment or sexual misconduct, or there is reason to believe that negative contact could occur and affect the student conduct hearing. The college-issued and binding directive is to have no contact with a specified person or persons. This includes physical contact, in-person communication, written communication, electronic forms of communication, the enlisting of third parties to communicate on your behalf, and public postings and declarations intended to send implicit messages to the specified person or persons. All efforts will be made to avoid directing a student to stop attending classes or classes prior to a hearing board's decision, and, if necessary, assistance will be given to the student to continue in his or her classwork to the extent possible.
3. Removal from course section or activity: In certain circumstance, the dean of students may temporarily remove a student from a section of a course if his or her continued presence in the section will create a situation in which the expected teaching and learning process will be disrupted. This may include, but is not limited to, personal behaviors in the classroom, allegations of sexual misconduct, interpersonal disputes with the instructor or fellow classmates that cannot be avoided.

### **Section C. Appeals**

1. A decision reached or the respondents (s) or complainant to the associate vice president for Student Services may appeal a sanction imposed by a student conduct hearing board within five (5) business days of receiving the decision. Such appeals shall be in writing and shall be delivered to the Associate Vice President for Student Services.
2. An appeal shall be limited to review of the initial hearing and the supporting documents for one or more of the following purposes:
  - a. To determine whether the original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and present evidence that the Student Conduct Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a rebuttal of those allegations.
  - b. To determine whether the decision reached regarding the accused student was based on a preponderance of evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Conduct Code occurred.
  - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Conduct Code that the student was found to have committed.
  - d. To consider new evidence or other relevant facts:
    - 1) Not brought out in the original hearing, and

- 2) Sufficient to alter a decision, because such evidence and/or facts were not known to the person appealing at the time of the original hearing or investigation (in the case of an investigation of sexual misconduct).
3. Appeals are accepted if there is sufficient evidence to meet any of the above criteria and the party requesting the appeal that the factor being appealed made a material difference in the determination of responsibility or the sanction imposed can demonstrate it. If the associate vice president for Student Services upholds an appeal, he or she may rule directly on the matter or the case may be remanded back to the original student conduct hearing board or administrative hearing officer with specific instructions for reconsideration of the original determination and/or sanction(s).
4. In cases involving appeals by students accused of violating the Student Conduct Code, review of the sanction by the associate vice president for Student Services may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the associate vice president for Student Services, upon review of the case, may reduce but not increase the sanctions imposed by the student conduct hearing board or remand the case to the original hearing officer or hearing board.
5. In cases involving appeals by complainants, the associate vice president for Student Services upon review of the case may reduce or increase the sanctions imposed by the student conduct hearing board or remand the case to the original hearing officer or hearing board.
6. Alternatively, once a student has exhausted the internal complaint or grievance processes, he or she may choose to utilize the complaint process overseen by the Council on Postsecondary Education and the Office of the Postsecondary Commissioner or “equivalent governing board” in compliance with the Federal Program Integrity Rule. The specific types of complaints covered by these regulations are:
  - a. Allegations of state consumer protection violations, including, but not limited to fraud and false advertising;
  - b. Allegations that state laws or rules addressing the licensure of postsecondary institutions have been violated; and
  - c. Allegations regarding the quality of education or other accreditation requirements. For more information and details on how to file a program integrity complaint, visit the Council on Postsecondary Education and the Office of the Postsecondary Commissioner “or equivalent governing board” website at <https://www.riopc.edu>.

## **Section C. Sanctions**

1. The following, as well as other appropriate sanctions, may be imposed upon any student found to have violated the Student Conduct Code:
  - a. Administrative holds: An administrative hold may be applied to a student’s account at the

discretion of the Dean of Students Office prior to adjudication of charges if a student refuses to or fails to respond to charges brought against him or her. Holds are to be lifted upon meeting with designated staff and are not an indication of actual responsibility for said charges.

- b. Warning: A notice in writing to the student that the student is violating or has violated institutional regulations.
  - c. Probation: A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional regulation(s) during the probationary period.
  - d. Loss of privileges: Denial of specified privileges for a designated period of time. This may include limitations on a student's right to access parts or all of a facility in cases where the student conduct hearing board believes contact between two parties would be detrimental to one or both of the students or that it is in the college's best interests.
  - e. Fines: Previously established and published fines may be imposed. Fines are also posted online.
  - f. Restitution: Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - g. Discretionary sanctions: Work assignments, service to the college, educational assignments or other related discretionary assignments (Such assignments must have the approval of the dean of students.)
  - h. No-contact directive: A college-issued and binding directive to have no contact with a specified person or persons. This includes physical contact, in-person communication, written communication, electronic forms of communication, the enlisting of third parties to communicate on your behalf, and public postings and declarations intended to send implicit messages to the specified person or persons.
  - i. Removal from course: When a student repeatedly disrupts a classroom learning environment and does not respond to faculty efforts to address the behavior, a faculty member may request a student be permanently removed from the classroom without grade or refund. This sanction may only be imposed permanently by a conduct hearing board. A student may remain in the classroom pending the decision of the hearing board, unless determined to be a continuing disruption by the dean of students.
  - j. College suspension: Separation of the student from the college for a defined period of time, after which the student is eligible to return. Conditions for readmission, including a reinstatement review by the associate vice president, may be specified. In some circumstances, the college may request a psychiatric evaluation from a licensed mental health professional as a condition of return. Notification of the student's faculty and limited notification of key college departments will be made.
  - k. College expulsion: Permanent separation of the student from the college. This sanction only may be imposed by a student conduct hearing board.
2. More than one of the sanctions listed above may be imposed for any single violation.

3. Other than college expulsion, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than college suspension or college expulsion upon application to the Dean of Students Office. Disciplinary records shall be destroyed six years after the date of the incident that led to the initiation of disciplinary action.
4. The following, as well as other sanctions, may be imposed upon groups or organizations:
  - a. Those sanctions listed above in Section C 1, except suspension or expulsion.
  - b. Deactivation: Loss of all privileges, including college recognition, for a specified period of time.
5. In each case in which the student conduct hearing board determines that a student has violated the Student Conduct Code, the sanction(s) shall be determined by that board and imposed by the Dean of Students Office.

#### **Section D. Schedule of Fines**

The following fines may be imposed only after an admission of responsibility from the respondent or a finding of responsibility by a disciplinary committee or hearing officer.

Violation of the Smoking Policy	\$50 (first offense); \$75 (subsequent offenses)
Failure to evacuate during an alarm	\$150 (each offense)
Failure to comply	\$75 (each offense)
Obstruction	\$100 (each offense)
Violation of the Sign Policy	\$25 (per item)

#### **Article VI: Off-campus incidents**

The college shall have jurisdiction over student conduct that occurs on campus property or in connection with college functions and affairs. The college also shall have discretion to exercise jurisdiction over conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct occurred on campus when:

- (1) The alleged misconduct indicates the student may be a threat to the safety or security of members of the college community or college property, functions or facilities; or
- (2) The alleged misconduct involves academic work or any records, documents or identifications of the college. Specifically, the college may choose to exercise jurisdiction over off-campus

incidents under Section One (1) above where the alleged misconduct involves:

- a. Sexual misconduct (see Page 39 of the [CCRI Student Handbook 2021-2022](#))
- b. Sexual harassment
- c. Possession or use of weapons, explosives or destructive devices
- d. Manufacture, sale or distribution of controlled substances
- e. Hate crimes
- f. Hazing
- g. Conduct that would constitute felony burglary, robbery, theft, etc.
- h. Retaliation

Students involved in any of these offenses are subject to suspension or expulsion from the college.

## **Article VII: Compliance with Federal Law**

In compliance with the Clery Act, the community college reports all complaints that fall under the purview of the laws in its annual Clery Report. As such, reporting to confidential reporters can be allowed, but all reported incidents are included in the college Clery statistics, even if a complainant does not seek action by the college. The inclusion of the information in the annual Clery Report will be for statistical purposes only and will not include the names of the parties. Those affected by sexual violence (rape, fondling, dating/domestic violence, stalking) will receive a written notice of their rights and options for academic, working and related accommodation, as well as information on resources on and off campus for advocacy, legal support, medical and psychological care, and visa and immigration assistance.

## **Article IIX: Interpretation and Revision**

- A. Any question of interpretation regarding the Student Conduct Code shall be referred to the associate vice president for Student Services.
- B. The Student Conduct Code shall be reviewed every three years under the direction of the dean of students. Updates to remain compliant with state and federal regulations and laws shall occur annually. All changes will be reviewed by the Student Advisory Council before final approval by general counsel and the President's Council.

How complaints against students are handled:

1. Complaint is received through Campus Police or through the Dean of Students Office "Report It" online reporting tool. After an initial interview with the complainant, a staff member will determine if there is a potential violation of the Student Conduct Code. If so, the responding student is notified that a complaint has been filed and that he or she must schedule an initial interview with a Dean of

Students Office staff member within three academic days. An administrative hold is placed on the student's account until he or she has complied with the request. Allegations of sexual misconduct as listed on Page 36 of the [CCRI Student Handbook 2021-2022](#) or bias-related incidents are referred to the Director of Institutional Equity for investigation. If the findings recommend disciplinary action, the case moves back to this process as set forth in No. 4 below.

2. At the respondent's initial interview, the complaint is shared in detail with the student and the student has an opportunity to respond. In this meeting, the student can accept responsibility, deny responsibility or say nothing at all. At the conclusion of the initial interview, one of the following actions may be taken by the interviewer:
  - Dismiss the case if insufficient evidence that the Student Conduct Code was violated is presented.
  - Refer the case to a student conduct hearing board if the student denies responsibility or the precedent sanction is suspension or expulsion.
  - Issue a sanction (except suspension or expulsion) based on past precedent, the student's disciplinary record and the specific factors of the incident if the student accepts responsibility for the incident. If the student denies responsibility or if he or she is facing possible suspension or expulsion, a student conduct hearing board must be convened at a time not less than three nor more than five business days after the respondent's initial interview to hear the complaint.
3. The student conduct hearing board shall be composed of up to two student delegates and up to two faculty delegates. A Dean of Students Office staff member will preside as a nonvoting chair, except in case of a tie. The number of student delegates and faculty delegates must be the same. Students and faculty members are selected by the Dean of Students Office in consultation with Student Government and Academic Affairs. The respondent and the complainant may be accompanied by an adviser of their choosing who may serve as a nonspeaking support for either student. Both the complainant and the respondent may bring witnesses in person or signed and dated witness statements. Witnesses must have firsthand knowledge of the incident or complaint. Once scheduled, the hearing will occur as planned whether the complainant and/or the respondent chooses to attend or not. The student conduct hearing board shall make a determination based solely on the facts presented at the hearing regarding the incident in question. No other factors may be considered. The burden of proof is on the complainant to demonstrate that the respondent is responsible for violating the Student Conduct Code. **A preponderance of the evidence shall be the standard of proof.** Mitigating factors regarding why the Student Conduct Code was violated are only pertinent in the sanctioning phase.
4. Once a student conduct hearing board has made a determination of whether the respondent is responsible or not responsible, the hearing board will determine an appropriate sanction. The respondent will be notified of the disposition of the complaint and, if appropriate, the designated sanction within two academic days. The complainant will be informed of the decision of the board,

but not the details of any sanction except in cases where otherwise provided for by law. Upon receipt of the notification, the accused student or the complainant may appeal the decision as detailed in Section B.

## The student conduct process at CCRI

