

**PROVIDENCE COLLEGE  
2017 ANNUAL SECURITY AND  
FIRE SAFETY REPORT**

**CAMPUS CRIME STATISTICS  
2014—2015—2016**



**Providence College  
Department of Public Safety**

Major John J. Leyden, Jr.  
Executive Director

# TABLE OF CONTENTS

Message from the Executive Director of Public Safety .....	1
Notice of Non-Discrimination .....	1
Reporting a Crime or Other Emergency .....	2
Criminal Offenses – Jurisdiction and Adjudication .....	4
Staffing, Training, and Authority: Department of Public Safety .....	4
Policy for Reporting the Annual Disclosure of Crime Statistics .....	4
Crime Statistics for Inclusion in the Annual Security Report.....	5
Timely Warning Policy.....	5
Preventing and Responding to Sexual Misconduct, Sexual Assault, Intimate Partner Violence, and Stalking: Rhode Island Criminal Law Definitions.....	6
Policy Statement .....	7
Reporting and Privacy .....	8
Interim Measures; Retaliation.....	12
Other Recommended Actions Following an Incident of Sexual Assault or Relationship Violence .....	13
Policy Definitions and Violations .....	14
Reporting and Other Resources .....	17
Procedures: Key Definitions and Role Descriptions.....	19
Rights Provided To, and Responsibilities of, Complainants and Respondents .....	22
Preliminary Exchange of Information, Health and Safety Assessments.....	23
Advisors, Privacy .....	24
Grievance Resolutions Procedures for Reports of Policy Violations Against Students .....	25
Grievance Resolution Procedures for Reports of Policy Violations Against Staff/Administrators.....	30
Grievance Resolution Procedures for Reports of Policy Violations Against Faculty.....	35
Information on Registered Sex Offenders .....	40
Child Abuse or Neglect Reporting Policy and Code of Conduct.....	40
New and Ongoing Awareness, Prevention, Bystander Intervention, and Risk-Reduction Programs, Trainings, and Initiatives on Policy and Crime.....	41
Emergency Notification Policy.....	47
Emergency Response and Evacuation Procedures and Drills.....	47
Emergency Management Drill.....	48
General Safety Guidelines .....	50
Student-Safety Escort Service.....	50

Off-Campus Transportation .....	50
Off-Campus Shuttle Services.....	51
Access to Campus Buildings .....	51
Security of and Access to Facilities for Maintenance.....	51
Safety in the Residence Halls.....	52
Daily Crime and Fire Log .....	52
Missing Student Policy .....	52
Alcohol Policies .....	53
Drug Policies.....	54
Weapons Policy .....	55
Clery Act Crime Definitions.....	55
Crime Statistics – 2014, 2015, 2016 .....	58
Fire Safety Report - Regulations.....	60
Fire Evacuation .....	62
General Evacuation and Procedures .....	62
Evacuation of Persons with Disabilities.....	62
Fire Safety Education.....	63
Fire Statistics in On-Campus Student Housing.....	63
Appendix A: Maps – Clery Geography .....	65

## **A Message from Major John J. Leyden, Jr, Executive Director of Public Safety**

The Department of Public Safety at Providence College strives to ensure that members of the College community learn, work, and live in safe and secure environments. Members of the community share this responsibility and are expected to help Campus Public Safety identify and report behavior that constitutes a violation of College policy and/or criminal law, and to take reasonable safety precautions. Additionally, in many instances, the Department of Public Safety relies on the long-standing liaison among law enforcement agencies and other College officials to accomplish its safety-related goals.

While the Department of Public Safety has no jurisdiction outside the Providence College campus, it is always ready and willing to provide assistance and information to students living in off-campus housing. On some occasions, this service may include contacting the police, rescue unit, medical personnel, or the parents of an injured or aggrieved student.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. § 1092(f) (“Clery Act”), is a federal law requiring colleges and universities that receive federal financial assistance to disclose annually (by October 1) certain information about campus crime, and safety and security policies to current and prospective students and employees. This Annual Security and Fire Safety Report contains crime and fire statistics for the three previous calendar years and information on safety and security, campus law enforcement, crime prevention and reporting, fire safety, disciplinary procedures, and educational programs, services and resources. This Report is available online at <http://www.providence.edu/safety/Documents/safety-report.pdf>. Print copies of this Report are available in the Department of Public Safety, the Office of Undergraduate Admissions, and the Office of Human Resources.

### **NOTICE OF NON-DISCRIMINATION**

Providence College admits students of any race, color, national and ethnic origin, sex, gender, sexual orientation, gender identity, religion, disability, age, or veteran status, and without regard to genetic information, to all the rights, privileges, programs, and activities generally accorded or made available to students at the College. It does not discriminate on the basis of race, color, national and ethnic origin, sex, gender, sexual orientation, gender identity, religion, disability, age, veteran status, or genetic information, in the administration of its education policies, admission policies, scholarship and loan programs, athletic and other College-administered programs, and employment policies. In accordance with Title IX, it does not discriminate on the basis of sex in its education programs or activities. Nothing in this Notice shall require Providence College to act in a manner contrary to its Dominican mission and the teaching and tenets of the Catholic Church, and the College reserves the right to take actions designed to ensure and promote its Catholic and Dominican mission.

The College’s Equal Opportunity/Affirmative Action Officer, and ADA/Section 504 Coordinator for employees is the Associate Vice President for Human Resources (Kathy Alvino, Harkins 302, 401.865.2430, [kalvino@providence.edu](mailto:kalvino@providence.edu)). The Title IX Coordinator is the Assistant Vice President for Student Development and Compliance (Dr. James F. Campbell, Slavin 203, 401.865.2676, [james.campbell@providence.edu](mailto:james.campbell@providence.edu)); the Title IX Coordinator is assisted by deputy coordinators, including members of the faculty and the administration (<http://www.providence.edu/sexual-harassment>). Inquiries regarding ADA/Section 504 issues for students may be directed to the Office of Academic Services (Jennifer Rivera, Library 250, 401.865.1121, [jrivera@providence.edu](mailto:jrivera@providence.edu)) and the Office of the Assistant Vice President for Student Development and Compliance (Dr. James F. Campbell, Slavin 203, 401.865.2676, [james.campbell@providence.edu](mailto:james.campbell@providence.edu)).

## **REPORTING A CRIME OR EMERGENCY TO THE DEPARTMENT OF PUBLIC SAFETY**

The Department of Public Safety encourages every member of the community to report a crime promptly to their Department if the victims want to make such a report or if the victim is unable to make such a report.

Emergencies should be reported to the Department of Public Safety at 2222 from a campus phone or (401)865-2222 from an outside phone. Non-emergencies should be reported to the Department of Public Safety at 2391 from a campus phone or (401)865-2391 from an outside phone.

The Providence Department of Public Safety is located on the main campus at the Huxley Avenue gate. The office provides service to the campus community 24 hours a day, 7 days a week, 365 days a year. The office is staffed by an executive director, six shift supervisors, a secretary, 28 officers, five dispatchers/switchboard operators, and approximately 20 students who provide safety-escort services.

Under the auspices of the Executive Vice President, the Department of Public Safety works closely with the Providence College Safety and Emergency Response Committee and the Clery Act Compliance Committee, as well as with the Providence Police Department, to create a safe and secure campus environment. In an effort to accomplish this goal, the office provides motor, bike, and foot patrols on campus; the office responds quickly to the needs of individuals on campus; and, the office provides student-safety escorts as requested.

The Department of Public Safety maintains a close working relationship with the Providence Police Department and other law enforcement agencies as necessary. Meetings are held between the leaders of these agencies on both a formal and informal basis. Officers communicate regularly with local law enforcement and work closely with their investigative staff when incidents arise that require joint investigative efforts, resources, crime-related reports, and exchanges of information, as deemed necessary. A written memorandum of understanding between the Department of Public Safety and the Providence Police Department is being developed.

The Department of Public Safety monitors “Flash Sheets” from the Providence Police Department and advises the campus of Clery reportable on- and off-campus crimes. The Providence College Annex, located at 231 Douglas Avenue, Providence, RI, is an off-campus property for which crime activity is monitored and reported. The Annex is intended to be a space for campus/community dialogue and collaboration. It supports immediate, short-term initiatives such as potluck dinners, discussions, exhibitions, and meetings. It also supports courses, workshops, retreats for campus and community groups, and ongoing projects that serve the community.

Providence College strongly encourages the prompt and accurate reporting of all criminal or suspicious activities occurring on or near campus. Reports can be made by calling or visiting the Department of Public Safety, by speaking with an officer on patrol, or by communicating with a member of the residence life staff. Persons who prefer not to report alone may be supported by the presence of a friend. Students and employees may report a crime by contacting a member of the community who serves as a resource for them. Once a report is received, it will be evaluated and appropriate action will be taken. Reports to the Department of Public Safety may form the basis of criminal charges (violations of state and federal laws) or disciplinary matters (violations of College policy). As warranted, the Department of Public Safety will work and cooperate with the Providence Police Department and the Rhode Island State Police. Crime victims also may file criminal reports directly with the Providence Police Department at its office complex in Providence, R.I., or by calling (401) 272-3121. Complaints made to the Providence Police Department are investigated by the department and referred to the state attorney general's office for prosecutorial decisions.

The security and safety of every student, faculty and staff member, as well as visitors to the campus, is of vital importance. The active participation of members of the campus community in crime prevention and personal safety programs is essential to maintaining a safe environment in which to learn, work, and live.

### **Crime Reporting – Silent Witness Program**

Reports of and/or information about crimes that occur on campus—including but not limited to assaults, vandalism and thefts—also may be reported to the Silent Witness Program via the Web page of the Department of Public Safety (<http://www.providence.edu/safety/Pages/silent-witness.aspx>). Reporters may identify themselves or remain anonymous. When reporters who identify themselves request privacy (i.e., that the College refrain from disclosing their identity) during any investigation, the College will make every reasonable effort to honor that request and to maintain the level of privacy requested. When reporters remain anonymous, the ability of the College to respond to the report or to pursue appropriate action against the alleged perpetrator(s) may be negatively affected. Information about an incident may be disclosed (i.e., nature, date, and location of the incident) in the form of safety announcements, summary report updates, or as required by law.

### **Anonymous Crime Reporting on-Campus – TipNow Text and Email System**

Any person can provide important crime and safety-related information to the Providence College Department of Public Safety by using a cell phone or PDA device. Text or e-mail all relevant information about a crime that has been witnessed or to provide information about non-emergency suspicious activity to help prevent a crime, to [PC@tipnow.org](mailto:PC@tipnow.org) or (401) 281-9933. Help keep the Providence College community safe. **For an emergency needing an immediate response call 911 OR 401-865-2222.**

### **Crime Reporting by Campus Security Authorities (“CSAs”)**

A school official with significant responsibility for student and campus activities – referred to as a CSA – is required to report incidents of alleged campus crime to the College’s Department of Public Safety. CSAs include the following categories of employees: public safety; deans; student affairs and administration, including residence life, student conduct, student health; athletics administrators and team coaches; human resources; faculty advisors and moderators to clubs, organizations, and other types of College-sponsored student groups; and, faculty and staff who lead and/or supervise short- or long-term College-sponsored trips. Personally identifiable information is kept confidential (unless the victim agrees to release it); the type, date, time, and general location (on or immediately adjacent to campus, or on property owned or controlled by the College) of the incident is released for publication in the Annual Security Report and the Crime Log. Additionally, statistical campus crime data is reported to the federal government, specifically the U.S. Department of Education.

### **Confidential Crime Reporting – Pastoral and Professional Counselors**

A pastoral counselor is defined as an employee who is associated with a religious order or denomination, or recognized by the religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is defined as an employee 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, including professional counselors who are under contract to provide counseling, and those who are not yet licensed but are acting as a professional counselor under the supervision of an individual

who is licensed or certified. (An example is a Ph.D. counselor-trainee acting under the supervision of a professional counselor at the institution.)

Crimes reported to pastoral or professional counselors are not required to be reported by an institution under the Clery Act; however, as a matter of policy, these counselors are encouraged, if and when deemed appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary and confidential basis so that incidents of crime that are reported exclusively to professional and pastoral counselors will be included in the annual crime statistics if they occurred within the Clery Act geography.

## **CRIMINAL OFFENSES – JURISDICTION AND ADJUDICATION**

Although the Providence College Department of Public Safety does not possess the power to arrest, the office does assist police departments in their investigations. When the Providence Police are called to take a criminal report by the Providence College Department of Public Safety, the police department has jurisdiction in the matter. If the Providence Police make an arrest and the suspect is a student or employee, he/she not only may be charged for the offense in the legal system, but also via the applicable College disciplinary system.

## **STAFFING, TRAINING, AND AUTHORITY: THE DEPARTMENT OF PUBLIC SAFETY**

The employment procedures for persons employed in the Department of Public Safety comply with federal and state regulations pertaining to criminal history records information. New applicants for the position of Public Safety Officer must successfully complete a Rhode Island-approved psychological test and a nationwide record check. All members of the Department of Public Safety have received extensive training in emergency medical procedures, first aid, and cardiopulmonary resuscitation. Additionally, a program of in-service training is ongoing for all department members; topics include but are not limited to discriminatory harassment, diversity, Clery Act reporting, CPR and First-Responder Training, report writing, and interdepartmental workshops regarding the use of alcohol by students. Public Safety Officers do not carry firearms and do not have arrest powers. Public Safety Officers have authority to ask persons for identification and to determine whether individuals have lawful business at Providence College, and to issue parking tickets, among other duties. The Department of Public Safety has adopted a *Non-Biased Policing Policy*.

## **POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS**

The information contained in this Report is provided as an integral part of Providence College's commitment to safety and is in compliance with the federal Student Right-to-Know and Campus Security Act of 1990, Public Law 101-542, as amended into the Jeanne Clery Act of 1998. This publication, which is provided to all employees and students registered as of August 29, 2016, is available at <http://www.providence.edu/safety/Pages/default.aspx>. Additional copies are available upon request at the Department of Public Safety, the Office of Undergraduate Admission, and the Office of Human Resources. If you have any questions regarding the content of this publication, please contact Major John Leyden, Executive Director of Public Safety, at 401-865-2391.

The Department of Public Safety compiles crime statistics, which are included in this Report, in compliance with the Jeanne Clery Act. Additionally, the Department of Public Safety maintains a daily crime log listing the case number, nature, date, time, and general location of each crime and the disposition of the complaint, if known.

Pursuant to the Jeanne Clery Act, the U.S. Department of Education requires all school officials with “significant responsibility for student and campus activities” – designated as Campus Security Authorities – to report incidents of alleged campus crime to the College’s Department of Public Safety.

Student-victims of crime have the option to seek confidential assistance from the Office of the Chaplain and the Personal Counseling Center. The College is not required to include crimes reported only to a pastoral or professional counselor in the crime statistics published in this report. Students who seek personal counseling or pastoral counseling on campus are advised that if they share information regarding the commission of an offense that the counselor considers to pose a direct threat to a member of the community or others, information may be released to appropriate authorities and other persons. Appropriate authorities and other persons may include College administrators, a parent/guardian, medical personnel, and police officials. Whether or not, and to whom, to release information will depend on particular circumstances.

The College compiles its crime statistics using the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, including any modifications pursuant to the Hate Crime Statistics Act. Please note that crime statistics are based on incidents reported. A criminal incident is reported when it is brought to the attention of the Department of Public Safety or the local police by a victim, witness, campus security authority, or other third party. The primary source for statistics is reports received by the College’s Department of Public Safety. Crime statistics, for Jeanne Clery Act purposes, include all reports regardless of their investigative status or result.

## **CRIME STATISTICS FOR INCLUSION IN THE ASR – Clery Act Geographic Definitions**

The College’s crime statistics for the Annual Security Report (“ASR”) are compiled from reports of crimes from police, from CSAs, or from any credible source. Statistics for certain types of crimes, such as sexual offenses, may not be a true reflection of their occurrence due to underreporting. Statistics are included for reports of crimes that have occurred at any of the following locations:

**On-Campus** – A building or property owned or controlled by the College.

**Residence Halls** – A subset of “on-campus,” any student housing facility that is owned or controlled by the College, or is located on property that is owned or controlled by the College.

**Public Property** – Public property that is within the campus or immediately adjacent to and accessible from the campus; adjacent to and from is often referred to as “sidewalk, street, sidewalk” without barriers to access the sidewalk.

**Non-Campus** – Any building or property owned or controlled by a student organization that is officially recognized by the College (Providence College does not have any officially recognized student organizations with non-campus locations). Any building or property owned or controlled by the College, used in direct support of the College’s educational purposes, and frequently used by students.

## **TIMELY WARNING POLICY – CRIME ALERTS**

In the event that campus public safety or local law enforcement authority receives a report of a crime (in accordance with the F.B.I. definitions of crime categories), and the commission of the crime within the Clery Act geography constitutes a serious or ongoing threat to the campus community, a campus-wide, timely warning in the form of a “Crime Alert” will be issued in an email message to students, faculty, and staff. The purposes of the timely warning are to alert the campus community to the occurrence of a crime that poses an ongoing threat and to heighten student and employee safety awareness in a manner that will aid in the prevention of similar crimes. The email will identify that a Crime Alert has been issued, provide pertinent information regarding the incident, and may provide information about safety-awareness tips. The email will not identify the name of the victim.



In accordance with the Jeanne Clery Act, determinations about whether and when to issue warnings will be made by the Executive Director of Public Safety, Major John J. Leyden, Jr., or his designee, on a case by case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, the availability of accurate information, and the possible risk of compromising law enforcement efforts. Depending on the particular circumstances of the crime, the Department of Public Safety may provide expanded notice in accordance with the College's emergency notification policies and procedures. Anyone with information warranting a timely warning should report the circumstances to the Department of Public Safety.

Crimes that might constitute a continuing or serious threat include, but are not limited to: serial crimes that target certain campus populations, such as sex-based or race-based crimes in which the offender has not been apprehended; and, ongoing criminal activity in which there is no apparent connection between offender and victim. Crimes that would not constitute a continuing or serious threat include, but are not limited to: crimes for which a threat has been eliminated because the offender has been apprehended or because the known offender has targeted specific persons to the exclusion of others (such as domestic violence). These vague scenarios are illustrative only; for purposes of determining whether to issue a Crime Alert, each report will be assessed based on relevant and reliable information available at the time.

### **Safety Advisories (Non-Clery Act Notification to the Community)**

The Department of Public Safety occasionally receives reports of crimes that are not Clery-Act crimes and/or occurred at locations outside the Clery geography; thus, a Timely Warning-Crime Alert will not be issued. The Executive Director (or designee); however, may determine that there is a serious or continuing threat to students and employees and may issue a "Safety Advisory" to the College community. Although Safety Advisories are not required under the Clery Act, they are consistent with the Department of Public Safety's mission to promote awareness and prevention about known or suspected safety risks on or near campus.

## **PREVENTING AND RESPONDING TO SEXUAL MISCONDUCT, SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, AND STALKING**

### **RHODE ISLAND CRIMINAL LAW DEFINITIONS**

The following state definitions are informational and are not used to classify crime statistics in the *Providence College Annual Security Report*.

**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. R.I.G.L. § 11-37-2

**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 or coercion. (3) The accused engages in the medical treatment or examination of the victim for the purpose of sexual arousal, gratification or stimulation. R.I.G.L. § 11-37-4

**Third degree sexual assault.** A person is guilty of third degree sexual assault if he or she is over the age of 18 years and engaged in sexual penetration with another person over the age of 14 years and under the age of consent, 16 years of age. R.I.G.L. § 11-37-6

**Domestic abuse.** The occurrence of one or more of the following acts between present or former family members, parents, stepparents, or persons who are or have been in a substantive dating or engagement relationship within the past one year in which at least one of the persons is a minor: (i) Attempting to cause or causing physical harm; (ii) Placing another in fear of imminent serious physical harm; or (iii) Causing another to engage involuntarily in sexual relations by force, threat of force, or duress. (iv) Stalking or cyberstalking.

**Substantive dating or engagement relationship.** A significant and personal/intimate relationship which shall be adjudged by the court's consideration by the following factors: (i) The length of time of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the parties. R.I.G.L. § 15-15-1

**Stalking.** (a) 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. (b) Stalking shall be deemed a felony punishable by imprisonment for not more than 5 years, by a fine of not more than \$10,000, or both. Definitions: (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. R.I.G.L. §§ 11-59-1, 2

**Cyberstalking and Cyberharassment.** Whoever transmits any communication by computer or other electronic device to any person or causes any person to be contacted for the sole purpose of harassing that person or his or her family in guilty of a misdemeanor. R.I.G.L § 11-52-4.2

## **POLICY STATEMENT**

Providence College is committed to maintaining an environment in which all students, staff and faculty are treated with dignity and respect, as created in the image and likeness of God. Sexual misconduct in all forms violates the sanctity of the human body, mind, and spirit and will not be tolerated within our community. Indeed, sexual misconduct is one of the most serious violations of the College's standards of conduct and some forms of sexual misconduct also are violations of criminal law.

Providence College does not discriminate on the basis of sex in its educational programs and activities. This Policy is designed to comply with Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq., which prohibits discrimination on the basis of sex in educational programs and activities, and relevant sections of the Violence Against Women Reauthorization Act, as amended. Sexual harassment is a form of sex discrimination when the conduct creates a hostile environment, which means that the behavior is sufficiently serious to limit or deny a person's ability to participate in or benefit from the College's educational programs and activities, or that the behavior is sufficiently serious to create a hostile employment environment. Sexual misconduct, sexual violence, and relationship violence are forms of sexual harassment.

The Sexual Misconduct or Relationship Violence Policy (“Policy”) applies to all Providence College students and employees (i.e., faculty, staff, administrators), and to all “third parties” (defined for this Policy as visitors, guests, contractors, vendors, and other third parties). As it is defined in this Policy, conduct is prohibited when it is committed by or against students, employees, or third parties under the following circumstances: it occurs on-campus or on property owned or controlled by the College; it occurs in the context of a College educational or employment program or activity; or, it occurs outside the context of a College educational or employment program or activity but has continuing adverse effects on, or creates a hostile environment for, students, employees, or third parties within such context and/or while on-campus.

The College may initiate disciplinary proceedings against a student or employee for conduct directed toward a member of the Providence College community or someone outside the College community. Disciplinary action, up to and including suspension and dismissal, may be taken whether or not criminal charges are filed and without regard to whether the conduct occurred on- or off-campus. Retaliation against a person who files a complaint in good faith, who cooperates in an investigation of a complaint, or who opposes discriminatory practices, is prohibited.

Depending on the circumstances, sexually harassing behavior may not be severe or pervasive enough to create a hostile environment; yet, it can make others feel unreasonably uncomfortable and cause unwarranted trauma. Accordingly, the College considers such behavior to be inappropriate and will take action as needed, regardless of whether the behavior is unlawful.

All students, staff, and faculty are responsible for being familiar with, and abiding by, the Policy’s standards of conduct. Persons who believe they have been subjected to sexual misconduct or relationship violence are encouraged to report the incident so that the College can respond promptly, effectively, and equitably, in accordance with our Title IX Grievance Procedures. For grievance resolution procedures, please see Appendix A ([Grievance Resolution Procedures for Reports of Policy Violations Against Students](#)), Appendix B ([Grievance Resolution Procedures for Reports of Policy Violations Against Staff](#)), and Appendix C ([Grievance Resolution Procedures for Reports of Policy Violations Against Faculty](#)).

The College strongly encourages anyone who has information regarding a possible violation of this Policy to report it to the Title IX Coordinator or Department of Public Safety; generally, “responsible employees” must report such information when the incident involves any student.

## **REPORTING AND PRIVACY**

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

**1) Introduction.** We strongly encourage students and employees to report sexual misconduct or relationship violence. We recognize individual’s right to protect their own privacy. This section of the Policy provides relevant information about disclosure options and their implications.

There is no time limit for filing a report with the College; however, the more time that passes between the incident and the report, the more difficult it may be to thoroughly investigate the report because witnesses may not be available, memories may have faded, respondents may no longer be affiliated with the College, and/or other key information is no longer obtainable.

**2) Student Resources.** Students can get help and talk about their experience in a confidential manner with both on-campus and off-campus resources, but students should be aware that confidentiality protections associated with on-campus resources vary and depend upon an employee’s job description.

- a) **On-Campus Confidential Disclosures – Two Levels.** Employees who are licensed or pastoral counselors in the College’s Personal Counseling Center (“PCC”) or the Chaplain’s Office are not required to report what students have disclosed to them about an incident to the Title IX Coordinator; student *conversations* with these employees are privileged and confidential communications. Professionals working in the College’s Student Health Center and the V.A.S.E. Coordinator (Victim Advocacy, Support, and Education) generally are not required to reveal identifiable information about incidents; student conversations with these employees are confidential communications. Employees in the Student Health Center and the V.A.S.E. Coordinator, however, will provide the Title IX Coordinator with a limited report (nature, date, time, and general location of the incident, if known). Beyond the normal hours of operation, when the Personal Counseling Center and Chaplain’s Office are closed, students wishing to speak with one of the confidential resources can call the Confidential Disclosures Dispatch Number and a staff member will return the call. Students also can leave a message for the V.A.S.E. Coordinator who will respond as soon as possible.
- b) **Mandated Reporters.** All other faculty, staff, and administrators are “responsible employees” and thus mandated reporters. Mandated reporters who become aware of a claim or report of sexual harassment, including sexual misconduct, attempted or actual sexual assault, intimate partner violence (i.e., dating or domestic violence), stalking, sexual exploitation, or sexual coercion allegedly perpetrated by a student, an employee, a contractor or sub-contracted employee, a volunteer, or a user of College facilities, against a student, are obligated to report the incident to a Title IX Coordinator or the Department of Public Safety at the earliest possible time and within twenty-four (24) hours after receipt of the information. Persons who are mandated reporters include residence life staff (administrators, hall directors, and resident assistants), public safety officers, deans, work-study supervisors, faculty, staff, and athletics coaches and administrators. When an incident is reported to a “responsible employee,” students have the right to expect the College to take immediate and appropriate steps to investigate and resolve the complaint promptly and equitably, and to ensure that confidentiality will be protected to the extent possible under the law and College policy, i.e., that relevant information will be shared on a need-to-know basis only. Please refer to the College’s *Mandatory Reporting of Sexual Misconduct Policy* (available [here](#)) for additional information.

Other circumstances, including, but not limited to, reports involving minors, behavior that poses a direct threat to the student or others, and receipt of a subpoena in a criminal or civil case, can trigger an employee’s duty to timely disclose confidential information about an incident, including the identity of the student involved, irrespective of the above categories.<sup>1</sup>

If students disclose a situation through a public awareness event such as “Take Back the Night,” candlelight vigils, protests, or other public events, the information students provide will not trigger a mandated report and will not result in an investigation. The College may use the information students provides to inform the need for additional education and prevention efforts.

- c) not affiliated with the College may disclose and/or receive confidential, trauma-informed counseling support from [Day One: The Sexual Assault and Trauma Resource Center](#). Conversations with Day One advocates are privileged and confidential; they will not report what

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<sup>1</sup> See, for example, the College’s [Child Abuse or Neglect Reporting Policy](#), which supersedes disclosure restrictions. Additionally, Campus Security Authorities have a duty to disclose certain information to the Executive Director of the Department of Public Safety, who will maintain a Crime Log and statistics, and determine whether to issue a Timely Warning–Crime Alert to the community pursuant to the Jeanne Clery Act, as amended.

students have disclosed to them about an incident to the College or to local law enforcement unless legally obligated to do so.

**3) Employee Resources.** Employees can get help and talk about their experience in a confidential manner with off-campus resources.

**Off-Campus Confidential Disclosures.** Employees may disclose and/or receive confidential, trauma-informed counseling support from [Day One: The Sexual Assault and Trauma Resource Center](#) or the [E4 Health Employee Assistance Plan](#) (formerly called LifeScope). Conversations with Day One and/or E4 Health Employee Assistance Plan advocates and counselors are privileged and confidential; they will not report what employees have disclosed to them about an incident to the College or to local law enforcement unless legally obligated to do so. Victims of domestic violence may seek help for themselves and their families by calling the state-wide, 24-hour helpline: <http://www.ricadv.org/en/help-services>.

**4) Student and Employee Reporters.**

- a) **Student Reporters.** All students (complainants and those who become aware of an incident) are strongly encouraged to report incidents of sexual misconduct and relationship violence to a Title IX Coordinator or the Department of Public Safety so that the College can provide support services, implement safety and interim measures, investigate and resolve the complaint. Grievance information and procedures for resolving allegations of sexual misconduct and relationship violence against students are provided in Appendix A (available [here](#)). If there are conflicts between the grievance resolution procedures outlined in Appendix A and those outlined in the Student Handbook, Appendix A will be applied to resolve complaints brought under this Policy. The College does not limit the time frame for making a complaint under this Policy, although a delay may impact the College's ability to take certain actions.
- b) **No Policy Deterrent to Reporting.** The health and safety of every member of the College community is of utmost importance. Providence College recognizes that individuals who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that an incident of violence occurs, including but not limited to, sexual assault, dating violence, domestic violence, or stalking, may be hesitant to report such incidents due to fear of potential consequences for their own conduct. Providence College strongly encourages reports of violence to institution officials. A bystander acting in good faith, or a reporting individual acting in good faith, who discloses any incident of violence to College officials or law enforcement normally will not be subject to a code of conduct charge for violations of alcohol and/or drug use policies, or student guest policies, occurring at or near the time of the commission of the incident of violence.
- c) **Employee Reporters.** All employees (faculty, staff, and administrators), except for those employees designated as confidential resources in this Policy, who become aware of a claim or report of sexual harassment allegedly perpetrated by a student, an employee, a contracted or sub-contracted employee, a volunteer, or a user of College facilities, against a student, are designated "responsible employees" and thus mandated reporters. As described previously in this Policy, mandated reporters are obligated to report the incident to a Title IX Coordinator or the Department of Public Safety at the earliest possible time and within twenty-four (24) hours after receipt of the information.
- d) **Supervisor Duty.** All supervisors, directors, managers, and human resources professionals have a responsibility to report to the Title IX Coordinator all relevant details about an incident involving conduct covered under this Policy where either the complainant or the respondent is an employee. Reporting is required when supervisors, directors, managers, and human resource professionals

know (by virtue of a direct or indirect disclosure), or should have known, of such conduct. For academic faculty, supervisors include department chairs, program directors, deans, and other administrators in academic affairs. Reports should be made in a timely manner and within twenty-four (24) hours. Grievance information and procedures for resolving allegations of sexual misconduct and relationship violence against staff/administrators are provided in Appendix B (available [here](#)) and for allegations against faculty in Appendix C (available [here](#)). If there are conflicts between the grievance resolution procedures outlined in Appendix B or Appendix C and those outlined in any other College Handbook, Appendix B and Appendix C will be applied to resolve complaints brought under this Policy.

- e) **Employee Complaints.** Complainants who are employees may decide to provide notification of the complaint to their supervisor and/or to the Office of Human Resources, though they are not obligated to do so. The College does not limit the time frame for making a complaint under this Policy, although a delay may impact the College's ability to take certain actions.

**5) Third-Party Respondents.** When the respondent is not a member of the College community (student, staff, administrator, faculty), the College's ability to take appropriate corrective action will be determined by the nature of the relationship of that third party with the College. The Title IX Coordinator will determine the appropriate action to take consistent with this Policy (including the Policy Statement) and with legal mandates and formal federal guidance.

**6) Duty to Provide Truthful Information – Knowingly False Reports Prohibited.** Members of the College community are expected to provide truthful information in any report, meeting, or proceeding under this Policy and its Appendices. Providing or submitting false or misleading information in bad faith, with a motive to obtain personal advantage or to cause intentional harm to another person in connection with an incident of sexual misconduct, is prohibited and the individual is subject to disciplinary sanctions under the relevant disciplinary system. This provision does not apply to reports made or information provided in good faith, even if the facts claimed in the report are not ultimately substantiated.

**7) Anonymous Reporting Options.** Any person may report sexual assault or relationship violence that occurs on or near campus to the Silent Witness Program via the Web page of Department of Public Safety (available [here](#)). Reporters may identify themselves or remain anonymous. When reporters who identify themselves request that their identity be protected as part of any investigation, the College will make every reasonable effort to honor that request and to maintain the level of privacy requested. When reporters remain anonymous, the ability of the College to respond to the report or to pursue appropriate action against the accused person(s) may be negatively affected.

Any person can provide information about a sexual assault or relationship violence to the Department of Public Safety using email or a mobile device ([PC@tipnow.org](mailto:PC@tipnow.org) or 401. 281.9933). The TipNow email and text messaging system sends an anonymous, timely message to the College's Public Safety Office.

**8) Federal Statistical Reporting Obligations.** College officials with significant responsibility for student and campus activities are Campus Security Authorities (CSAs) who have a duty to report sexual assault or relationship violence to the Department of Public Safety. CSAs include the following categories of employees: public safety; student affairs staff; academic affairs administrators and deans; residence life; student health; athletic administrators and team coaches; human resources; faculty advisors and moderators to clubs, organizations, and other types of College-sponsored student groups; and, faculty and staff who lead and/or supervise short- or long-term College-sponsored trips. Personally identifiable information is kept confidential (unless a student agrees to release it); the type, date, time, and general location (on or near campus) of the incident is released for publication in the College's Annual Security and Fire Safety Report pursuant to the Jeanne Clery Act, as amended. The Annual Security and Fire Safety Report helps to provide

the community with information about the nature and extent of campus crime and about promoting safety. Additionally, statistical crime data are reported to the federal government.

**9) Federal Timely Warning Reporting Obligations.** When the College receives a credible report of sexual assault or relationship violence from a member of the campus community, or a local police department, that occurred on campus or on public property immediately adjacent to campus (as defined by the Clery Act), and the circumstances surrounding that report pose a serious or ongoing threat to the campus community, the College will issue a Timely Warning-Crime Alert to heighten safety awareness to aid in the prevention of similar crimes. Personally identifiable information about the alleged victim will not be released in the Timely Warning-Crime Alert.

### **B. Reporting to the Police**

Students and employees are encouraged to report sexual assault and relationship violence not only to a Title IX Coordinator/Deputy Coordinator or the Department of Public Safety, but also to law enforcement authorities. The decision to file a criminal complaint is a deeply personal choice. Students and employees often make this decision based on the circumstances surrounding the incident and the circumstances in their life at the time of the incident. Some students and employees discover that participating in a proceeding to hold the accused accountable helps them to regain some measure of control lost by virtue of the assault, and to protect themselves and others from future harm.

There are trained professionals on-campus and off-campus who can explain criminal proceedings and support students and employees through the process. As part of the Title IX Intake Meeting, students and employees will be given the opportunity to speak with a Law Enforcement Advocate. The Department of Public Safety and/or the V.A.S.E. Coordinator will assist anyone wishing to file a criminal complaint. Students and employees do not need to file a criminal complaint in order to initiate disciplinary proceedings with the College, and the College may find an accused person responsible for violating this Policy regardless of the status or outcome of criminal proceedings, if any.

## **INTERIM MEASURES; RETALIATION**

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

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

The College will maintain the privacy of any remedial or protective measures to the extent practicable. Types of interim supportive and protective measures that may be requested and provided include medical and mental health services and referrals, academic accommodations, living accommodations, campus escort and transportation accommodations, work accommodations, suspension and other disciplinary action, and the issuance of a No-Contact Directive. A No-Contact Directive is a written document that informs the person to whom it is issued that certain conduct directed toward a specific person is prohibited and that



violation of the Directive will result in disciplinary action. Students and employees may use the VAWA Visa and Immigration Resources for visa and immigration information as the College does not provide these legal services. The Department of Public Safety can help a complainant to file an external complaint with law enforcement authorities.

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

## **B. Retaliation**

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

## **OTHER RECOMMENDED ACTIONS FOLLOWING AN INCIDENT OF SEXUAL ASSAULT OR RELATIONSHIP VIOLENCE**

Students and employees who experience sexual assault or relationship violence have several options after an incident. Students and employees are encouraged to seek medical attention immediately. Any hospital emergency room is able to care for the immediate needs of all victims of sexual assault, including women, men, and transgender individuals; however, whenever possible, victims are encouraged to go to a hospital with a Sexual Assault Nurse Examiner (SANE) Program. SANE Programs have specially trained nurses who conduct examinations and collect evidence. In Rhode Island, Women & Infants Hospital and Hasbro Children's Hospital have SANE Programs. Individuals do not have to provide health insurance information to the hospital and the hospital cannot refuse treatment. Individuals who do not want their insurance company to be billed should indicate to the hospital receptionist/clerk that they are "self-pay" and do not want to use insurance for the visit. There is no charge for sexual assault evidence collection (referred to as a "Rape Kit.") Medical attention is critical so that any injuries (including internal injuries) or infections that may have resulted from the incident can be treated. Getting a medical exam does not mean that persons have to press criminal charges; however, a medical exam will help to preserve evidence if they choose to press charges at some point. Students and employees are advised to preserve and record evidence, as follows: do not wash anything (body, hair, clothing), and do not comb hair, change clothes, douche or use the toilet; bring an extra set of clothing to the hospital (or bring the clothing worn at the time of the incident to the hospital in a paper bag); make notes to create a description of the assailant, where the assault occurred, and a description and direction of travel of any vehicle involved.

In some circumstances, students and employees may need safety-related assistance. The Department of Public Safety, Residence Life staff and/or local police can assist and are available 24/7. Beyond the normal hours of operation, when the Personal Counseling Center and Chaplain's Office are closed, students wishing to speak with one of the confidential resources can call the Confidential Resources Answering Service and a staff member will return the call. Students also can leave a message for the V.A.S.E. Coordinator or a Title IX Coordinator who will respond as soon as possible.



## POLICY DEFINITIONS AND VIOLATIONS

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

### A. Key Definitions

1) **Sexual Harassment.** Unwelcome conduct of a sexual nature that is severe or pervasive, and that creates a hostile or abusive learning, working, or living environment, thereby unreasonably interfering with a person's ability to learn or work, or to access or participate in a College program or activity, and the conduct has no legitimate relationship to the subject matter of an academic course, activity, or research. Conduct is unwelcome when the person being harassed does not solicit or invite the behavior and regards it as offensive. The fact that a person may accept the conduct does not mean that s/he welcomes it. Sexual harassment can include behavior as part of a hazing incident.

Sexual harassment includes sexual advances or conduct, requests for sexual favors, or other conduct of a sexual nature when: (1) submission to or rejection of such conduct is made, explicitly or implicitly, a basis for an academic or employment decision, or a term or condition of either, or a term or condition for participation in any College program or activity (often referred to as "*quid pro quo*" harassment"); or, (2) such conduct is sufficiently severe or pervasive (assessed both subjectively and objectively) that it has the purpose or effect of unreasonably interfering with or eliminating access to programs and activities because it creates an intimidating, hostile, humiliating, or sexually offensive learning, living, or working environment. To help assess whether a hostile environment exists, the College will consider the totality of known circumstances, including but not limited to:

- a) The frequency, nature, and severity of the conduct;
- b) Whether the conduct was physically threatening;
- c) The effect of the conduct on the complainant's mental or emotional status;
- d) Whether the conduct arose in the context of other discriminatory conduct;
- e) Whether the conduct unreasonably interfered with the complainant's educational or work performance and/or the complainant's participation in College programs or activities; and,
- f) Whether the conduct implicates concerns related to academic freedom or is otherwise deemed to be protected speech by the College.<sup>2</sup>

Sexual harassment includes behavior not sexual in nature but behavior directed toward a person because of the person's sex and/or gender, including harassment based on the person's nonconformity with gender norms and stereotypes. Sexual harassment includes behavior based on gender, sexual orientation, gender identity, or gender expression, which may include acts of bias, aggression, intimidation, or hostility, whether verbal or non-verbal, written, graphic, physical, or otherwise, when the conditions outlined in (1) or (2) in the above paragraph are present.

It is not possible to list all circumstances that might constitute sexual harassment. Depending on the circumstances, sexual harassment may include but is not limited to, the following kinds of behavior, which

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<sup>2</sup> This Policy is not meant to be used as a mechanism for restricting or suppressing academic freedom. The higher-education academic setting necessarily accommodates themes, topics, material, and speech that are relevant to the subject matter and that, in other settings, may not be appropriate. The essential purposes of the academic setting are free intellectual pursuit and the free exchange of ideas. Wide-open debate helps to foster the search of truth, and in that search, we allow speech that might not be tolerated in other settings. Policies forbidding discriminatory harassment do not threaten academic freedoms.

may be committed by individuals who are in supervisory positions or by peers: (1) repeated propositions or requests for a sexual relationship to a person who has previously indicated that such conduct is unwelcome; (2) requests for sexual favors, whether or not accompanied by promises or threats with regard to the professional relationship; (3) unwelcome verbal or written expressions of a sexual nature, including graphic sexual comments about a person's sexuality, anatomy, attire, appearance, or sexual experience; the hostile use of sexually derogatory or gender-based terms, jokes, innuendo, or graffiti; intrusive sexually explicit questions or story-telling; sexual gestures, noises, remarks, jokes, or questions; (4) sexually suggestive objects, pictures, cartoons, recordings, electronic communications, or literature unrelated to employment or educational purposes, used or displayed in the employment or educational setting; (5) statements by an instructor to students that women are not capable scientists, or that men are not welcome in a women's studies course; (6) **consensual sexual relationships** where such relationships lead to favoritism of a student or subordinate employee with whom the faculty member or supervisor is sexually involved and where such favoritism adversely affects other students and/or employees.

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

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

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

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

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

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

**5) Sexual Exploitation.** An act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person's sexuality. Examples include, but are not limited to: non-consensual observation or photographing of individuals who are undressing or engaging in sexual acts; non-consensual use of electronic or other devices to make an audio or video record of sexual activity; prostituting another person; allowing others to observe a personal consensual sexual act without the prior knowledge and consent of all involved parties; and, knowingly exposing an individual to a sexually transmitted infection without his or her knowledge.

**6) Stalking.** A pattern of conduct with a continuity of purpose composed of a series of acts or communications over a period of time, including following the targeted person, without proper justification. The conduct causes a reasonable person to suffer substantial emotional distress, or to be in fear of bodily

injury. Stalking can occur face-to-face; by telephone calls, voice messages, electronic messages, web-based messages, and text messages; by delivery of unwanted gifts; by trespassing; and by surveillance or other types of unwanted observation.

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

**8) Retaliation.** Retaliatory acts, or attempts to retaliate, against anyone who has reported in good faith sexual misconduct or relationship violence, who has participated (or is expected to participate) in any manner in an investigation or hearing pursuant to this Policy, or who otherwise supports the report. Retaliation includes, but is not limited to, intimidation, verbal or physical threats, harassment, coercion, or other adverse action. When evidence of retaliatory behavior exists, appropriate disciplinary action will be taken. Evidence of retaliation may exist even when there is a finding of “not responsible” on the underlying complaint. Retaliation does not include good-faith actions lawfully pursued in response to a report of a Policy violation.

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

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

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

## **B. Supporting Definitions**

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

**2) Consent.** Consent is demonstrated through mutually understandable words and/or actions that indicate a willingness to engage in specific sexual activity. Consent must be knowing and voluntary (freely given). To give consent, a person must be awake, of legal age (16 in Rhode Island), and have the capacity to

reasonably understand the nature of her/his actions. A person who is physically or mentally incapacitated cannot give consent. A person may not use physical force, verbal threats, intimidation, or coercion as a method for obtaining consent. Consent may be withdrawn by either person at any time, and once withdrawal of consent is expressed, the sexual activity must stop. Consent is automatically withdrawn if the person who had provided it becomes incapacitated.

**3) Incapacitation.** Incapacitation means being in a state where a person lacks the capacity to appreciate the fact that the situation is sexual, or cannot appreciate (rationally and reasonably) the nature and/or extent of the situation. Incapacity can be found based on someone's physical or mental status, based on developmental disability, or based on alcohol or drug use. A person who knows or should reasonably have known that another person is incapacitated may not engage in sexual activity with that person. A person's state of incapacity is a subjective determination that is based on all of the facts available because persons reach incapacitation at different points and as a result of different stimuli.

Incapacity can result from mental disability, involuntary physical restraint, or from the ingestion of substances, including "date-rape" drugs. Administering any substance to another person, without their knowledge, for the purpose of inducing incapacity is a violation of this Policy.

Use of alcohol or other drugs does not, in and of itself, negate a person's ability to give consent. Alcohol-related incapacity results from a level of alcohol ingestion that is more severe than being under the influence, impairment, intoxication, inebriation, or drunkenness. Common and obvious warning signs of possible incapacitation include consistently slurred or incomprehensible speech, unsteady gait, vomiting, or incontinence. A person who is incapacitated may not be able to understand some or all of the following questions: "Do you know where you are?" "Do you know how you got here?" "Do you know what is happening?" A person who is not incapacitated at the beginning of sexual activity, may, by virtue of alcohol or drug ingestion prior to or during the activity, reach a state of incapacitation as the activity continues and progresses. Persons who are sleeping or completely passed out are incapacitated.

Factors that can influence a person's status include body composition; tolerance for alcohol and other drugs; amount and type of alcohol or other drugs consumed, and the mixture taken; amount of food intake prior to consumption; genetics; and propensity for blacking out. A memory lapse regarding an incident is not, in itself, conclusive evidence of incapacitation. Alcohol-induced memory lapses, sometimes called "blackouts," are common. Such memory lapses, or blackouts, do not involve a loss of consciousness. An individual who is unable to form long-term memories of the incident has experienced a memory lapse; that individual may have been able to walk and talk and consent to sexual activity at the time of the incident.

When there is a determination of incapacitation, two additional questions are relevant: First, did the person initiating sexual activity know that the other party was incapacitated? If the answer to the first question is "No," ask: Should a sober, reasonable person in the same situation have known that the other party was incapacitated? If the answer to either question is "Yes," consent was absent and the conduct is likely a violation of this Policy.

## **REPORTING AND OTHER RESOURCES**

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

#### Title IX Coordinator

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

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

Office: Slavin 203

James.Campbell@providence.edu

Title IX Deputy Coordinator

Quincy Bevely; Assistant Dean of Students, Director of Cultural Education  
Direct: (401) 865-1525; Administrative/Scheduling: (401) 865-1782  
Office: Slavin 104  
qbevely@providence.edu

Title IX Deputy Coordinator

Tiffany Gaffney, Associate Dean of Students  
Direct: (401) 865-2191; Administrative/Scheduling: (401) 865-1782  
Office: Slavin 104  
tgaffne1@providence.edu

Title IX Deputy Coordinator

Dr. Deborah Johnson, Professor of Art  
Direct: (401) 865-2187  
Office: Hunt-Cavanagh 205  
doctorj@providence.edu

Title IX Deputy Coordinator

Dr. Sandra Keating, Associate Professor of Theology, Director DWC Program  
Direct: (401) 865-2230  
Office: Ruane 232  
skeating@providence.edu

Title IX Deputy Coordinator

Jill La Point, Assistant VP/Deputy Athletic Director/Senior Woman Administrator  
Direct: (401) 865-2588; Administrative/Scheduling: (401) 865-2265  
Office: 216 Alumni Hall  
jlapoint@providence.edu

Title IX Deputy Coordinator

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

Title IX Deputy Coordinator

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

Title IX Deputy Coordinator

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

### Title IX Deputy Coordinator

Stanley Vieira; Director of Citizenship & Off-Campus Life

Direct: (401) 865-2428; Administrative/Scheduling: (401) 865-2392

Office: Slavin 105

svieira@providence.edu

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

Personal Counseling Center - 401-865-2343; After Hours 401-865-1333

Office of the Chaplain - 401-865-2216; After Hours 401-865-1333

VASE (Victim Advocacy, Support, & Education) Coordinator - 401-865-1177

Student Health Center - 401-865-2422

Confidential Resources Answering Service - 401-865-1333

### **Additional Campus & Community Resources:**

Department of Public Safety - 401-865-2222 (Emergency); 401-865-2391 (General);

Huxley Ave Gate

Office of the Dean of Students - 401-865-1782; Slavin 102

Office of Residence Life - 401-865-2392; Slavin 105

Residence Life On-Call Representative - 401-639-9110

Office of Human Resources – 401-865-2987; Harkins 302

Day One: The Sexual Assault & Trauma Resource Center - 1-800-494-8100 (24 hour helpline); 401-421-4100 (General)

Women & Infants Hospital - 401-274-1100 (General); 401-274-1750 (Emergency)

Rhode Island Hospital - 401-444-4000 (General); 401-444-5411 (Emergency)

Providence Police Department - Emergency: 911; General: (401) 272-3121

Special Victims Unit: (401) 243-6331; Law Enforcement Advocate: (401) 243-6338

### **Anyone may file a complaint with the Federal Office for Civil Rights:**

U.S. Department of Education, 5 Post Office Square, Boston, MA 02109-3921

617-289-0111; Fax 617-289-0150; TDD: 877-521-2172

Email: OCR.Boston@ed.gov

## **PROCEDURES**

### **KEY DEFINITIONS AND ROLE DESCRIPTIONS**

**A. Advisor.** Complainants and respondents may each identify one Advisor for support and consultation during any related meetings or proceedings.

**Who:** In sexual misconduct or relationship violence cases only, an Advisor can be ANYONE from within the College or outside the College, including an attorney. No restrictions apply; however, a person asked to serve as an Advisor may decline to serve. Knowledge of the grievance resolution process is important to the Advisor's role; therefore, an Advisor must participate in a brief orientation program as a condition for service in this capacity. College employees who provide confidential support services, or who have an actual or perceived conflict of interest, may decline to serve as an Advisor. An Advisor cannot also be a witness in an investigation and/or hearing. Even though complainants and respondents are not obligated to be accompanied by an Advisor at each stage of the disciplinary process, it is strongly recommended.

**What:** The Advisor's role is limited to providing support and consultation. The Advisor may not speak on behalf of a party nor actively participate in an investigation or proceeding; however, the Advisor may ask

for procedural clarifications before, during, or after meetings or proceedings, and the Advisor may ask for a brief break for the benefit of the advisee. The College reserves the right to remove any individual whose actions are disruptive to a meeting or proceeding. A party (i.e., a complainant or respondent) should select as an Advisor a person whose schedule allows attendance at the scheduled date and time of the meeting or proceeding because, normally, delays will not be allowed due to the scheduling conflicts of an Advisor. All communications regarding the case, including notices about meetings and proceedings, will take place between the College and each party. It is the choice and responsibility of each party to notify the Advisor of any communications.

**B. Community Standards Hearing Board.** The three-member group of trained individuals authorized by the director of community standards to determine whether the respondent is “responsible” or “not responsible” for violating the Policy, and thus the Code of Conduct. The Hearing Board is drawn from the Hearing Board Pool and is comprised of faculty and staff/administrators. One member of the Hearing Board shall be appointed to serve as the Hearing Board Chair.

**C. Community Standards Hearing Board Pool.** Title IX Hearing Board members are volunteers drawn from the faculty and staff of the College. They receive annual training from the Office of the General Counsel and the Office of Community Standards.

**D. Complainant or Complaining Party.** The person who files a claim alleging victimization under this Policy. When a student or employee believes she/he has been a victim of another person’s misconduct, that person will have the same rights under the Policy as are provided to a complainant, even if another member of the College community submitted the actual complaint. When referenced together, the complainant and the respondent may be referred to as “the parties.”

**E. Employee.** Generally, an individual hired by the College to perform assigned duties. (IF there is a question as to the predominant category of the Respondent, the Title IX Coordinator will determine which procedures apply based on the facts and circumstances. For example, if the Respondent is a full-time employee but not a full-time student, Appendix B will apply.)

**F. Faculty.** Generally, an individual hired by the College to perform assigned duties as described in the Faculty handbook (includes instructors, part-time, full-time, tenured and tenure-track employees). Appendix C applies to employees in this category.

**G. Hearing Officer.** An individual assigned to decide whether a respondent is responsible or not responsible for a Policy violation.

**H. Interim Measures – Availability of Supportive Services.** Interim measures are actions the College can take at any point in time in order to help protect the safety and health of a person who has disclosed behavior that would constitute a violation of the Sexual Misconduct or Relationship Violence Policy. Such disclosure can be to a confidential resource (e.g., Personal Counseling Center, Student Health Center, V.A.S.E. coordinator, Chaplain), to a Title IX coordinator/deputy coordinator, or to the Department of Public Safety, and the reporter does not have to file any type of complaint in order to speak with a College official about the implementation of interim measures. Depending on the specific circumstances, remedial or protective measures taken on an interim basis may be modified; they also may be temporary or permanent. The College will promptly address violations of protective measures.

The College will maintain the privacy of any remedial or protective measures to the extent practicable. Types of interim supportive and protective measures that may be provided include medical and mental health services and referrals, academic accommodations, living accommodations, campus escort and transportation accommodations, work accommodations, suspension and other disciplinary action, and the

issuance of a No-Contact Directive. The College will make every effort to honor requests for interim measures if such changes are reasonably available. Students and employees may use the VAWA Visa and Immigration Resources for visa and immigration information as the College does not provide these legal services. The Department of Public Safety can help a complainant file an external complaint with law enforcement authorities

An employee-respondent may request interim measures. These may involve measures to support the employee's work effectiveness as well as his/her mental and physical health. These measures could involve reasonable workplace adjustments and/or referral to the Employee Assistance Program. Requests will be considered by the employee's supervisors, who will consult with other College officials as necessary.

**I. Member of the College Community.** The term "member of the College community" includes any person who is a student, faculty member, administrator/staff member, or any other person employed by the College. A person's status in a particular situation shall be determined by the Title IX Coordinator.

**J. No-Contact Directive.** A written document that informs the person to whom it is issued that certain conduct directed toward a specific person is prohibited and that violation of the Directive will result in disciplinary action.

**K. Reporter.** A person who informs a College official of a suspected violation of this Policy. This person does not have to be the alleged victim and may report the matter anonymously. A reporter may be a witness to the incident, a person to whom an alleged victim or an accused person tells about the incident, or a person who otherwise learns about the incident.

**L. Respondent or Responding Party.** Any student, or any student club, organization, team, or group, alleged to have violated this Policy and against whom a complaint has been filed. When referenced together, the complainant and respondent may be referred to as "the parties."

**M. Student.** All persons (other than faculty, staff, or administrators) who pay an acceptance fee, register, or take a course, whether or not for credit, either on a full-time or part-time basis, at Providence College. Persons approved to study in a domestic or foreign program, are students. For purposes of this Policy and its procedures, the following persons are students: persons who are registered for courses but withdraw after allegedly violating the Code; persons who are not officially enrolled for a particular term/semester but have a continuing relationship with the College; and, persons who have been accepted to the College and are participants in new/transfer student orientation. If there is a question as to the predominant category of the Respondent, the Title IX Coordinator will determine which procedures apply based on the facts and circumstances.

**N. Title IX of the Education Amendments of 1972.** Title IX is a federal law that protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." Title IX's sex discrimination prohibition protects against sexual and gender-based harassment, sexual violence or relationship violence, and extends to claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.

**O. Title IX Coordinator.** The College official charged with ensuring the College's overall compliance with Title IX and related College policy. The Coordinator is available to meet with any student, employee, or third party to discuss the College's policy and grievance resolution procedures. The Title IX Coordinator is assisted by Deputy Coordinators.



**P. VASE (Victim Advocacy, Support, and Education).** The VASE Coordinator is available to speak and meet with students who are seeking information and support on a confidential basis. The Coordinator can direct students to professional resources of aid, care, and recourse both on- and off-campus.

**Q. Witness.** A person who has relevant information about an alleged violation or attempted violation of this Policy.

## **RIGHTS PROVIDED TO, AND RESPONSIBILITIES OF, COMPLAINANTS AND RESPONDENTS**

Consistent with the search for truth is a process that treats complainants and respondents fairly, with due care for their well-being, and in a dignified manner. The following rights and responsibilities are applicable:

1. The right to bring a complaint, and to a prompt and thorough investigation and resolution, knowing that timeframes referenced in these procedures may be adjusted for good cause with written notice and an explanation to the parties;
2. The right to be treated with dignity, respect, and sensitivity throughout the process;
3. The right to receive, or be referred to, supportive services, and to receive assistance from the Department of Public Safety to file a criminal report, and to receive reasonably available interim remedial and protective measures;
4. The protection of one's privacy, with disclosures made on a need-to-know basis only and in accordance with legal requirements;
5. The protection against retaliation for making a good-faith report or participating in any proceeding under the Policy;
6. The responsibility to refrain from retaliating against anyone who makes a good-faith report or participates in any proceeding under the Policy;
7. The opportunity to have an Advisor of one's own choosing and the opportunity to have the Advisor attend any meeting or proceeding at which the party's presence is anticipated by these procedures;
8. The right to receive notice of meetings or proceedings at which the party's presence is anticipated by these procedures; the right to receive notice of any charges;
9. The responsibility to provide truthful information in connection with any report, investigation, or resolution of a complaint;
10. The right to have timely and equal access to information that will be used during the proceedings and related meetings;
11. The fair opportunity to provide information and to identify witnesses during an investigation;
12. The opportunity to challenge the impartiality of a Hearing Board member or Investigator;
13. The fair opportunity to provide relevant information – orally and/or in writing – during or as part of any proceeding to determine whether a respondent is responsible;
14. The right to refrain from providing incriminating statements during the investigation and/or any proceeding, knowing that the process will continue without delay with the information available;
15. The right to a reasonable and fair outcome, applying the preponderance of evidence standard of proof (i.e., Is it more likely than not that this Policy was violated?);
16. The right to be informed in writing of the outcome;
17. The opportunity to appeal the outcome for grounds specified in these procedures;
18. The right to expect that any sanctions are implemented and completed, and that any necessary follow-up, remedial actions are taken; and,
19. The right to be informed that information gathered by the College may be subpoenaed in criminal or civil proceedings and/or may be shared with law enforcement authorities.

## **PRELIMINARY EXCHANGE OF INFORMATION; HEALTH AND SAFETY ASSESSMENTS**

### **A. Intake Meeting and Subsequent Decisions**

The College is required by law and this Policy to investigate, to the extent possible, good-faith complaints of sexual misconduct when the behavior as it is reported would constitute a Policy violation. All reports of sexual misconduct or relationship violence (as defined in this Policy) made to a “responsible employee” (as defined in the College’s *Mandatory Reporting of Sexual Misconduct Policy*) must be shared in a timely manner by the employee (staff, administrator, faculty) with the Title IX Coordinator who will directly coordinate the College’s response to the report, or assign a Deputy Coordinator(s) to manage that responsibility, for the parties.<sup>3</sup> Once the College receives a report of a possible Policy violation, the Title IX Coordinator/Deputy Coordinator(s) will schedule Intake Meetings with the complainant and respondent (if known). Coordinators have separate Intake Meetings with the complainant and the respondent (if known), provide them with an Intake Letter and a copy of the Policy, review procedures, and inform them of available resources, support services, and options. Coordinators serve as the primary point of contact with the complainant and respondent going forward, and will provide periodic status updates to them. The complainant will be notified when the respondent is made aware of the complaint. If a written No-Contact Directive is issued to the respondent, the complainant will be notified and will be provided with a copy of the Directive.

After meeting with the complainant, the College will decide what steps must be taken, considering all the information available at the time. When the complainant reports prohibited conduct and requests an investigation and disciplinary action, the Coordinator will promptly initiate the resolution process.

If, due to lack of information or other compelling reasons, the College is unable to conduct a formal investigation, the complainant will be informed. Even if the College does not conduct a formal investigation, the College may take other steps to address and remediate the circumstances; these steps may include education and training, monitoring, systemic changes, interim and protective measures.

When the complainant reports prohibited conduct and requests anonymity (i.e., that no personally identifiable information be shared with the respondent), requests that an investigation not be conducted, and/or requests that no disciplinary action be taken, the College will seek to honor the complainant’s request(s) if it is possible to do so while also protecting the health and safety of the complainant and the College community. When the College determines that it cannot honor the complainant’s request(s), the Coordinator will notify the complainant that the College intends to proceed with an investigation to the extent possible, but that the complainant is not required to participate in the investigation or in any other actions or proceedings the College pursues.

### **B. Interim Remedial and Protective Measures**

This section of the procedures incorporates by reference Section III.A. (“Interim Measures – Availability of Supportive Services”) of the Policy. Additionally, at any point in time prior to the final resolution of charges, the Executive Director of Public Safety, Title IX Coordinator and/or the Associate Vice President/Dean of Students will consider, and are authorized to take, interim action of a protective and/or remedial nature including, but not limited to, interim suspension from all College programs and activities and/or issuance of a No-Contact Directive. Other possible interim measures in the form of limitations

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<sup>3</sup> If the reporting party (the complainant) is an employee (a member of the staff, administration, or faculty), two Title IX deputy coordinators will be assigned to the case – one for the student-respondent and one for the complainant.

imposed on the accused include but are not limited to: restricting access to certain areas or buildings on campus; modification of on-campus residential status; or, temporary suspension from participation in one or more College activities or programs, or from employment at the College.

The respondent may be placed on interim suspension when: a) the continued presence of the respondent on campus is deemed likely to interfere with the educational process or the orderly operation of the College; b) the continued presence of the respondent on campus is likely to endanger the health, safety, or welfare of the College community, or is objectively intimidating or threatening to another individual within the College community; or, c) the offense allegedly committed by the respondent is of such a serious nature as to adversely affect his/her suitability as a member of the College community. A respondent who has been placed on interim suspension has the right to an opportunity to present oral and written arguments to the Dean of Students (or designee) against the imposition of the suspension within five (5) days of the notice of suspension. If a respondent is placed on interim suspension, the formal resolution process should be completed as quickly as possible. The College will not reimburse a respondent for any expenses incurred during the interim suspension period. The College reserves the right to contact a parent/legal guardian of a student who has been placed on interim suspension.

The decision to place a student on interim suspension, or to impose restrictions (such as altering or suspending privileges, or altering or suspending access to specific College's programs or activities) for an interim period, shall be communicated in writing to the respondent, shall be effective immediately, and shall remain in effect until the conclusion of the disciplinary process unless it is revised or rescinded in writing.

The College may notify the community of the incident (without disclosing the complainant's identity to preserve privacy) in a Timely Warning-Crime Alert or Safety Advisory. Other steps meant to reduce or eliminate health or safety risks may be taken.

## **ADVISORS; PRIVACY**

### **A. Advisors**

Complainants and respondents may each identify one Advisor for support and consultation during any related meetings or proceedings. The parties will be provided with a list of trained advisors; however, parties may choose someone to serve as advisor who is not on this list.

**Who:** In sexual misconduct or relationship violence cases only, an Advisor can be ANYONE from within the College or outside the College, including an attorney. No restrictions apply; however, a person asked to serve as an Advisor may decline to serve. Knowledge of the grievance resolution process is important to the Advisor's role; therefore, an Advisor must participate in a brief orientation program as a condition for service in this capacity. College employees who provide confidential support services, or who have an actual or perceived conflict of interest, may decline to serve as an Advisor. An Advisor cannot also be a witness in an investigation, proceeding, and/or hearing. Even though complainants and respondents are not obligated to be accompanied by an Advisor at each stage of the disciplinary process, it is strongly recommended.

**What:** The Advisor's role is limited to providing support and consultation. The Advisor may not speak on behalf of a party nor actively participate in an investigation or proceeding; however, the Advisor may ask for procedural clarifications before, during, or after meetings or proceedings, and the Advisor may ask for a brief break for the benefit of the advisee. The College reserves the right to remove any individual whose actions are disruptive to a meeting or proceeding. A party (i.e., a complainant or respondent) should select as an Advisor a person whose schedule allows attendance at the scheduled date and time of the meeting or proceeding because, normally, delays will not be allowed due to the scheduling conflicts of an Advisor.

All communications regarding the case, including notices about meetings and proceedings, will take place between the College and each party. It is the choice and responsibility of each party to notify the Advisor of any communications.

### **B. Privacy and Confidentiality**

At the appropriate stage in the process, the complainant, respondent, advisors, and any witnesses will be notified of the potential for compromising the integrity of the investigation by disclosing information about the case, and they will be asked to pledge to maintain confidentiality. They also will be warned that, in most cases, disclosing information for purposes outside of the investigative process may be construed as retaliation. Retaliation of any kind is a severe and separate violation of the Policy and may lead to an additional complaint and consequences. The College will take reasonable steps to protect the privacy of all involved and will disclose information only to persons with a need for specific information regarding the complaint, its investigation and/or resolution. The obligation to maintain confidentiality excludes discussions with family, medical and mental health treatment providers, law enforcement authorities, spiritual counselors, attorneys, and advisors (as advisors are described in this Policy).

## **GRIEVANCE RESOLUTION PROCEDURES FOR REPORTS OF POLICY VIOLATIONS AGAINST STUDENTS**

### **“Informal Resolution” By The College**

Grievance procedures are intended to resolve a situation fairly, prevent further harassment (if it occurred), and mitigate harm. In cases involving claims of sexual harassment or gender bias, depending on the circumstances, an informal resolution may be considered. It is unlikely that an information resolution will be permitted in cases involved complaints of sexual assault as defined in this Policy. The complainant, the respondent, and the College must be in agreement that an informal resolution is appropriate, and the terms of the informal resolution must be agreed upon by the complainant, the respondent, and the College. An informal resolution is designed to officially resolve complaints in a fair, impartial, and prompt manner. At any time prior to the conclusion of the informal resolution process, the College or the complainant may decide to end the informal process and begin a formal resolution process, or the complainant may decide not to pursue either type of resolution.

The Deputy Coordinator(s), in consultation with other College officials as needed, determines whether an informal resolution may be appropriate; if so, the Coordinator(s) has a discuss with each party. Informal resolutions provide a path for addressing the situation at the most proximate level – as close to the source of concern – as possible. Factors relevant to the decision may include: the degree of severity of the reported behavior; whether the key facts are in dispute; an assessment of intent and impact; whether the information gathered thus far suggests that there is no policy violation; and, other key considerations. Common remedies and components include but are not limited to: explicit agreements about future conduct with post-resolution monitoring; third-party assistance to the complainant and the respondent to establish guidelines for future interactions; modifications to academic, living, transportation, and working situations; issuance of a No-Contact Directive and/or other protective measures; limitations placed upon the respondent regarding access to academic programs or activities, or access to specific spaces or buildings on campus; a written apology, which may include an explanation; educational programming for the respondent; or, other appropriate relief not resulting from a formal disciplinary process.

The College normally will conclude the informal resolution process within thirty (30) business days and will provide each party with an Outcome Letter. This timeframe may be extended for good cause, such as to account for College breaks or vacations, or other compelling reasons. In the event of an extension of this

timeframe, the Title IX Coordinator (or Deputy) will notify the parties in writing and provide the reason(s) for such extension.

If the respondent accepts responsibility for a Policy violation, in either an informal or formal process, the College may consider such matters in the context of a subsequent complaint against the respondent.

## **“Formal Resolution” By The College**

### **A. Timeframe – From Commencement of Investigation to Communication of Final Outcome (Excluding the Timeframe for an Appeal, if Any)**

The College normally will conclude the investigation and communicate the decision via the Final Outcome Letter to the parties within a sixty (60) day period of time. This timeframe may be extended for good cause. Although not all-inclusive, examples of circumstances that would support a ‘good-cause’ determination are: (a) law enforcement authorities are conducting a criminal investigation and gathering evidence regarding the incident, and they have formally asked the College to temporarily delay our investigation; (b) additional time is necessary to ensure the integrity and completeness of the investigation; (c) in order to accommodate the availability of witnesses; (d) in order to account for College breaks or vacations; (e) in order to account for complexities of a case (e.g., the number of witnesses and the volume of information provided by the parties); (f) in order to account for other legitimate reasons. In the event of an extension of this timeframe, the Title IX Coordinator/Deputy will notify the parties in writing and provide the reason(s) for such extension.

### **B. The Investigation**

The Title IX Coordinator/Deputy will notify each party in writing that an investigation will commence and will provide each party with important information about the investigation, including the identity of the investigator(s) and the prohibition against retaliation. The Title IX Coordinator/Deputy will inform other college officials of the investigation on a need-to-know basis. If the respondent is a Providence College student, the Department of Public Safety will commence, direct, and oversee the investigation. An Investigative Report will be prepared and submitted to the Director of Community Standards. The investigation will be impartial, equitable, adequate, and prompt.

The investigation is a neutral fact-gathering process that will include interviewing and obtaining statements, and other relevant information, from the complainant, the respondent, and witnesses, if any. The parties will have equal opportunity to submit factual and corroborating information – in any format or medium, including electronic records – and to identify witnesses who may have relevant information. The investigator(s) may visit relevant sites or locations and record observations through written, photographic, or other means. The investigator(s) may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. The College retains authority to investigate a complaint and issue finding against a student who voluntarily withdraws from, or otherwise leaves, the College.

The investigator(s) has discretion to determine the relevance of any information offered by the parties and to include or exclude certain types of information. Generally, investigator(s) will not consider statements of personal opinion over direct observations or reasonable inferences drawn from the facts, nor statements as to any party’s general reputation for any character trait.

If the complainant is unwilling to participate in one or more stages of the grievance resolution process, the College’s ability to present a case against the respondent may be compromised and its ability to discipline the respondent may be severely limited. The College will respect the complainant’s choices and continue

to provide support, no matter what she/he decides to do, and continue to investigate to the extent possible. If the respondent is unwilling to participate in the investigation and/or a subsequent proceeding, the grievance resolution process will continue with the information available. The Investigators will not draw any adverse inference from a decision by either of the parties not to participate.

Investigators conclude whether or not there is sufficient information to support charging the respondent with a Policy violation. The College retains authority to bring conduct charges against students who withdraw or are suspended from the College after an incident of sexual misconduct or relationship violence is claimed to have occurred. The College also may withhold a student's diploma when a report of sexual misconduct or relationship violence is pending.

### **C. Community Standards Procedures**

**1) Opportunity to Review the Preliminary Investigative Report.** After the investigation has been preliminarily concluded, the Office of Community Standards shall notify in writing the complainant and the respondent to provide them with an opportunity to review the Preliminary Investigative Report within two (2) business days of notification. Additionally, the Director of Community Standards will schedule a meeting with each of the parties to discuss the process, answer questions, and receive input. Each party will have the opportunity to respond in writing, within two (2) business days, to the Preliminary Report, and each party will have the opportunity to review the response of the other. If either or both of the responses identify information that, in the sole judgment of the Director of Community Standards (or designee), merit further inquiry, the Office of Community Standards will direct the investigators to follow up on this information. In that event, the subsequent iteration of the report, in the sole judgment of the Director of Community Standards (or designee), shall be the final version of the Investigative Report. If there is no further inquiry directed, the Report, with any responses submitted by the parties, will be deemed complete and final.

**2) Notification of Charges, if Any, Hearing Date and Opportunity to Review Information.** Once the report is final, within five (5) business days, the Office of Community Standards shall notify in writing the respondent and complainant of all charges, if any. If the Director of Community Standards decides not to file charges, the parties shall be notified. If a decision is made to file charges, the respondent and complainant shall receive reasonable notice of the date, time, and location of the hearing (at least 5 business days in advance). Also at this time, the parties will be provided with an opportunity to review the Investigative Report, any other information that will be made available to the Hearing Board (except as otherwise prohibited by FERPA), and the names of the Hearing Officers. The parties may file a written challenge to a Hearing Officer based on a conflict of interest or bias (this challenge must be substantiated and factual). The Director of Community Standards (or designee) will decide whether or not a challenge has merit and then communicate the decision in writing to the parties.

Typically, the sole witness at the hearing will be the investigator; however, the Director of Community Standards (or designee), in his/her sole discretion, reserves the right to determine that there is a compelling need to call one or more additional witnesses.

Cases in which more than one student is charged with violating the same Code section(s) and which depend on common information may, at the discretion of the Director of Community Standards, either be considered jointly in a single consolidated hearing or be assigned to separate, individual hearings. If charged students do not voluntarily waive their right to privacy, the hearing shall not be consolidated.

### **3) Hearing Procedures**

- a) The College may determine that it is necessary to make accommodations to alleviate concerns and fears regarding confrontation during hearings.
- b) Each party may choose to attend or not to attend the hearing. If a party who has participated in the investigation chooses not to attend the hearing, he/she may submit an opening and/or closing statement in writing for the Board to consider.
- c) The hearing shall be closed to persons other than those who are directly involved. The complainant, the respondent, and their respective advisors, if any, shall be allowed to attend the entire portion of the hearing at which information is received (excluding deliberations). Witnesses are permitted to attend the hearing only when they are providing information.
- d) Hearings are internal to the College and are not an extension of any external judicial system. Procedures are fundamentally fair to students and are notably different from those used in a civil or criminal proceeding. Witnesses will provide information directly to, and answer questions from, the Board.
- e) In consultation with the Director of Community Standards/Protector of the Process, the Board Chair shall resolve any questions of procedure arising during the Hearing. The Chair may disallow any questions that are irrelevant, redundant, or improper, and may reframe any question.
- f) Information either party wishes to be considered by the Hearing Board must be submitted to the investigator(s) during the investigative process. In the absence of good cause, as determined by the Chair in consultation with the Director of Community Standards/Protector of the Process, the parties will not be permitted to provide documents, items, or other information, or names of potential witnesses, at the hearing that were not provided to the investigator(s) during the investigation.
- g) Questions as to whether new information will be received shall be resolved at the discretion of the Chair in consultation with the Director of Community Standards/Protector of the Process. If the Chair determines that unresolved issues exist that would be clarified by the presentation of new information, the Hearing may be suspended and reconvened in a timely manner to receive such additional information.
- h) The sexual history of either party will not be used to prove character or reputation. Further, information about an individual's sexual history and practices generally is not relevant to the determination of a Policy violation and will be considered only when it is determined that the information is directly relevant to the claims and essential to fair resolution of the matter. For example, if the existence of consent is at issue, sexual history between the parties may be relevant to help understand the manner and nature of communications between them and the context of the relationship because it may be relevant as to whether consent was sought and given during the incident in question. Yet, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Additionally, prior sexual history may be relevant to explain the presence of physical injury or to help resolve another question raised by the sexual assault report. Investigators determine the relevance of such information and both parties will be informed if information about prior sexual history is deemed relevant.
- i) After the Board has concluded its questioning, the parties may suggest questions to be answered by the investigator. The Board Chair, in consultation with the Director of Community Standards/Protector of the Process, will review suggested questions. The Chair may disallow any questions that are irrelevant, redundant, or improper, and may reframe any question.

j) After all witnesses have provided information, the respondent and the complainant may make or submit a closing statement and request a short recess to prepare it.

k) Following closing statements (if any) from the parties, the parties and their advisors will be dismissed and the Board will begin the process of deliberation.

l) There will be a single verbatim record, such as a tape recording, of the Board Hearing (excluding deliberation). The audio recording is created for two limited purposes only: for reference by the Hearing Board during deliberations and for review by the Appeals Officer during an appeal. No other recordings of Hearings are allowed, and no other access to the recording is permitted. This recording, and all other records associated with the case, are the property of the College.

m) The standard of proof for determining whether the respondent violated the Code of Conduct for all hearings is a preponderance of evidence. If the respondent is found responsible by a majority of the Hearing Officers, the Director of Community Standards/Protector of the Process, who is a non-participating attendee of the Hearing and deliberations, shall determine the sanction(s).

n) Within five (5) business days of the conclusion of deliberations, the parties will receive via email “Final Outcome Letters”; the Letters will notify the parties of the outcome and the rationale, and the right to appeal for specified grounds. Additionally, the complainant shall be notified of any sanction imposed against the respondent that has an impact on the complainant; the Family Educational Rights and Privacy Act of 1974, as amended (FERPA), permits disclosure of this information.

o) Students found to have violated this Policy will receive appropriate, fair, and timely sanctions, and the full range of sanctions outlined in the Student Handbook for Code of Conduct violations may be imposed. Possible sanctions include: dismissal; suspension; revocation or withholding of degree; deferred suspension; deferred or actual disciplinary probation, or disciplinary warning; and, other sanctions such as community service, educational assignment, loss or denial of certain privileges, residence hall suspension, community mentor assignment, parental notification, and restitution. Sanctions are imposed with the goal of eliminating prohibited conduct, preventing its recurrence, and remedying its effects, while supporting the College’s educational mission and legal obligations. Sanctions may include educational, restorative, rehabilitative, and punitive components.

## **I. Opportunity and Grounds for Appeal**

**1) Grounds for Appeal.** The respondent and the complainant have the right to appeal a finding based on one or more of the 3 grounds specified below to the Vice President for Student Affairs (or designee). An appeal must clearly argue one or more of the following grounds:

1. Procedural Error – The departure from designated procedures resulted in significant prejudice, thereby adversely affecting the outcome.
2. New Information – Information or relevant facts that would have altered the decision were not presented during the investigation because such information or facts were not known and were not reasonably available to the person appealing the decision at the time of the investigation.
3. Excessive or Inappropriate Sanction – The sanction imposed is either excessive or not appropriate for the violation.

**2) Procedures for Appeals.** Within five (5) business days of the emailing of the Final Outcome Letter(s), either the respondent or the complainant may submit a written appeal to the appellate officer specified in the Letter. The complainant and respondent may review the appellate letter and submit a written response within three (3) business days of the notification that an appeal has been filed. The appeals officer may



decide the appeal based on a separate meeting with each party, a meeting with the investigator(s) and other officials involved in the case, and/or written submissions and the case file. The respondent and the complainant will receive via email an Appeal(s) Outcome Letter within ten (10) business days of the filing of the last filed appeal. The appeals officer has authority to grant or deny the appeal(s), to modify the findings and/or sanctions, or to remand the case for further proceedings as directed.

If the appellate officer affirms a finding of “not responsible,” the decision is final. If the appellate office affirms a finding of “responsible” and the sanction, the decision is final; however, a sanction of dismissal from the College **only** may be appealed in writing, within five (5) business days of the emailing of the Appeals Outcome Letter to the Executive Vice President (“EVP”). The complainant may review the respondent’s appeal letter and submit a written response within three (3) business days of the notification that an appeal has been filed. The EVP may decide the appeal based on a separate meeting with each party and/or written submissions and the case file. The parties will receive via email a Dismissal Appeal Outcome Letter within ten (10) business days of receipt of the appeal. The decision of the EVP (or designee) is final.

### **Records**

In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), as amended, conduct records are part of a student’s educational record. The Office of Student Conduct will maintain conduct records regarding the Sexual Misconduct or Relationship Violence Policy for seven (7) years after a student’s date of graduation or date of withdrawal. These records can be released with the student’s written consent or pursuant to federal and/or state law, or as otherwise required or permitted by law (e.g., a lawfully issued subpoena or judicial order). With a student’s written consent (e.g., records are needed for graduate school or transfer applications, prospective employers, governmental agencies), the college typically will report findings that resulted in a sanction of deferred suspension, suspension, or dismissal; and, if the student withdrew or otherwise left the College with a pending allegation of misconduct, the College will report that fact. A student’s disciplinary record may be shared with faculty, administrative staff, and other authorized employees and agents of the College who have a legitimate educational interest in the information, including but not limited to employees associated with study abroad, alcohol assessment referrals, and leadership assessments. The College’s FERPA Guidelines provide additional information about a student’s right to privacy and the disclosure of confidential records.

## **GRIEVANCE RESOLUTION PROCEDURES FOR REPORTS OF POLICY VIOLATIONS AGAINST STAFF/ADMINISTRATORS**

### **“Independent Course of Action” or “Informal Resolution” as Possible Resolution Options**

#### **A. Independent Course of Action**

The reporter-complainant will be assigned a Deputy Coordinator who will have a meeting with the reporter before any other meeting takes place. In addition to an informal or formal resolution option, there sometimes is a possible alternative, and first, option for resolving an issue. This option is referred to as an “Independent Course of Action.” Generally, sometimes persons who believe they are targets of behavior that is not objectively severe or pervasive, but relatively minor and infrequent in nature (for example, an inappropriate comment or joke of a sexual nature or gender-based), feel comfortable and safe addressing the behavior directly. Depending on the type and nature of the behavior reported, persons may decide to clearly communicate to the other person the specific nature of the unwelcome behavior and describe the impact of the behavior. The Deputy Coordinator can assist persons with language, talking points, and strategies for such communication.

For a variety of reasons, reporters may reject this option, and it would not be raised as a possible option when the behavior reported is objectively severe or pervasive. Particularly when there is a power differential, reporters may be reluctant to handle the situation themselves and the College would not require that they do so. If a reporter chooses this option, the Deputy Coordinator would follow-up with the reporter to ask about the interaction. If the reporter is satisfied with the outcome of the interaction, no further action is necessary. If the reporter is not satisfied with the outcome, the reporter will be informed by the Deputy Coordinator of the right to file a complaint seeking either an Informal Resolution or a Formal Resolution.

#### **B. “Informal Resolution” by the College**

Grievance procedures are intended to resolve a situation fairly, prevent further harassment (if it occurred), and mitigate harm. In cases involving claims of sexual harassment or gender bias, depending on the circumstances, an informal resolution may be considered. It is unlikely that an informal resolution will be permitted in cases involving complaints of sexual assault as defined in this Policy. The complainant, the respondent, and the College must be in agreement that an informal resolution is appropriate, and the terms of the informal resolution must be agreed upon by the complainant, the respondent, and the College. An informal resolution is designed to officially resolve complaints in a fair, impartial, and prompt manner. At any time prior to the conclusion of the informal resolution process, the College or the complainant may decide to end the informal process and begin a formal resolution process, or the complainant may decide not to pursue either type of resolution.

The Deputy Coordinator(s), in consultation with other College officials as needed, determines whether an informal resolution may be appropriate; if so, the Coordinator(s) has a discussion with each party. Informal resolutions provide a path for addressing the situation at the most proximate level – as close to the source of concern – as possible. Factors relevant to the decision may include: the degree of severity of the reported behavior; whether the key facts are in dispute; an assessment of intent and impact; whether the information gathered thus far suggests that there is no policy violation; and, other key considerations. Common remedies and components include but are not limited to: explicit agreements about future conduct with post-resolution monitoring; third-party assistance to the complainant and the respondent to establish guidelines for future interactions; modifications to academic, living, transportation, and working situations; issuance of a No-Contact Directive and/or other protective measures; limitations placed upon the respondent regarding access to programs or activities, or access to specific spaces or buildings on campus; a written apology, which may include an explanation; educational programming for the respondent, or other appropriate relief not resulting from a formal disciplinary process.

The College normally will conclude the informal resolution process within thirty (30) business days and will provide each party with an Outcome Letter. This timeframe may be extended for good cause, such as to account for College breaks or vacations, or other compelling reasons. In the event of an extension of this timeframe, the Title IX Coordinator (or Deputy) will notify the parties in writing and provide the reason(s) for such extension.

If the respondent accepts responsibility for a Policy violation, in either an informal or formal process, the College may consider such matters in the context of a subsequent complaint against the respondent.

## **“Formal Resolution” By The College**

### **A. Timeframe – From Commencement of Investigation to Communication of Final Outcome (Excluding the Timeframe for Appeals, if Any)**

The College normally will conclude the investigation and communicate the decision via the Final Outcome Letter to the parties within a sixty (60) day period of time. This timeframe may be extended for good cause. Although not all-inclusive, examples of circumstances that would support a ‘good-cause’ determination are: (a) law enforcement authorities are conducting a criminal investigation and gathering evidence regarding the incident, and they have formally asked the College to temporarily delay our investigation; (b) additional time is necessary to ensure the integrity and completeness of the investigation; (c) in order to accommodate the availability of witnesses; (d) in order to account for College breaks or vacations; (e) in order to account for complexities of a case (e.g., the number of witnesses and the volume of information provided by the parties); (f) in order to account for other legitimate reasons. In the event of an extension of this timeframe, the Title IX Coordinator/Deputy will notify each party in writing and provide the reason(s) for such extension.

### **B. The Investigation, Opportunity to Review the Preliminary Report, Submission of Final Report**

The Title IX Coordinator/Deputy Coordinator(s) will notify each party in writing that an investigation will commence and will provide each party with important information about the investigation, including the identity of the investigators and the prohibition against retaliation. The Title IX Coordinator(s) will inform other College officials of the investigation on a need-to-know basis. Complaints against staff/administrators will be investigated by a College Investigator and the Associate Vice President for Human Resources (or designee), or by two members of the Office of Human Resources, who have received annual training. Either party may file a written challenge to an investigator based on a conflict of interest or bias (any challenge must be substantiated and factual). In the event of a challenge, the Title IX Coordinator, in consultation with the Deputy Coordinator(s) assigned to the case, will decide whether or not a challenge has merit and then communicate the decision in writing to the parties. The investigation will be impartial, equitable, adequate, and prompt.

The investigation is a neutral fact-gathering and fact-finding process that will include interviewing and obtaining statements, and other relevant information, from the complainant, the respondent, and witnesses, if any. The parties will have equal opportunity to submit factual and corroborating information – in any format or medium, including electronic records – and to identify witnesses who may have relevant information. The investigators may visit relevant sites or locations and record observations through written, photographic, or other means. The investigators may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. The College retains authority to investigate a complaint and issue findings against an employee who voluntarily resigns from, or otherwise leaves, the College.

Investigators have discretion to determine the relevance of any information offered by the parties and to include or exclude certain types of information. Generally, investigators will not consider statements of personal opinion over direct observations or reasonable inferences drawn from the facts, nor statements as to any party’s general reputation for any character trait.

The sexual history of either party will not be used to prove character or reputation. Further, information about an individual’s sexual history and practices generally is not relevant to the determination of a Policy violation and will be considered only when it is determined that the information is directly relevant to the

claims and essential to fair resolution of the matter. For example, if the existence of consent is at issue, sexual history between the parties may be relevant to help understand the manner and nature of communications between them and the context of the relationship because it may be relevant as to whether consent was sought and given during the incident in question. Yet, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Additionally, prior sexual history may be relevant to explain the presence of physical injury or to help resolve another question raised by the sexual assault report. The investigators will determine the relevance of such information and both parties will be informed if information about prior sexual history is deemed relevant.

If the complainant is unwilling to participate in one or more stages of the grievance resolution process, the College's ability to present a case against the respondent may be compromised and its ability to discipline the respondent may be severely limited. The College will respect the complainant's choices and continue to provide support, no matter what she/he decides to do, and continue to investigate to the extent possible. If the respondent is unwilling to participate in the investigation and/or a subsequent proceeding, the grievance resolution process will continue with the information available. The investigators will not draw any adverse inference from a decision by either of the parties not to participate.

The investigators will prepare a Preliminary Investigative Report, and the parties will be notified in writing that they have an opportunity to review the report within two (2) business days of such notification. The parties will have the opportunity to respond in writing, within two (2) business days, to the report, and each party will have the opportunity to review the response of the other. If either or both of the responses identify information that, in the sole judgment of the Title IX Coordinator (or designee), merit further inquiry, the Coordinator will direct the investigators to follow up on this information. In that event, the subsequent iteration of the report, in the sole judgment of the Title IX Coordinator (or designee), shall be the final version of the Investigative Report. If there is no further inquiry directed, the Report, with any responses, will be deemed complete and final.

The final version of the Investigative Report will conclude whether or not there is sufficient information to support a finding that the respondent violated the Policy. The standard of proof for determining whether the respondent violated the Policy is a preponderance of evidence. When the respondent is a member of the staff or administration, the Report and the responses provided by the parties (if any), will be submitted to the Title IX Coordinator and to the respondent's divisional vice president, except that when the divisional vice president also is the College's Executive Vice President, the report will be submitted to the Provost and Senior Vice President for Academic Affairs ("Provost").<sup>4</sup> The parties will have an opportunity to review the Investigative Report and responses (if any).

If the respondent accepts responsibility for a Policy violation, the College may consider which matters in the context of a subsequent complaint against the respondent.

### **C. Outcome Notification**

Within five (5) business days of receipt of the Investigative Report, the divisional vice president (or Provost) will: determine whether there was a violation of College policy; take prompt and effective corrective action as necessary; and inform in writing (electronic mail) the complainant and the respondent of the disposition of the complaint via "Final Outcome Letters." The Letters will notify the parties of the outcome and the rationale, and the opportunity to appeal. The complainant shall be notified of any sanction imposed against the respondent that has an impact on the complainant.

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<sup>4</sup> If a divisional vice president (as referenced in this section) also is the respondent in the case, the College's Executive Vice President will receive the Investigative Report, decide whether or not Policy has been violated, and issue Final Outcome Letters.

If the employee is found “responsible” by a preponderance of evidence (i.e., there is a reasonable basis upon which to believe that the Policy has been violated), the divisional vice president (or Provost) will issue appropriate sanctions under the circumstances. Sanctions may include: dismissal; suspension; probation; written reprimand; and/or other sanctions with educational, restorative, rehabilitative, and punitive components. Sanctions are imposed with the goal of eliminating prohibited conduct, preventing its recurrence, and remedying its effects, while supporting the College’s educational mission and legal obligations.

## **Opportunity, Grounds, and Procedures for Appeals**

### **A. Grounds for Appeals**

The respondent and the complainant have the right to appeal a finding based on one or more of the following grounds:

1. Procedural Error – The departure from designated procedures resulted in significant prejudice, thereby adversely affecting the outcome.
2. New Information – Information or relevant facts that would have altered the decision were not presented during the investigation because such information or facts were not known and were not reasonably available to the person appealing the decision at the time of the investigation.
3. Excessive or Inappropriate Sanction – The sanction imposed is either excessive or not appropriate for the violation.

### **B. Procedures for Appeals**

Within five (5) business days of receipt of the Final Outcome Letter, a clearly argued appeal letter may be submitted to the Chair of the Appeals Committee, as specified in the Outcome Letter. The Appeals Committee will consist of 3 trained members of the staff/administration. Either party may file a written challenge to a committee member(s) based on a conflict of interest or bias (this challenge must be substantiated and factual). The Title IX Coordinator, in consultation with the Deputy Coordinator(s) assigned to the case, will decide whether or not a challenge has merit and then communicate the decision in writing to the parties.

The complainant and respondent may review the appellate letter and submit a written response within three (3) business days of the notification that an appeal has been filed. The Appeals Committee may decide the appeal based on a separate meeting with each party, a meeting with the investigators, a meeting with the divisional vice president (or Provost), and/or written submissions and the case file. The Committee will deliberate privately to determine whether sufficient information exists to affirm the decision of, and any sanction imposed by, the divisional vice president (or Provost). The Appeals Committee will send an Appeal(s) Outcome Letter to the parties within ten (10) business days of the filing of the last filed appeal.

If the Appeals Committee affirms the divisional vice president’s (or Provost’s) decision, the decision is final; however, a written appeal as to a sanction of termination only may be submitted to the Executive Vice President (“EVP”). With respect to appellate grounds 1) and 2) above, if the Appeals Committee (majority) finds either one has merit, they may remand the case to the divisional vice president (or Provost) for reconsideration; once remanded, the divisional vice president (or Provost) may take actions necessary to assure a fair and adequate process, and such action, if any, shall be communicated to the parties within five (5) business days of receipt of the remand.

If the Appeals Committee remands the case to the divisional vice president (or Provost) for reconsideration of the sanction (the third ground for appeal), the divisional vice president (or Provost) may or may not

modify his/her decision based on the recommendation of the Appeals Committee. If the recommendation of the Appeals committee goes to the sanction and the divisional vice president (or Provost) does not adopt the recommendation, the Appeals Committee, by unanimous vote only, and with a detailed rationale, can modify the divisional vice president's (or Provost's) sanction. Such decision is final and shall be communicated in writing to the parties within five (5) business days of receipt of the divisional vice president's (or Provost's) sanction decision (in response to the remand).

If a decision to terminate is appealed in writing to the EVP, the complainant has the opportunity to review the appeal letter and respond in writing within three (3) business days of notification that an appeal has been filed. The EVP (or designee) may decide the appeal based on a separate meeting with each party and/or written submissions and the case file. The parties will be notified of the final appeal decision in writing (Termination Appeal Outcome Letter) within ten (10) business days of receipt of the appeal. The decision of the EVP (or designee) is final.

### **Records**

Records regarding Informal Resolutions and Formal Investigations shall be securely maintained in the office of the Title IX Coordinator and in the Office of Human Resources for a period of seven (7) years from the date of final resolution. Records can be released outside the College pursuant to federal and/or state law, or as otherwise required or permitted by law (e.g., a lawfully issued subpoena or judicial order).

## **GRIEVANCE RESOLUTION PROCEDURES FOR REPORTS OF POLICY VIOLATIONS AGAINST FACULTY**

### **“Independent Course of Action” or “Informal Resolution” as Possible Resolution Options**

#### **A. Independent Course of Action**

The reporter-complainant will be assigned a Deputy Coordinator who will have a meeting with the reporter before any other meeting takes place. In addition to an informal or formal resolution option, there sometimes is a possible alternative, and first, option for resolving an issue. This option is referred to as an “Independent Course of Action.” Generally, sometimes persons who believe they are targets of behavior that is not objectively severe or pervasive, but relatively minor and infrequent in nature (for example, an inappropriate comment or joke of a sexual nature or gender-based), feel comfortable and safe addressing the behavior directly. Depending on the type and nature of the behavior reported, persons may decide to clearly communicate to the other person the specific nature of the unwelcome behavior and describe the impact of the behavior. The Deputy Coordinator can assist persons with language, talking points, and strategies for such communication.

For a variety of reasons, reporters may reject this option, and it would not be raised as a possible option when the behavior reported is objectively severe or pervasive. Particularly when there is a power differential, reporters may be reluctant to handle the situation themselves and the College would not require that they do so. If a reporter chooses this option, the Deputy Coordinator would follow-up with the reporter to ask about the interaction. If the reporter is satisfied with the outcome of the interaction, no further action is necessary. If the reporter is not satisfied with the outcome, the reporter will be informed by the Deputy Coordinator of the right to file a complaint seeking either an Informal Resolution or a Formal Resolution.

## **B. Informal Resolution by the College**

Grievance procedures are intended to resolve a situation fairly, prevent further harassment (if it occurred), and mitigate harm. In cases involving claims of sexual harassment or gender bias, depending on the circumstances, an informal resolution may be considered. It is unlikely that an informal resolution will be permitted in cases involving complaints of sexual assault as defined in this Policy. The complainant, the respondent, and the College must be in agreement that an informal resolution is appropriate, and the terms of the informal resolution must be agreed upon by the complainant, the respondent, and the College. An informal resolution is designed to officially resolve complaints in a fair, impartial, and prompt manner. At any time prior to the conclusion of the informal resolution process, the College or the complainant may decide to end the informal process and begin a formal resolution process, or the complainant may decide not to pursue either type of resolution.

The Deputy Coordinator(s), in consultation with other College officials as needed, determines whether an informal resolution may be appropriate; if so, the Coordinator(s) has a discussion with each party. Informal resolutions provide a path for addressing the situation at the most proximate level – as close to the source of concern – as possible. Factors relevant to the decision may include: the degree of severity of the reported behavior; whether the key facts are in dispute; an assessment of intent and impact; whether the information gathered thus far suggests that there is no policy violation; and, other key considerations. Common remedies and components include but are not limited to: explicit agreements about future conduct with post-resolution monitoring; third-party assistance to the complainant and the respondent to establish guidelines for future interactions; modifications to academic, living, transportation, and working situations; issuance of a No-Contact Directive and/or other protective measures; limitations placed upon the respondent regarding access to programs or activities, or access to specific spaces or buildings on campus; a written apology, which may include an explanation; educational programming for the respondent; or other appropriate relief not resulting from a formal disciplinary process.

The College normally will conclude the informal resolution process within thirty (30) business days and will provide each party with an Outcome Letter. This timeframe may be extended for good cause, such as to account for College breaks or vacations, or other compelling reasons. In the event of an extension of this timeframe, the Title IX Coordinator (or Deputy) will notify the parties in writing and provide the reason(s) for such extension.

If the respondent accepts responsibility for a Policy violation, in either an informal or formal process, the College may consider such matters in the context of a subsequent complaint against the respondent.

## **“Formal Resolution” By The College**

### **A. Timeframe – From Commencement of Investigation to Communication of Final Outcome (Excluding the Timeframe for Appeals, if Any)**

The College normally will conclude the investigation and communicate the decision via the Final Outcome Letter to the parties within a sixty (60) day period of time. This timeframe may be extended for good cause. Although not all-inclusive, examples of circumstances that would support a ‘good-cause’ determination are: (a) law enforcement authorities are conducting a criminal investigation and gathering evidence regarding the incident, and they have formally asked the College to temporarily delay our investigation; (b) additional time is necessary to ensure the integrity and completeness of the investigation; (c) in order to accommodate the availability of witnesses; (d) in order to account for College breaks or vacations; (e) in order to account for complexities of a case (e.g., the number of witnesses and the volume of information provided by the parties); (f) in order to account for other legitimate reasons. In the event of an extension

of this timeframe, the Title IX Coordinator/Deputy will notify each party in writing and provide the reason(s) for such extension.

**B. The Investigation, Opportunity to Review the Preliminary Report, Submission of Final Report**

The Title IX Coordinator/Deputy Coordinator(s) will notify each party in writing that an investigation will commence and will provide each party with important information about the investigation, including the identity of the investigators and the prohibition against retaliation. The Title IX Coordinator(s) will inform other College officials of the investigation on a need-to-know basis. Complaints against faculty will be investigated by the Dean of the School to which the respondent belongs (Arts and Sciences, Business, Professional Studies, or Continuing Education) and a College Investigator, who have received annual training. Either party may file a written challenge to an investigator based on a conflict of interest or bias (any challenge must be substantiated and factual). In the event of a challenge, the Title IX Coordinator, in consultation with the Deputy Coordinator(s) assigned to the case, will decide whether or not a challenge has merit and then communicate the decision in writing to the parties. The investigation will be impartial, equitable, adequate, and prompt.

The investigation is a neutral fact-gathering and fact-finding process that will include interviewing and obtaining statements, and other relevant information, from the complainant, the respondent, and witnesses, if any. The parties will have equal opportunity to submit factual and corroborating information – in any format or medium, including electronic records – and to identify witnesses who may have relevant information. The investigators may visit relevant sites or locations and record observations through written, photographic, or other means. The investigators may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. The College retains authority to investigate a complaint and issue findings against an employee who voluntarily resigns from, or otherwise leaves, the College.

Investigators have discretion to determine the relevance of any information offered by the parties and to include or exclude certain types of information. Generally, investigators will not consider statements of personal opinion over direct observations or reasonable inferences drawn from the facts, nor statements as to any party's general reputation for any character trait.

The sexual history of either party will not be used to prove character or reputation. Further, information about an individual's sexual history and practices generally is not relevant to the determination of a Policy violation and will be considered only when it is determined that the information is directly relevant to the claims and essential to fair resolution of the matter. For example, if the existence of consent is at issue, sexual history between the parties may be relevant to help understand the manner and nature of communications between them and the context of the relationship because it may be relevant as to whether consent was sought and given during the incident in question. Yet, even in the context of a relationship, consent to one sexual act does not, by itself, constitute consent to another act, and consent on one occasion does not, by itself, constitute consent on a subsequent occasion. Additionally, prior sexual history may be relevant to explain the presence of physical injury or to help resolve another question raised by the sexual assault report. The investigators will determine the relevance of such information and both parties will be informed if information about prior sexual history is deemed relevant.

If the complainant is unwilling to participate in one or more stages of the grievance resolution process, the College's ability to present a case against the respondent may be compromised and its ability to discipline the respondent may be severely limited. The College will respect the complainant's choices and continue to provide support, no matter what she/he decides to do, and continue to investigate to the extent possible. If the respondent is unwilling to participate in the investigation and/or a subsequent proceeding, the



grievance resolution process will continue with the information available. The investigators will not draw any adverse inference from a decision by either of the parties not to participate.

The investigators will prepare a Preliminary Investigative Report, and the parties will be notified in writing that they have an opportunity to review the report within two (2) business days of such notification. The parties will have the opportunity to respond in writing, within two (2) business days, to the report, and each party will have the opportunity to review the response of the other. If either or both of the responses identify information that, in the sole judgment of the Title IX Coordinator (or designee), merit further inquiry, the Coordinator will direct the investigators to follow up on this information. In that event, the subsequent iteration of the report, in the sole judgment of the Title IX Coordinator (or designee), shall be the final version of the Investigative Report. If there is no further inquiry directed, the Report, with any responses, will be deemed complete and final.

The final version of the Investigative Report will conclude whether or not there is sufficient information to support a finding that the respondent violated the Policy. The standard of proof for determining whether the respondent violated the Policy is a preponderance of evidence. When the respondent is a member of the faculty, the report and the responses provided by the parties (if any), will be submitted to the Title IX Coordinator and to the Provost and Senior Vice President for Academic Affairs (“Provost”). The parties will have an opportunity to review the Investigative Report and responses (if any).

If the respondent accepts responsibility for a Policy violation, the College may consider such matters in the context of a subsequent complaint against the respondent.

### **C. Outcome Notification**

Within five (5) business days of receipt of the Investigative Report, the Provost will: determine by a preponderance of evidence whether there was a violation of College policy; take prompt and effective corrective action as necessary; and inform in writing (electronic mail) the complainant and the respondent of the disposition of the complaint via “Final Outcome Letters.” The Letters will notify the parties of the outcome and the rationale, and the opportunity to appeal. The complainant shall be notified of any sanction imposed against the respondent that has an impact on the complainant.

If the faculty member is found “responsible” (i.e., there is a reasonable basis upon which to believe that the Policy has been violated), the Provost will issue appropriate sanctions under the circumstances. Sanctions may include: dismissal; suspension; probation; written reprimand; and/or other sanctions with educational, restorative, rehabilitative, and punitive components. Sanctions are imposed with the goal of eliminating prohibited conduct, preventing its recurrence, and remedying its effects, while supporting the College’s educational mission and legal obligations.

## **Opportunity, Grounds, and Procedures For Appeals**

### **A. Grounds for Appeals**

The respondent and the complainant have the right to appeal a finding based on one or more of the following grounds:

1. Procedural Error – The departure from designated procedures resulted in significant prejudice, thereby adversely affecting the outcome.
2. New Information – Information or relevant facts that would have altered the decision were not presented during the investigation because such information or facts were not known and were not reasonably available to the person appealing the decision at the time of the investigation.

3. Excessive or Inappropriate Sanction – The sanction imposed is either excessive or not appropriate for the violation.

## **B. Procedures for Appeals**

Within five (5) business days of receipt of the Final Outcome Letter, a clearly argued appeal letter may be submitted to the Chair of the Appeals Committee, as specified in the Outcome Letter. The Appeals Committee will consist of 3 trained members of the tenured faculty. Either party may file a written challenge to a Committee member(s) based on a conflict of interest or bias (this challenge must be substantiated and factual). The Title IX Coordinator, in consultation with the Deputy Coordinator(s) assigned to the case, will decide whether or not a challenge has merit and then communicate the decision in writing to the parties. To help assure that there are 3 faculty members available at any given time and in the event that a challenge is made and granted, a pool of 6 members will be identified – 3 faculty based on recommendations from the faculty-senate, and 3 faculty based on recommendations from the Provost.

The complainant and respondent may review the appellate letter and submit a written response within three (3) business days of the notification that an appeal has been filed. The Appeals Committee may decide the appeal(s) based on a separate meeting with each party, a meeting with the investigators, a meeting with the Provost, and/or written submissions and the case file. The Committee will deliberate privately to determine whether sufficient information exists to affirm the decision of, and any sanction imposed by, the Provost. The Appeals Committee will send an Appeal(s) Outcome Letter to the parties within ten (10) business days of the filing of the last filed appeal.

If the Appeals Committee affirms the Provost’s decision, the decision is final; however, a written appeal as to a sanction of termination only may be submitted to the Executive Vice President (“EVP”). With respect to appellate grounds 1) and 2) above, if the Appeals Committee (majority) finds either one has merit, they may remand the case to the Provost for reconsideration; once remanded, the Provost may take actions necessary to assure a fair and adequate process, and such action, if any, shall be communicated to the parties within five (5) business days of receipt of the remand.

If the Appeals Committee remands the case to the Provost for reconsideration of the sanction (the third ground for an appeal), the Provost may or may not modify his/her decision based on the recommendation of the Appeals Committee. If the recommendation of the Committee goes to the sanction and the Provost does not adopt the recommendation, the Appeals Committee, by unanimous vote only, and with a detailed rationale, can modify the Provost’s sanction. Such decision is final and shall be communicated in writing to the parties within five (5) business days of the receipt of the Provost’s sanction decision (in response to the remand).

If a decision to terminate is appealed in writing to the EVP, the complainant has the opportunity to review the appeal letter and respond in writing within three (3) business days of notification that an appeal has been filed. The EVP (or designee) may decide the appeal based on a separate meeting with each party and/or written submissions and the case file. The parties will be notified of the final appeal decision in writing (Termination Appeal Outcome Letter) within ten (10) business days of receipt of the appeal. The decision of the EVP (or designee) is final.

## **Records**

Records regarding Informal Resolutions shall be securely maintained in the Office of the Title IX Coordinator for a period of seven (7) years from the date of resolution. Records of Formal Resolutions shall be securely maintained in the office of the Title IX Coordinator, in the Office of the Provost, and in

the Office of Human Resources for a period of seven (7) years from the date of final resolution. These records can be released outside the College pursuant to federal and/or state law, or as otherwise required or permitted by law (e.g., a lawfully issued subpoena or judicial order).

## **INFORMATION ON REGISTERED SEX OFFENDERS**

The Adam Walsh Child Protection and Safety Act of 2006 creates a national sex offender registry and instructs each state to collect information about sex offenders and to make it available to members of the public. The Campus Sex Crimes Prevention Act requires sex offenders residing in Rhode Island who must register under state law to provide notice to authorities of enrollment or employment at any Rhode Island institution of higher education, as well as notice of each change of enrollment or employment status at that institution of higher education. In the State of Rhode Island, sex offenders are registered with the local police department in their respective municipalities. In Providence, sex offenders must register with the Providence Police Department. Persons seeking information related to the Sex Offender Registry and access to related information should contact the Providence Police Department at 272-3121, or the Sex offenders Community notification Unit with the Rhode Island Parole Board at 462-0905, or online at <http://www.paroleboard.ri.gov/>.

## **CHILD ABUSE OR NEGLECT REPORTING POLICY AND CODE OF CONDUCT**

The College's Child Abuse or Neglect Reporting Policy requires all administrators, faculty, staff, students, volunteers, contracted or sub-contracted employees, and external organizations using College facilities for programs and activities that include children (persons under the age of 18), to report suspected child abuse or neglect immediately to the Executive Director of Public Safety (401-865-2391). If in doubt about whether there are grounds for making a report, ask: Would a reasonable person in the particular circumstances suspect that abuse or neglect is occurring or has occurred? The report should include all relevant information available to the reporter at the time, including: the date, time, and location of the incident; the date the incident was reported to you; and, the identities and ages of the victim and, if known, the alleged perpetrator(s). If a child is in imminent danger, the witness should call both the Police – 911, and on-campus Public Safety (401-865-2222) to obtain immediate protection for the child. Depending on the particular circumstances, the reporter may have additional reporting obligations pursuant to Rhode Island law.

Willful failure to report a case of suspected child abuse will result in disciplinary action, up to and including dismissal. Anyone making a good-faith report of suspected abuse pursuant to this Policy is immune from disciplinary action and should feel safe and empowered to make the report. Retaliation against a reporter or a witness in an investigation is prohibited. The Policy is available at: <http://www.providence.edu/human-resources/Documents/policies/child-abuse-neglect-reporting.pdf>

To help guide persons working with minors either on-campus or in College-sponsored programs and activities that take place off-campus, the College created a Code of Conduct that establishes limits on personal behavior and describes appropriate interactions with children. The Code is at: <http://www.providence.edu/general-counsel/Documents/code-of-conduct-working-with-minors.pdf>

## **NEW AND ONGOING AWARENESS, PREVENTION, BYSTANDER INTERVENTION, AND RISK-REDUCTION PROGRAMS, TRAININGS, AND INITIATIVES ON POLICY AND CRIME – INCLUDING SEXUAL ASSAULT, INTIMATE PARTNER VIOLENCE, AND STALKING**

**Introduction.** The College’s security awareness and prevention efforts include but are not limited to programs for the following groups: students who reside on campus and students who reside in the surrounding community; parents during orientation; international students during orientation; members of residence life staff and other groups within student affairs; members of key College committees and administrators; drivers of College vehicles and drivers who transport members of the community; and, leaders of College-sponsored or approved trips involving students.

The Department of Public Safety distributes crime prevention material to students, faculty, and staff, and participates in many programs and demonstrations to inform and educate the College community regarding security measures. Crime prevention is a major and ongoing priority. Toward that end, the Department hosts local law enforcement and fire services departments to present information regarding crime awareness and safety issues at an annual fair in conjunction with National Crime Prevention Month. Public Safety officers partner with local law enforcement officials to perform neighborhood and campus patrols and monitor local crime activity. The Department provides training courses for students and staff on key crime prevention measures, such as Rape Aggressive Defense (RAD), and it participates in meetings and serves on committees to address crime and safety issues. The Department participates in all new student orientation programs, distributing educational and awareness materials to all new students and their families.

The Department engages in a liaison program with residence halls in order to foster regular communication with residence life staff. In collaboration with residence hall directors, officers routinely attend dormitory floor meetings to discuss with residents current safety and security issues on- and off-campus that may have an impact on students.

During the overnight and weekend hours, Providence College Emergency Medical Services (PCEMS), a State-licensed ambulance service, provides basic life support services to the Providence College community. Information about crime prevention and personal safety is available at the College’s Public Safety website: <http://www.providence.edu/safety/Pages/default.aspx>.

**Awareness and Prevention Programs.** Sexual assault, dating violence, domestic violence, and stalking prevention programs are culturally relevant, inclusive of diverse communities and identities, responsive to community needs, and informed by research. They consider environmental risk and protective factors on multiple levels. Awareness programs, initiatives, and strategies are community-wide or audience-specific aimed at preventing violence, promoting safety, and reducing perpetration. These education programs include primary prevention and awareness programs for all incoming students and new employees. These education programs will include: a statement that these crimes are prohibited at the College; definitions of consent, domestic violence, dating violence, sexual assault, and stalking in the College’s jurisdiction; safe and positive bystander intervention when there’s a risk of one of those incidents; information on risk reduction to recognize warning signs of abusive behavior; and information about the institutional disciplinary procedures.

All new students complete EveriFi “AlcoholEDU” and EveriFi “Haven” (sexual assault prevention online module) before arriving on campus. During orientation, they attend an educational program called “Sexual Assault Awareness and Prevention,” which addresses assault, relationship violence, and stalking. During the fall semester, first-year students will participate in a follow-up workshop titled “Mutual Respect and

Consent.” Sophomores, juniors, and seniors shall complete the United Educators “Lasting Choices” educational program, and the “Friar Family: Step Up! Bystander Intervention Training” program. Additionally, sophomores shall complete a program on relationship/dating violence. All freshmen and transfer students also participate in the Step UP! Bystander Training program designed to encourage peer attention, support and intervention. Small-group interventions are offered to all athletic teams, club sports, student groups and resident units.

**Grant Award from the Avon Foundation.** The College has just completed a third year of funding from the Avon Foundation for Women through its Speak Out Against Domestic Violence initiative for continuing and expanding the Step UP! Bystander Training program. This \$10,000 grant was used to train student facilitators, expand training offerings, and make bystander training part of the Providence College “Friar Family” culture. Six administrators from across the campus were selected to attend the National Leadership Institute: Changing the Narrative on Campus Gender-Based Violence. PC was one of 20 colleges nationwide selected to receive this award. The lessons learned and the infrastructure that was built continue to energize our efforts in bystander training and sexual assault prevention.

**Bystander Intervention Campaign.** This campaign seeks to build on, and substantially expand, the College’s efforts to reduce sexual violence, relationship abuse, and discrimination based on gender, race, ethnicity, or sexual orientation. In a survey of incoming first year students in the summer of 2013, forty-two percent (42%) admitted that they would not feel comfortable intervening if they witnessed abusive behavior. Given possible expectation bias, the College speculates that the percentage of students who would be uncomfortable in such a situation is even higher. Moreover, social psychology research would suggest that in the presence of a high-status perpetrator or numerous non-intervening peers, intervention would be even more daunting. Helping students identify themselves as members of a community with responsibility to others is vital; thus, this program helps them to develop intervention skills and the ability to overcome the formidable obstacles to intervention.

The College undertook a comprehensive study of various bystander intervention models, conducting research as well as sending staff for national training in several models. After careful consideration, it was decided that the Step Up! model developed at the University of Arizona was the best fit for our campus. The Step Up! model is rooted in higher education and is based on well-established social psychology theory and research. It has received recognition and support by the NCAA and is a model well-received by student athletes and the general student population. An interdepartmental Step Up! advisory group has been created to move the initiative forward. This group has representatives from Student Life, Counseling, Athletics, Media Services, Residential Life, Chaplains Office, and Recreation Sports.

The Step Up! Active Bystander Training helps participants overcome obstacles to helping others. It encourages participants to use the following five-step decision-making model to intervene: 1) Notice the event; 2) Interpret the event as a problem — investigate!; 3) Assume personal responsibility; 4) Know how to help; and, 5) Implement the help: Step UP!. All bystanders should be comfortable utilizing safe and positive intervention options to help prevent sexual assault, dating violence, or stalking.

The Friar Family Step Up! Bystander Intervention Campaign is led by student leaders and is one example of how students can do a better job of looking out for and protecting each other. By joining together, they will practice and commit to being active interveners instead of passive bystanders when it comes to sexual misconduct, overuse of alcohol, bias incidents, hazing, and helping peers in emotional distress. Bystander intervention programs include recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. More information regarding Step Up! can be found on their website <http://stepupprogram.org/>. Members of the faculty and staff will have the opportunity to be involved in this campaign as trainers or participants. All new students participate in

this program, and the program will be presented to student leaders, athletes, and other groups within the community. By the end of the 2015-2016 academic year, the College had trained 96 percent of the student body in the Step Up model. Additionally, nearly all athletic teams received follow-up training specific to their needs.

**Take Back the Night.** This program, led by the student group called Women Will, is a program aimed at drawing attention to sexual violence in the community. A large space on campus is converted into a safe space (lighting is minimal) where students can anonymously share their stories of sexual abuse or assault. Counselors from the Personal Counseling Center are present in the event that someone needs immediate support and attention that evening.

**Resource Stickers.** In the fall semester of 2015, sticker posters were designed to provide resource information for Sexual Assault, Dating Violence, or Stalking; Bias Incident, Intimidation, or Hate Crime; and Mental Health Concerns. The stickers were placed on the backs of bathroom stall doors in all residence halls, academic buildings, student center, the library, recreation facilities, sports medicine facilities, campus ministry facilities, student health center, and the personal counseling center.

**Campus Climate Survey:** As part of the College's ongoing efforts to ensure all students feel welcome, supported, and safe at Providence College, in April of 2016 we conducted a campus climate survey on the topics of sexual misconduct, relationship violence, and stalking. The survey was distributed to all undergraduate students. The purpose of this survey was to identify the scope and nature of sexual violence experiences on our college campus; to measure the likelihood of student intervention in high-risk situations; and to capture students' attitudes with respect to gender and sexual violence. Providence College partnered with the Education Advisory Board (EAB) to administer the survey. The survey dates were from April 6 to April 27, 2016. The College recently received results, which we are assessing, and we will report key findings to the community during the 2016-17 academic year, sometime between mid-April to early May. The results will help the College to strengthen policies and prevention efforts aimed at eliminating sexual misconduct and relationship violence, and to enhance support systems for people who have experienced sexual misconduct or relationship violence.

**Resource Folders:** As part of the College's efforts to educate faculty and staff members about the policies of the College, the resources available to the College community, and the ways in which to get in touch with/engage resources, the Division of Student Affairs developed and distributed resource folders on the topics of "Sexual Violence Mandatory Reporting Guide for Faculty & Staff", "Bias Response Protocol Guide for Faculty & Staff", and "Assisting Students of Concern Reference for Faculty/Staff". Folders were distributed to all faculty and staff members in the Spring of 2016.

**Chris Herron** is a national leader and advocate for the prevention of substance abuse. In August of 2017, Mr. Herron spoke to all new students. As a former NBA player, he is regarded as a credible and engaging voice on issues of alcohol and other drug use and abuse. He was well received by students.

**Annual Training for Key Administrators/Staff.** Persons appointed by the College to receive and respond to reports of sexual assault, intimate partner violence, and stalking, and to support and protect complainants, including Title IX Coordinator/Deputy Coordinators, receive training on at least an annual basis, with refresher sessions as necessary to keep abreast of legal, policy, research, and protocol updates. In July of 2016, a number of these individuals attended a two-day training provided by Attorneys Leslie Gomez and Gina Smith of Pepper Hamilton, LLP, titled "Title IX Investigator Training." Among other important topics, this training provided in-depth instruction on conducting trauma-informed investigations and hearings, including the need to protect victim safety and promote accountability.

In October 2016, six staff members from Residential Life, Public Safety, Counseling Center, Orientation and Leadership, Athletics, and Student Affairs participated in an invitation-only training and planning program in Boston. It was conducted by The Futures Without Violence Foundation and reviewed state of the art strategies to prevent sexual assault and domestic violence on campus. This multi-office group continued to meet and work together throughout the year to implement the plan. Additionally, all deputy Title IX coordinators participate in monthly sessions to refresh policies and protocols, as well as hone skills for working with individuals around sensitive or traumatic matters. Key administrators at the College also participate in frequent web-based training opportunities to stay current regarding methods for prevention and response. All new faculty and staff participate in a training program to increase their level of awareness, to learn about campus policies, to understand reporting obligations, to help prepare them to work effectively with campus violence prevention efforts, and to learn how to support students who may become victims of violence.

**Training for Residence Life Staff.** Members of the Residence Life staff participate in a number of training sessions, including: Discriminatory Harassment/Sexual Harassment, and consent, which present critical information about sexual assault, dating violence, stalking, date-rape drugs, bystander apathy, and how to assist residential students and their friends; and “Behind Closed Doors,” an exercise to prepare staff to appropriately respond to students who may have been sexually assaulted.

**Responding to Active Threats Workshops.** During the period of April 11-19, 2016, the Office of Emergency Management conducted a series of workshops for faculty and staff, entitled “Responding to Active Threats at Providence College – What You Can Do”. These workshops explained steps employees could take if an Active Shooter or other harmful incident were to happen on the PC campus. Over 300 faculty, staff and students attended the programs.

**Multi-hazard Planning for Higher Education Course.** The Safety and Emergency Response Committee hosted and attended the FEMA L0363 Multi-hazard Planning for Higher Education which is a course that provides Institutions of Higher Education (IHEs) with knowledge and planning strategies to protect lives, property, and the environment by supporting operations more effectively within the context of comprehensive emergency management.

**Risk Reduction – Avoiding Dangerous Situations (adapted from RAINN’s suggested risk-reduction strategies):**

**IMPORTANT NOTE: Perpetrators are *always* responsible for their behavior and victims are *never* responsible for the violent and abusive behavior of others.** While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted. Be aware of your surroundings as this may help you to find a way to get out of a bad situation. Try to avoid isolated areas as it is more difficult to get help if no one is around. Trust your instincts; if a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be. Try not to load yourself down with bags or other items, or to walk with music headphones in both ears, as this can make you appear more vulnerable. Make sure your cell phone is with you and charged, and that you have money for a cab.

In social settings, attend gatherings with a group of friends, arriving together, checking in with each other periodically, and leaving together. Don’t leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one. Don’t accept drinks from people you don’t know or trust. Avoid drinking from punch bowls or other large, common-open containers. Watch out for your friends, and ask them to keep an eye on you. Get friends to a safe place immediately if you suspect that something is not right with them or with how they are being treated by another person. Have a code word with your friends or family so that if you don’t feel comfortable you can call them and communicate your discomfort without alerting the person you are with that you are seeking

help. Your friends or family then can come to get you or you can create an excuse for why you need to leave.

### **Reducing Risk – Recognizing Warning Signs of Abusive Behavior**

**Intimate Partner Violence.** The scope of behavior included under the umbrella of “relationship violence” is broader than that associated with “battered woman syndrome.” Intimate partner violence follows a specific pattern of behavior, described as a “cycle of violence.” It begins with a period of extreme tension. The abused partner may feel like she is “walking on eggshells.” This tension heightens and finally explodes in violence, emotional and/or physical, and may include rape. The violence often ends with a “honeymoon” period, when the batterer is remorseful, repentant and loving. This behavior entraps the victim even more, as she truly believes the abuser’s promises to change. Then the cycle begins again. Over time, the honeymoon periods grow shorter and sometimes disappear entirely.

The following questions help to analyze the nature of a troubled relationship (pronouns reflect gender as more women are victims of relationship violence than are men):

Does one partner embarrass or ridicule the other in the presence of friends or family? ...deny her feelings? ...diminish her worth, accomplishments or goals? ...call her derogatory names? ...make her feel that she is unable to make decisions? ...use intimidation or threats to gain compliance? ...hit walls, throw things, try to scare her? ...tell her that she is nothing without him? ...treat her roughly (grab, push, pinch, shove, or hit)? ...call, text, or show up repeatedly to make sure she is where she said she would be? ...isolate her from friends or family? ...use drugs or alcohol as an excuse for saying hurtful things or abusing her? ...blame her for his feelings or actions? ...pressure her to do things sexually that she doesn’t want to do? ...make her feel that there is no viable way to get out of the relationship? ...act jealous of others? ...accuse her of cheating? ...threaten to commit suicide if she leaves him? Does one partner make excuses to others for the partner’s behavior? ...believe that she can get the partner to change only if she changes something about herself? ...try not to do anything that would cause conflict or make her partner angry? ...stay with her partner because she is afraid of what the partner would do if they separate?

**Sexual Victimization of Men.** Men can be victims of sexual misconduct. Men who are sexually assaulted may feel rage, shame, guilt, powerlessness, helplessness, concern regarding their safety, and/or demonstrate symptoms of physical illness. This impact is similar to that for women. Due in part to the way men are socialized in our culture and sex-stereotypes, male victims may have doubts about sexuality or masculinity. Men may be reluctant to receive medical care. Men are often hesitant to report the sexual violence to law enforcement, and/or to friends and family, because they fear being ridiculed or deemed not credible. Gay and transgender men may fear for their safety or feel “survivor’s guilt” if they survived a hate crime. Men may be fearful because the assailant may be an acquaintance, friend, colleague, date, or partner. These fears often serve as access barriers to support and resources. Men need to know that strong or weak; outgoing or withdrawn; gay, straight, bisexual, or transgender; old or young; regardless of physicality; they have done nothing to justify violence against them and resources are available – both on- and off-campus – to assist them.

**Alcohol and Drug-Related Initiatives.** All incoming students are required to attend training that includes vital information about the harmful connection between the use and abuse of alcohol and incidents of sexual assault. They also complete the CHOICES Program and AlcoholEDU.

Within the residential environment, the number and frequency of late-night and weekend programming events have increased; further, SAIL and Recreational Sports offer a significant number of programs and activities on weekends, and during the late-night to early morning hours. Hard alcohol is banned within all residence halls and apartment complexes. Four residential halls (Raymond, McVinney, Guzman, and McDermott) are alcohol-free. Within the off-campus living environment, the Department of Public Safety



collaborates with local police and neighborhood organizations to minimize alcohol abuse and to promote awareness regarding alcohol policies and state laws.

Staff training and development initiatives for hall directors and Simply Healthy Peer Educators include learning to facilitate the CHOICES program for all new students. Additionally, McPhail's, residence life, and public safety staff receive Training for Intervention Procedures ("TIPS"). At McPhail's, certified bartenders only serve alcohol.

Evidence-based alcohol interventions have been implemented for students who have self-identified as at-risk for abusing harmful substances and for students who have been found responsible for certain Code of Conduct violations. Regarding discipline, the Office of Community Standards has focused sanctions for alcohol offenses on educational objectives, including research and reflection papers/assignments, civic and community engagement opportunities, community mentoring program, alcohol intervention meetings, and counseling referrals. The College's Caller Amnesty Policy encourages students to seek medical assistance on behalf of another person due to use or abuse of alcohol or drugs by removing the fear of judicial charges for the use, possession, or distribution of alcoholic beverages or drugs. The Office of Community Standards participates in fall and spring new-student orientations, international study orientation, and student organization and athletic meetings to promote awareness about important topics, including the College's alcohol and anti-hazing policies.

Intoxicated students are transported to a medical facility for treatment and most often are evaluated by mental health professionals before returning to campus. Their parent/legal guardian may be notified of the transport. Once back on campus, they participate in a counseling session with the Substance Abuse Clinical Counselor and complete the Brief Alcohol Screening and Intervention for College Students (B.A.S.I.C.S.) program. As appropriate, the PCC uses screening methods (Cage Aid and AUDIT); they refer students to Alcoholics Anonymous and Narcotics Anonymous community groups; and they refer students for intensive substance-abuse treatment to community providers (Adcare, Butler, Codac, Providence Center, Gateway) and confer with those providers as needed.

**Personal Counseling Center Services.** The College's Personal Counseling Center ("PCC") offers individual and group counseling, crisis intervention, substance abuse assistance, and educational workshops and outreach programs. Personal Counseling Center staff collaborate with on-campus staff (for example, public safety officers, Residence Life staff, V.A.S.E., and student health-center professionals) and community-based service providers, in the service of students. The PCC offers and co-sponsors a wide range of programs and workshops designed to educate the PC community on many aspects of sexual assault, relationship violence, and personal safety. Personal counseling services are free of charge for students and are confidential within the limits of the law and ethical guidelines. **The PCC does not employ undergraduate student workers;** thus, undergraduate students seeking counseling from the PCC should feel comfortable making an appointment, visiting the Center, and accessing services without fear that their privacy might be compromised. For more information, go to: [www.providence.edu/personal-counseling](http://www.providence.edu/personal-counseling).

In addition to informing students about the services they provide, Personal Counseling Center staff informs students about the services provided by the Student Health Center, the Chaplain's Office, V.A.S.E., and the Office of Residence Life, and refer students as appropriate. The Personal Counseling Center works closely with various local community and mental health agencies. These long-standing relationships between the PCC and outside agencies, particularly with Day One—The Sexual Assault and Trauma Resource Center, Gateway Health Services, the Providence Center, and Butler Hospital, have been beneficial to students, including student victims of sexual assault seeking outpatient treatment.

In addition to individual counseling with an alcohol and drug counselor, the Personal Counseling Center continues to offer a weekly group called Anonymous for students who are struggling with alcohol and drug issues.

## **EMERGENCY NOTIFICATION POLICY**

The College's emergency notification system is tested on an annual basis. The director of emergency management, or his designee, notifies the campus community of the test, including information on the system and procedures for adding or changing personal information for notification purposes.

Any member of Providence College who becomes aware of a possible or actual emergency should notify the Department of Public Safety. The primary responsibility for monitoring emergency threats and events resides within the Department of Public Safety. The Department of Public Safety operates on a continuous 24/7/365 basis and is always available to receive emergency communications from a variety of official and public sources.

If, in the professional judgment of responsible authorities, there is a confirmed, significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees, the executive director of public safety or his designee will be immediately notified. The executive director will then confer with persons with the relevant expertise in order to help assess the type(s) of threat, including the executive vice president and the director of emergency management. If the emergency is deemed an imminent threat to the campus community, the College's emergency notification system will be activated without delay taking into account the safety of the community, unless doing so would compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. Included among the types of circumstances that may warrant emergency notifications are: safety-related emergencies regarding an incident or suspected incident either on-campus or in close proximity to the campus; and, health-related issues (such as the diagnosis of a serious or life threatening communicable/infectious disease or evidence of bioterrorism).

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES AND DRILLS**

In the event of an emergency, Providence College will utilize multiple means of communicating with members of its community. The Providence College Emergency Notification System is designed to produce mass notification of a campus emergency through campus-telephone, cell-phone, text messaging, and email communications. The system allows messages to be delivered that will direct the campus community regarding safety measures during a critical incident on the campus or in the surrounding community. The system can be customized to include specific locations or populations of the campus depending on the risk assessment. The larger College community will be notified primarily through website updates; in the event of an emergency on campus the main Providence College webpage will be redirected to an emergency webpage with information about the incident. Telephone emergency hotlines, email, and local news and media outlets also are means of notifying the larger campus community.

More than 50 emergency "Blue Light" telephones and emergency phones are located throughout campus; all emergency calls are received in the Department of Public Safety, which has the ability to monitor activity in the area through remote cameras. More than half of these emergency telephones include a "Red Light" signal and message capability that can be activated by the College in the event of a campus-wide emergency to send an audible message with instructions about what immediate actions individuals should take. The College also may utilize campus radio and television communications systems to issue emergency messages. Some Department of Public Safety vehicles have been retrofitted with public address systems to enable broadcast of emergency alerts and/or instructions. When information or instructions are broadcast

through any of the above communication channels, all members of the campus community should immediately follow the specific instructions provided in that broadcast.

For the purposes of assessing and evaluating emergency plans and capabilities, the College's director of emergency management schedules an annual series of emergency response drills for groups of faculty, staff, and students, including an annual test of the overall emergency response and evacuation procedures. Information regarding the College's emergency response procedures is published to the College community in conjunction with the annual test. Records related to the annual test are maintained in the Department of Public Safety. Additionally, residence hall fire drills are conducted four times a year by residence life administrators, and fire safety procedures are discussed regularly with all students who live in campus residence halls.

## **EMERGENCY MANAGEMENT DRILL**

The Safety and Emergency Response Committee meets regularly to evaluate risks, prepare for emergencies, and test our systems and response with simulated exercises. Over the last few years we have practiced campus-wide evacuations, active shooter response and shelter-in-place drills. These drills involve the entire campus and ensure that our community understands the procedures to follow should we face a real-life disaster or emergency.

In 2016 the following emergency management drills, exercises and initiatives took place:

### **Drills and Exercises**

In June 2016, Providence College hosted and participated in the following program and drill facilitated by FEMA:

#### **L0363 Multi-Hazard Emergency Management for Higher Education**

This Federal Emergency Management Agency (FEMA) course was delivered to 8 teams of campus personnel from colleges around New England. One team represented Providence College and participated with 6 members of the Safety and Emergency Response Committee and Incident Management Support Teams, who are responsible for creating, reviewing, implementing and exercising emergency operations plans (EOPs). The Providence College participants for this course are the campus administrators that have the responsibility of campus crisis response management support and emergency management planning. This was an intensive three-day course is primarily interactive presentations coupled with numerous individual and group exercises, culminating into a large table-top disaster scenario, testing several facets of the campus emergency response procedures and systems.

Topics covered were:

- An overview of emergency management
- Identifying hazards and using a risk assessment process
- Managing your Emergency Operations Center (EOC) using ICS (Incident Command System)
- Partnering with your internal and external community
- Developing and/or revising your Emergency Operations Plan
- Training and testing the plans

More information on the course can be found at: <https://training.fema.gov/hiedu/aemrc/eplanning/1363.aspx>.

Fire drills and emergency evacuation in dorms are conducted unannounced, twice each semester, in collaboration with the Office of Residence Life. These drills test the fire alarm systems, emergency building evacuation and rally point identification.

All drills, exercises and training include testing the following:

- Medical and disaster response of Athletic Trainer personnel
- Test specific policy and procedures of the Athletic Training Department
- Providence College Emergency Notification System
- 800 MHz Two-way radio system
- EOC and ICS Procedures
- PC Emergency Response Plans
- Follow-up actions resulted in editing emergency operations center personnel assignments and changes to the organizational structure of the safety and emergency response committee and incident management support team.
- Emergency plans were evaluated and edited as needed.
- Identification of the college's core capabilities for emergency response were evaluated.
- After action reviews and lessons learned resulted in updates and corrective actions in emergency planning and procedures.

The Department of Public Safety and Emergency Management in the Office of the President work closely with staff in the Student Health Center, Personal Counseling, Residence Life, Office of the Dean of Students, Office of the VP for Students Affairs, Human Resources, Information Technology, Environmental Health and Safety, Academic Affairs, the Office of Mission and Ministry, Public Affairs, Community and Government Relations, and General Counsel/Risk Management. Please contact any of these offices with concerns or visit their websites for additional information. Links can be found at: <http://www.providence.edu/>.

This drill complies with the federal Higher Education Opportunity Act of 2008, requiring Colleges and Universities to conduct an annual campus-wide emergency drill, utilizing established procedures, protocols, notification systems, and trained personnel.

Training drills help the College test emergency procedures, identify vulnerabilities, and determine which resources are needed to assist in ongoing efforts to prepare for actual emergencies. Learning and practicing how to stay safe, what emergency procedures to follow, where to report in an emergency, and how to assist others, can help the College community to effectively deal with an actual crisis.

Information on FriarALERT can be found at:

<http://www.providence.edu/safety/emergency/Pages/emergency-communications.aspx>. **FriarALERT** is our emergency notification system that has text, voice and e-mail alert capabilities to quickly alert and instruct the PC community. Students are signed up for the program automatically when they provide PC with a cell phone number.

For more information about the Department of Public Safety and Emergency Management: <http://www.providence.edu/safety/Pages/default.aspx>

For information on how to respond to a man-made or natural disaster please refer to the College's Emergency Response Guide: <http://www.providence.edu/safety/emergency/Pages/emergency-guide.aspx>.

## **GENERAL SAFETY GUIDELINES**

In addition to improving the College's web information and policies, the Department of Public Safety implemented two new safety apps and a new bystander intervention program. The **PC Guardian** app transforms mobile phones into personal safety devices. It has a panic button with a direct connection to campus safety, tip texting, local 9-1-1, and a personal guardian system that allows users to identify friends, roommates, and family as contacts. There is a direct link in the PC Mobile app. While emergencies are best reported to Public Safety on their emergency line (401-865-2222) or by calling 911, the **PC CARE Student Network** App can be used to request more general help for a student you are concerned about. This app is also available through the PC Mobile app.

Information on FriarALERT can be found at:

<http://www.providence.edu/safety/emergency/Pages/emergency-communications.aspx>

Campus emergency procedures may be found at:

<http://www.providence.edu/safety/emergency/Pages/emergency-guide.aspx>

Providence College Emergency Guide and Safety Apps for iPhone and Android devices:

<http://www.providence.edu/safety/emergency/Pages/apps.aspx>

Please review the following list of recommendations, many of which apply to everyone on campus:

1. Report all suspicious activity to the Department of Public Safety immediately.
2. Never take personal safety for granted.
3. Never prop open exterior dormitory doors and never permit any person to enter the dorm without proper identification.
4. Always lock the door to your residence hall room whether you are there or not. Be certain that your door is locked when you go to sleep and keep the windows locked when you are not at home.
5. Carry your keys with you at all times and don't lend them to anyone.
6. Carry only small amounts of cash. Never leave valuables (wallets, purses, books, computers, etc.) unattended.
7. When leaving your car, lock doors and close windows. Avoid leaving valuables in your car, especially if they are visible. Lock bicycles to bike racks.

## **STUDENT-SAFETY ESCORT SERVICE – (401) 865-2391**

The Department of Public Safety offers a student-safety escort service to members of the community who wish to be accompanied when traveling to and from residence halls and academic facilities. Student-safety escorts are available Monday thru Saturday from 6:30 p.m. to 2:00 a.m., and Sunday from 7:00 p.m. until midnight, from the Phillips Memorial Library, Harkins Hall, Domenic Chapel, and the Student Center. In addition the service is available campus-wide through the Department of Public Safety at extension 2391.

## **OFF-CAMPUS TRANSPORTATION**

To travel downtown and throughout the state of Rhode Island, students may utilize Rhode Island Public Transit Authority (RIPTA) service, free of charge. Students must present a valid Providence College ID when boarding the bus. This service is available seven days a week, 12 months of the year. Bus #55 has

stops on Huxley Avenue, making downtown's Kennedy Plaza, the Amtrak Station, and North Providence's Shaw's Plaza easily accessible to students. From Kennedy Plaza, students can transfer to lines serving the entire state, including T. F. Green Airport. For route and schedule information, please pick up a schedule at the Slavin Information Desk, call RIPTA at (401) 781-9400, or visit [www.ripta.com](http://www.ripta.com).

## **OFF-CAMPUS SHUTTLE SERVICES**

### ***Between Campus and the Neighborhood***

To help ensure the safety of those residing off campus, the Department of Public Safety runs a shuttle service between the campus and the surrounding PC neighborhood. The Off-Campus Shuttle operates seven nights a week when classes are in session. To make use of the service, you must present a valid PC ID card to the shuttle driver.

### ***Community Service Shuttle—Runs Monday through Friday***

This shuttle will take students to local community service sites not easily accessible by RIPTA or to a common drop off/pick up point between several sites. Automated transportation information is available 24 hours a day/seven days a week by calling 401-865-2940. Shuttle information can be found at: <http://www.providence.edu/student-affairs/Pages/transportation.aspx>.

Students are encouraged to read the manual, titled “Living Off-Campus,” for tips about safety and security. Copies are distributed to all off-campus students and are available at the Office of Off-Campus Life. Off-Campus Life and O.C.R.O. (Off-Campus Residence Organization, a board within Student Congress) participate in programs offering advice on personal safety and property protection.

## **ACCESS TO CAMPUS BUILDINGS**

Except for the residential halls, the Department of Public Safety unlocks the administrative and academic campus buildings in the morning and secures them in the evening; most are open to the public during normal business hours. The Department of Public Safety monitors facilities when in use beyond normal business hours. Emergencies may necessitate changes to any posted schedules.

With regard to some facilities, such as the Concannon Fitness Center and the Phillips Memorial Library, the hours of operation vary depending on the time of year, student needs, and special events and activities. Security measures for such facilities are in accord with the schedules developed by schools and departments that occupy specific space.

Students residing on campus have controlled access to their assigned residence hall through an electronic card-access system that utilizes the student's College identification card; otherwise, residence hall access is denied. All students have controlled access to shared, common-area lounge and study space in designated buildings. Students should review the *Student Handbook* and regulations promulgated by the Office of Residence Life for Guest Program policies and procedures.

## **SECURITY OF AND ACCESS TO FACILITIES, INCLUDING RESIDENCE HALLS, FOR MAINTENANCE**

With an escort from a member of the College's Physical Plant Department or the Department of Public Safety, and with advance notice to the Office of Residence Life, contractors may access residential space for maintenance purposes; however, advance notice may not be practical in the event of an emergency. Contractors wear identification badges that are visible to students and staff.

During the academic year and at other times (summer, semester breaks) when residential halls are occupied by students (e.g., athletes, resident assistants), maintenance work in all residential space, whether performed by physical plant staff or contractors, is performed after 10:00 a.m., except for emergencies; maintenance work in the common areas of men's residential halls may be performed prior to 10:00 a.m. Upon entering a student's living space, a worker should announce his/her presence and provide his/her name, explain the nature of the visit, and show proper identification. While in the living space, the worker should ensure that the entrance door is propped open. Workers may enter living space when the resident is not present if they have a work order (the worker should have a copy of the order) or in the case of an emergency; also, the worker should post a work tag on the entrance door to the living space describing the work completed. Depending on the nature of the work to be performed, in most cases, residents will be contacted by telephone or email by residence life or physical plant staff to schedule the maintenance. If personal items must be moved or disturbed in order to complete the task, either the student or a member of residence life staff should be present for the work unless there is an emergency.

Card access for vendors is granted on a temporary basis through the Office of Business Services, which manages card distribution and access permissions. Site safety plans for contractors working on campus are submitted to the Office of Environmental Health and Safety for approval and are maintained on file in that office.

## **SAFETY IN THE RESIDENCE HALLS**

The *Student Handbook*, which is available via the Student Life page of the Providence College website (<http://www.providence.edu/student-affairs/Pages/Student-Handbook.aspx>), includes policies and regulations governing on-campus living. Each residence hall is staffed with a hall director and several resident assistants who regularly monitor compliance with safety and security requirements. These staff members also rely on the cooperation of residential students to enforce regulations and report violations that may compromise the safety and security of residents. The Department of Public Safety and residence hall directors must be notified immediately if students or other members of the community discover that any safety and security system, including doors and locks, appear to have been tampered with and/or are not in proper working order. In addition, students are prohibited from using objects to prop-open doors. Doors to living spaces should not be left ajar or unlocked.

## **DAILY CRIME AND FIRE LOG**

In addition to disclosing crime and fire statistics to the US Department of Education and in its Annual Security and Fire Safety Report, the Department of Public Safety maintains a combined Daily Crime and Fire Log that includes criminal incidents, alleged criminal incidents, and fire-related incidents that are reported to or identified by the Office. The Log includes the date the incident was reported, the date and time the incident occurred, the nature of the incident, the general location of the incident, and the disposition of the complaint, if known. The Office reserves the right to exclude certain reports or temporarily withhold information from the log under circumstances permitted by law. The Log for the most recent 60-day period is available for public inspection, upon request, during normal business hours at the Department of Public Safety.

## **MISSING STUDENT POLICY**

Pursuant to the federal Higher Education Opportunity Act, Section 485(j), Providence College students, faculty, and staff should be aware of the College's policy regarding missing students. Providence College's missing student notification policy applies to students who reside in on-campus housing. In accordance with this Policy, each student who resides in on-campus housing may identify an individual to be contacted by Providence College after such student is determined to be missing for more than twenty-four (24) hours,



in accordance with procedures that have been established by the Office of Residence Life and the Department of Public Safety.

In the event that a student who resides in on-campus housing is reported missing for more than twenty-four (24) hours, an official missing-person report should be filed with the Department of Public Safety in person or via telephone (865-2222). If, after investigation of the official report, the Department of Public Safety determines that the student has been missing for more than twenty-four (24) hours, the following action shall be taken:

- If the missing student is age 18 or older, the person designated as the “emergency contact person,” if any, by the missing student shall be contacted immediately.
- If the missing student is under 18 years of age and not an emancipated individual, the custodial parent or legal guardian shall be contacted immediately.
- If the missing student is age 18 or older and has not designated an “emergency contact person,” the appropriate law enforcement agency shall be contacted immediately.

An investigation into a report of a student, who, voluntarily, decides to be out of contact, decides not to attend classes, decides to leave campus on an impromptu trip, or declines to respond to emails and phone calls, is very serious. In order to prevent undue concern about students’ safety and well-being, students living in on-campus housing bear the responsibility for communicating their whereabouts to those with whom they live (roommates, resident assistants, etc.) especially if and when they expect to be away from campus for a period of time.

Public Law 108-21, Title II, Section 204, otherwise known as “Suzanne’s Law,” amends Section 3701(a) of the Crime Control Act of 1990 and requires law enforcement to notify – without a waiting period – the National Crime Information Center of the Department of Justice when someone under the age of 21 is reported missing as part of the national “Amber Alert” Bill. This reporting requirement also is part of the Higher Education Opportunity Act of 2008, amending the Higher Education Act. This Federal law is named for Suzanne Lyall, a State University of New York at Albany student who has been missing since 1998.

Incoming first-year and transfer students submit emergency contact information through the Admission process. Students are able to review and edit emergency contact information twice a year. Rising sophomores, juniors, and seniors submit emergency contact information via the online housing information form in February. Students have the option to edit their emergency contact information during the fall and spring semester check-in process. Each student may designate a primary emergency contact person and a person to be notified if the College determines that the student is missing. This information should be updated as necessary (for example, when phone numbers change or to change the name of your emergency contact person).

If you, as a member of the College community, are concerned that another student might be missing or otherwise in danger, please immediately notify the Department of Public Safety by dialing (401) 865-2222 (or ext. 2222 from an on-campus telephone).

## **ALCOHOL POLICIES**

Those who use alcoholic beverages or sponsor events serving alcohol are obliged to comply with state law and College policies and regulations. Under Rhode Island law, alcoholic beverages may be legally delivered, sold or served to persons 21 years of age or older only. State law forbids the misrepresentation of one’s age in order to purchase and consume alcoholic beverages. Students who consume alcohol are responsible for their behavior and may face sanctions if they violate College policy.



Providence College prohibits the unlawful possession, manufacture, use, abuse, or distribution of alcohol and controlled substances. Any violation of College policies and/or local, state, or federal laws will result in disciplinary action at the College and, when deemed appropriate, the involvement of law enforcement agencies. For more information, please see the *Student Handbook*.

**Medical Amnesty Policy.** A student who calls for medical assistance on behalf of another person, or for oneself, due to use or abuse of alcohol or drugs will not be subject to disciplinary action for the following conduct violation(s) only: use, possession, or distribution of alcoholic beverages and drugs. There is no limit to the number of times a student can call on behalf of someone else who needs medical attention and be immune from these specific Code violations. The College will not notify Providence Police of the incident as a result of a call for medical attention unless Providence Police assistance is needed to address other criminal activity; including the sale of an illegal drug and/or the possession of a large quantity of illegal drugs. In that event, the College's caller amnesty policy does not preclude law enforcement authorities from making alcohol and drug related arrests or filing criminal charges.

If a student, or student group, calls on behalf of another student, that student/group is required to remain with the student experiencing the emergency until medical attention arrives. The Medical Amnesty Policy will not be granted to students who are confronted by College personnel prior to the request for medical assistance.

The student needing medical assistance will be required to meet with the dean of students, or designee, and may be expected to participate in an alcohol/drug education program and/or referral for assessment. The policy also does not preclude the College from contacting the student's parent(s) or guardian(s). The student will also be responsible for the costs associated with a hospital transport, treatment, assessment, or property damages. In cases where extreme or repeat violations of the Code of Conduct occur, the dean of students will determine if interim measures and/or disciplinary action are required out of concern for the safety and welfare of the student and the College community.

**Hospital Transports.** In the event a College official in his/her official capacity and at his/her sole discretion believes a student requires medical assessment and/or transportation to a hospital due to alcohol consumption, emergency medical technicians (EMTs) or other medical professional(s) will be summoned to evaluate the student. A student who is determined to need medical attention for intoxication by an EMT or other medical professional will be transported to an area hospital with or without that student's consent.

## **DRUG POLICIES**

The U.S. Department of Education has issued regulations implementing the provisions of the Drug-Free Schools and Communities Act Amendments of 1989. In compliance with these regulations, Providence College has adopted and implemented a program to prevent the illicit use of drugs and abuse of alcohol by its students and employees, which includes enforcement of policies and standards of conduct with respect to behavior on College property and behavior at any College-sponsored events both in the United States and overseas. Students receive written information regarding implementation of the program in accordance with the Drug-Free Schools and Communities Act Amendments of 1989. For more information, please see: <http://www.providence.edu/student-affairs/Documents/drug-free-schools-communities-act.pdf>.

The possession, use, distribution, and/or sale of any illegal drug, and the misuse of prescription drugs, are violations of federal and state law and College policy. The College cooperates with federal, state, and local law enforcement investigations and efforts aimed at controlling the possession, use, distribution, and sale of illegal drugs, including the non-medical use, sale, or distribution of prescription drugs. By law, use of prescription drugs is limited to those for whom the prescription has been issued. It also is illegal to sell, provide, or distribute prescription drugs to others without proper authorization. Students are prohibited

from being present in a room or space where illegal drugs are being used, whether or not they are using or observed using the illegal drugs.

Any student using, dealing, selling, or distributing illegal drugs on campus or off campus may be dismissed from the College pursuant to the College's disciplinary procedures. The possession, use, or distribution of drug paraphernalia (e.g., pipes, glassware, and other items) is strictly forbidden. For purposes of any disciplinary hearing, the College will conclude that a student is dealing in drugs if the student is found to have possessed a large quantity of illegal drugs. For example, more than two ounces of marijuana and more than four grams of cocaine would constitute a large quantity of these illegal drugs. Judgments with respect to quantity will be made concerning any other illegal drugs. The College may be obligated to notify law enforcement authorities for drug violations on campus.

Providence College is committed to ensuring that all employees attend work confident that they will not be endangered by the use or abuse of drugs. Employees are encouraged to work together to maintain a safe, healthful and efficient working environment free from the harmful effects of drug abuse. To comply with the federal Drug-Free Workplace Act of 1988, the College has adopted a Drug-Free Workplace Policy which is distributed annually to all employees.

Employees (permanent or temporary, full-time or part-time) are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances on the College premises, in vehicles provided by Providence College, at any worksite or location at which College duties are being performed by employees, or as part of any other College activities. Violations of this policy constitute grounds for immediate termination. Common examples of controlled substances, as defined by law, are cocaine, marijuana, methamphetamines, and heroin. Drugs and substances that may be used and abused include, among others, alcohol, pain killers, sedatives, stimulants and tranquilizers. Employees under the influence of drugs or alcohol that impairs judgment or performance while on campus or on College business will be subject to discipline up to and including termination. Employees are required to notify the Office of Human Resources of any criminal conviction for a drug offense.

In order to provide useful information and to emphasize Providence College's commitment to maintaining a drug-free campus, employees will be provided with written materials containing reminders about the dangers of drug abuse in the workplace. This material will describe the scope and availability of any drug counseling, rehabilitation, and employee assistance programs, and will restate the penalties that may be imposed for drug abuse violations in the workplace.

## **WEAPONS POLICY**

The College forbids the unauthorized use, distribution, manufacture, or possession of a dangerous weapon or material of any type or description, including but not limited to firearms, explosive devices, dangerous chemicals, compressed-air guns, slingshots, pellet guns, BB guns, knives, metal-dipped darts, laser pointers, incendiary devices, fireworks, ammunition, bow or crossbow designed to shoot arrows, or any other item deemed to be dangerous by College officials.

Please see the *Student Handbook* and *Staff Handbook* for additional information regarding the above policies.

## **CLERY ACT CRIME DEFINITIONS**

### **A. General Crimes**

**Aggravated Assault** is an unlawful attack by one person upon another for the purpose of 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. (Injury is not necessary because when a gun, knife, or

other weapon is used, the aggravated assault could and probably would result in a serious personal injury if the crime were successfully completed.)

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

**Burglary** is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the these acts.

**Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle. (Classify as a theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.)

**Murder and Non-negligent Manslaughter** is the willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter** is the killing of another person through gross negligence. (Does not include traffic fatalities.)

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**B. Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Report program.**

**Sex Offenses** are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

--**Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

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

--**Statutory rape** is non-forcible sexual intercourse with a person who is under the statutory age of consent. (Age of consent for intercourse in Rhode Island is sixteen (16).)

**C. Dating Violence, Domestic Violence, and Stalking**

**Dating Violence** is violence 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 a consideration of the following factors: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship. This includes, but is not limited to, sexual or physical abuse of the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence** is a felony or misdemeanor 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; or, by any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (a) fear for the person's safety or the safety of others; or (b) suffer substantial emotional distress. *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.

**D. Hate Crime: A criminal offense (one of the crimes listed above) committed against a person or property that is motivated, in whole or in part, by the offender's bias. Bias is a pre-formed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.**

**The following crimes should be reported only if they occurred as a Hate Crime:**

**Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. *Constructive possession* means that there is not physical custody or possession; rather, the person exercises dominion or control over a thing.

**Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property** means to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

#### **E. Drug, Liquor, and Weapons Criminal Violations**

**Drug Law Violations** are defined as the violation of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and, dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violations** are defined as the violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possession of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate persons; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

**Weapons Violations** are defined as the violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

## CRIME STATISTICS

NOTE: Crime statistics are based on incidents reported within the Clery geography as described in the Annual Security Report. A criminal incident is reported when it is brought to the attention of the Department of Public Safety or the local police by a victim, witness, or other third party. Reports of alleged criminal incidents are counted if there is a reasonable basis for belief that the report was provided in good faith. Clery Act crime statistics include all reports regardless of their investigative status or result; i.e., it is not necessary for the reported crime to be investigated by police or campus public safety, nor must it result in a finding of guilty or responsible, in order for it to be included in the College's crime statistics.

<b>Crime Statistics Reporting Table</b>					
<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>On-Campus Student Housing Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Murder / Non-Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Negligent Manslaughter	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Robbery	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Aggravated Assault	2014	1	0	0	0
	2015	0	0	0	0
	2016	1	1	0	0
Burglary	2014	4	4	0	0
	2015	5	3	2	0
	2016	10	10	1	0
Motor Vehicle Theft	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arson	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
<b>Sex Offenses</b>					
Rape	2014	3	3	0	0
	2015	2	2	0	0
	2016	2	2	0	0
Fondling	2014	2	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

Incest	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
<b>Dating Violence, Domestic Violence, and Stalking</b>					
Stalking	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Domestic Violence	2014	0	0	0	0
	2015	1	0	0	0
	2016	0	0	0	0
Dating Violence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

<b>ARRESTS AND DISCIPLINARY REFERRALS FOR CRIMINAL VIOLATIONS*</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>On-Campus Student Housing Facilities</b>	<b>Non-Campus Property</b>	<b>Public Property</b>
Arrests: Weapon Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arrests: Drug Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Arrests: Liquor Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Disciplinary Referrals: Weapon Law Violations	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Disciplinary Referrals: Drug Law Violations	2014	125	117	0	0
	2015	56	56	0	0
	2016	31	31	0	0
Disciplinary Referrals: Liquor Law Violations	2014	591	549	0	0
	2015	440	401	0	0
	2016	397	362	0	0

**\*Disciplinary referral data in this report reflect the number of violations of College policies that also were criminal law violations and/or criminal law violations only, in accordance with the Clery Act.**

**HATE CRIMES:** There were no reported Hate Crimes for the years 2014, 2015, or 2016.

## FIRE SAFETY REPORT

### FIRE SAFETY REGULATIONS

**Fire Reporting.** ALL fires needing emergency response should be *reported immediately* to the Department of Public Safety at 401-865-2222 by dialing 9-1-1. Fires occurring in a residence hall also should be reported to the Hall Director or Office of Residence Life at 401-865-2392.

**Fire Safety Log/Statistics.** The Fire Safety Log and statistics are maintained in the Department of Public Safety. Information is incorporated into the Annual Security and Fire Safety Report.

**Fire Safety Systems.** Providence College residence halls are compliant with local, state, and federal fire codes. All residence halls are equipped with smoke detectors, and sprinkler systems, and are monitored 365 days per year by the Department of Public Safety as well as Providence Fire Department. Fire systems in all residence halls are in compliance with local fire codes and tested regularly, in accordance to state and local requirements.

#### Fire-Safety Systems by Residence Hall:

Residence Hall	Supervised Fire Alarm	Smoke Detectors	Sprinkler System
Aquinas	Yes	Yes	Wet/Dry
Bedford Hall	Yes	Yes	Wet/Dry
Cunningham	Yes	Yes	Wet/Dry
Davis	Yes	Yes	Wet/Dry
DiTraglia	Yes	Yes	Wet/Dry
Fennell	Yes	Yes	Wet
Guzman	Yes	Yes	Wet
St. Joseph	Yes	Yes	Wet/Dry
Mal Brown	Yes	Yes	Wet/Dry
McDermott	Yes	Yes	Wet
McVinney	Yes	Yes	Wet
Meagher	Yes	Yes	Wet
Raymond	Yes	Yes	Wet
Suites	Yes	Yes	Wet/Dry

**Residence Hall Rules.** NO SMOKING – Smoking/Vaping is expressly prohibited in College-owned and operated buildings and vehicles, including but not limited to residence facilities, suites and apartments, work spaces and offices, auditoriums, classrooms, conference and meeting rooms, elevators, hallways and stairwells, cafeterias, lounges, and restrooms. This non-smoking/vaping policy applies to students, faculty, staff, contractors, and visitors. Evidence of indoor smoking/vaping, including the ashes of cigarettes, cigars, pipes, or other smoking equipment or products, or vaping paraphernalia (e.g. electronic cigarettes and “vape pens”) will result in disciplinary action.

The Rhode Island Public Health and Workplace Safety Act prohibits smoking in all enclosed public places within the state, including post-secondary education facilities (R.I.G.L. 23-20.10, et seq).

Walls and Windows. Posters and wall hangings of any size are allowed one foot from the ceiling and anchored on all four corners; they cannot cover windows. Duct tape is not allowed on any surface.

Doors. Room entrance doors are to remain free of all unauthorized materials, including wipe boards, decorations, and pictures. All rooms must have a fire exit chart provided by the College on the room facing

side of the entrance door; nothing is allowed to cover this chart. Nothing should impede the complete opening of an entrance door; there should be full clearance into and out of any room.

Ceilings. Nothing can be hung on/from the ceiling at any time, including stickers, toys, posters, wind chimes, bed sheets, blankets, hooks, wires and/or curtain rods. Nothing can be hung from sprinkler heads.

Room Access. Students cannot arrange furniture in a manner that fully or partially blocks physical access into a room. There must be 4.5 feet of entry space into each room; one should not have to turn sideways or squeeze to enter a room.

Furniture. Prohibited furniture includes: couches and love seats, PC lounge furniture, tables larger than 2' x 2', cement blocks/bricks/pipes for raising beds (i.e., home-made bed raisers), hammocks, dressers.

Permissible furniture includes: adjustable wheeled desk chairs, bookshelves (must reasonably fit with other furniture in room), knee-high coffee tables, 1' x 1' eating trays, end table/bed stand (no bigger than 1' x 1'), "husband" bed pillows, bean bags, inflatable furniture, ottomans, collapsible beach/camping chairs, small entertainment centers, under-the-bed storage containers, small folding work tables (no larger than 2' x 2'), College-approved bed raisers, Attachments such as privacy or bed sheets, blankets, and/or curtains are not allowed on beds by any methods (tape, string, etc.).

Candles. Candles of any kind are NEVER PERMITTED. Incense, potpourri burners and/or any items that have the potential of an open flame are prohibited.

Lights/Decorations. One string light per person in the room.

Hallways. Hallways must remain clear of all items including but not limited to drying racks, welcome mats, clothing, shoes, and athletic equipment. Items left in the hallway are subject to confiscation and owners may be disciplined.

Pets. Pets are not permitted except for fish in small aquariums (10 gallons or less).

**Electrical Appliances, Cords, and Items.** Prohibited items include: halogen lamps, hot plates, broiler ovens, toasters and toaster ovens (except in apartment kitchens), space heaters or immersion heaters, 2-prong extension cords (no ground available), Air-conditioning units are prohibited in the Residence halls unless authorized by the dean of residence life.

Permissible items in traditional rooms include: refrigerators (5.0 cubic or less), microwave ovens, must use 3-prong extension cords, surge protectors, lamps.

Items that can be used in bathrooms and kitchens ONLY include: popcorn makers, curling and flat irons, coffee makers, clothing irons.

All extension cords must meet or exceed the following safety standards: UL-approved/listed only, grounded plug (possess the third prong) only, 14 gauge only, 15 amps only, three-prong multi plugs must have surge protection (limited to 1 per outlet).

**Items Prohibited in Residence Hall Rooms.** Providence College takes fire safety seriously; therefore, use of the following items in traditional hall student rooms is not permitted: clothing irons, coffee makers, and heated styling tools; however, these items can be used in common areas such as kitchens and bathrooms. Owners of the following prohibited items will be disciplined and items will be confiscated: electric blankets, popcorn poppers, hot plates/pots, rice cookers, waffle irons, griddles, broiler ovens, toasters, grill, propane, flammable liquid, charcoal, immersion heaters, halogen lamps, neon lights, paper lights, or Christmas/string lights, candles (including for decoration), incense, and items carrying a live flame, duct tape, pets (except fish in ten gallon tanks or less), weapons, projectile devices (includes dart boards, pellet guns, foam dart guns), etc., two-prong extension cords -- Note: students are encouraged to bring extenders with surge protection or 3-prong extension cords (these items are available in the PC Bookstore).

**Grilling.** Students and guests are prohibited from indoor and outdoor grilling within any area deemed to be property of the College. This includes but is not limited to: residence halls, athletic/intramural fields, office/administrative buildings, and common areas. Students are not permitted to store any flammable or combustible items in any area of the residence halls, including individual rooms, common areas, and kitchens.



## **FIRE EVACUATION**

In the event of a fire, call 911 (9-911 from a campus phone), then 865-2222 to notify the Department of Public Safety. Familiarize yourself with the College's Emergency Evacuation Plan for your building. Be aware of the locations of emergency exits and building fire alarm pull stations. If you discover a fire, pull the nearest fire alarm. When a fire alarm sounds, always assume an emergency exists and evacuate the building immediately. Failure to evacuate may result in disciplinary action. Assist persons with disabilities to exit. Do not attempt to extinguish the fire on your own. Do not use elevators. Alert others of the fire upon evacuating.

Smoke is the greatest danger in a fire. During evacuation, or if you are trapped, always stay low to the floor where the air is less toxic. If trapped, shout at regular intervals to alert rescue personnel of your location. Find a window and place an article of clothing outside as a marker for rescue personnel. Should your clothes catch on fire, cover your face with your hands and STOP, DROP, and ROLL to smother flames.

In classrooms, faculty should take the class roster with them when evacuating and get to a safe location at least 500 feet away from the building. If it is safe to do so, close the classroom door as you exit, but do not lock the door. Once at a safe location 500 feet away from the building, take attendance and await further instruction from the College's Emergency Response Commander or his/her designee. Report any missing persons, or person's left behind and their location to emergency responders immediately.

## **GENERAL EVACUATION AND PROCEDURES**

Although fire is the most likely cause for evacuation, malicious or terrorist attacks might also necessitate an evacuation of your building. Governmental authorities cannot reliably estimate the likelihood of a terrorist attack in any American community, and college campuses are just as vulnerable to attacks without warning as are other areas within their respective communities. Those who perpetrate violent attacks use various weapons, including but not limited to explosions, bomb threats, or suspicious packages, and chemical or biological agents. If the response to a crisis on campus requires an emergency evacuation of your building, you will be notified via the College's Emergency Notification System, which includes the fire alarm system. Whether the evacuation is due to a fire or some other circumstance, the College's Emergency Evacuation Plan should be followed. The Plan is outlined at the "Fire" tab of the emergency response guide at: <http://www.providence.edu/safety/emergency/Pages/emergency-guide.aspx>.

When, via fire alarm or other methods of communication, persons are directed to evacuate a building, evacuation must occur immediately. Assist persons with disabilities to exit. Do not use elevators. Evacuate to at least 500 feet away from the effect building, to a safe area. If it is safe to do so, close the doors as you exit, but do not lock the door. Once at a safe location, take attendance and await further instruction from the College's Emergency Response Commander or his/her designee.

## **EVACUATION OF PERSONS WITH DISABILITIES**

Visual Impairments – Inform the person of the nature of the emergency and offer to guide the person to the nearest exit.

Hearing Impairments – Alert the person that there is an emergency situation by using hand gestures or by turning the light switch on and off. Verbalize or mouth instructions, or provide the person with a short note containing instructions.

Mobility Impairments – Since elevators should not be used, individuals who can walk may be able to evacuate themselves with some assistance. For individuals unable to walk: if there is no immediate danger, escort the individual to a safe place to await rescue personnel. Whenever possible, someone should remain with the person while another individual exits the building and notifies rescue personnel of the person’s exact location. Only in extreme situations should you try to evacuate a person in a wheelchair yourself. The mobility-impaired person is the best authority on how he/she should be moved. Ask before you move someone. While it is best to let rescue personnel conduct the evacuation, the person can be carried by two people who have interlocked their arms to form a “chair,” or the person can be carried in a sturdy office chair. An evacuation chair is available via Department of Public Safety (extension 2222).

**FIRE SAFETY EDUCATION**

Fire safety training is provided to Residence Assistants (“RAs”) during orientation and training. Residential floor meetings conducted by RAs and Hall Directors focus on fire and residence hall safety. Educational fire safety inspections of all residence hall rooms are conducted by Residence Life administrators. Students found in violation of the fire policies are required to receive counseling from Residence Life administrators. Fire safety literature and video information is provided to the students and available anytime from the Residence Life Office. As part of the educational process, the Office of Residence Life conducts 4 fire drills per year in each of the campus residential housing facilities.

**PROVIDENCE COLLEGE ANNUAL DISCLOSURE AND SUMMARY OF FIRE STATISTICS: ON-CAMPUS STUDENT HOUSING FACILITIES**

One Cunningham Square, Providence, RI 02918

2014					
Residence Hall	Fire	Cause	Injuries	Death	Damage
Aquinas Hall	0	0	0	0	0
Bedford Hall	0	0	0	0	0
Cunningham Hall	0	0	0	0	0
Davis Hall	0	0	0	0	0
DiTraglia Hall	0	0	0	0	0
Dore Hall	0	0	0	0	0
Fennell Hall	0	0	0	0	0
Guzman Hall	0	0	0	0	0
Mal Brown Hall	0	0	0	0	0
McDermott Hall	0	0	0	0	0
McVinney Hall	0	0	0	0	0
Meagher Hall	0	0	0	0	0
Raymond Hall	0	0	0	0	0
St. Joseph Hall	0	0	0	0	0
Suites Hall	0	0	0	0	0

2015					
Residence Hall	Fire	Cause	Injuries	Death	Damage
Aquinas Hall	0	0	0	0	0
Bedford Hall	0	0	0	0	0
Cunningham Hall	0	0	0	0	0
Davis Hall	0	0	0	0	0
DiTraglia Hall	0	0	0	0	0
Dore Hall	0	0	0	0	0
Fennell Hall	0	0	0	0	0
Guzman Hall	0	0	0	0	0

Mal Brown Hall	0	0	0	0	0
McDermott Hall	0	0	0	0	0
McVinney Hall	0	0	0	0	0
Meagher Hall	0	0	0	0	0
Raymond Hall	0	0	0	0	0
St. Joseph Hall	0	0	0	0	0
Suites Hall	0	0	0	0	0

<b>2016</b>					
<b>Residence Hall</b>	<b>Fire</b>	<b>Cause</b>	<b>Injuries</b>	<b>Death</b>	<b>Damage</b>
Aquinas Hall	0	0	0	0	0
Bedford Hall	0	0	0	0	0
Cunningham Hall	0	0	0	0	0
Davis Hall	0	0	0	0	0
DiTraglia Hall	0	0	0	0	0
Fennell Hall	0	0	0	0	0
Guzman Hall	0	0	0	0	0
Mal Brown Hall	0	0	0	0	0
McDermott Hall	0	0	0	0	0
McVinney Hall	0	0	0	0	0
Meagher Hall	0	0	0	0	0
Raymond Hall	0	0	0	0	0
St. Joseph Hall	0	0	0	0	0
Suites Hall	0	0	0	0	0

**APPENDIX A: MAPS – CLERY GEOGRAPHY**

<http://www.providence.edu/safety/Documents/clery-geography.pdf>

**Providence College, One Cunningham Square, Providence, RI 02918**



**Providence College/Smith Hill Annex**

**231 Douglas Avenue, Providence, RI 02908**

