

ROCHESTER INSTITUTE OF TECHNOLOGY
STUDENT GENDER-BASED AND SEXUAL MISCONDUCT POLICY

TITLE IX

I. INTRODUCTION

Title IX of the Education Amendments of 1972 is a federal law that prohibits sex discrimination in education. It reads: “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.” Additional laws prohibit sex discrimination in education on the basis of sex, as well as dating violence, domestic violence and stalking. This Student Gender-Based and Sexual Misconduct Policy is RIT’s Student Title IX Policy. RIT’s Student Title IX Policy applies whenever any allegation of sex discrimination is made by or against an RIT student. This policy applies equally regardless of an individual’s sexual orientation, gender, gender identity, or gender expression.

II. SCOPE

The standards set forth in this policy apply to conduct by or against an RIT Student from the time of acceptance of admission. This includes conduct which occurs while students are on a leave of absence, studying abroad, or on co-op. It also includes conduct which occurs when students are not officially enrolled during a particular term as long as they have a continuing relationship with the University. This policy will apply to a student's behavior even if the student withdraws or graduates from the University while a disciplinary matter is pending, or if the behavior occurs off campus. For purposes of this policy, the location of the off campus behavior will not affect its applicability.

The procedures set forth in this policy do not apply to faculty and staff. Any faculty and/or staff accused of violating the standards set forth in this policy shall be subject to the procedures set forth in the [RIT Policy Prohibiting Discrimination and Harassment \(C6.0\)](#). This policy does not apply to non-RIT Community members, except to the extent that (1) the non-RIT Community member is alleging a violation of this policy by an RIT Student, or (2) RIT has the ability to control the behavior of the non-RIT Community member, including but not limited to banning a non-community member from campus. Determining whether to proceed for violations of this policy by non-RIT Community members shall be at the sole discretion of RIT. Non-RIT Community members may report violations of this policy and the report will be addressed in accordance with the procedures below. However, a non-RIT community member’s role in RIT’s investigatory and disciplinary procedures may be limited. RIT’s support resources are available only to members of the RIT Community. If an individual’s status with the University (i.e., student, staff, faculty member, non-community member) has changed from the time of the alleged policy violation to the time of complaint, the University will determine which policies will apply.

III. DEFINITIONS

The following terms are defined for use in this policy:

- A. “Accused” means any individual alleged to have engaged in conduct in violation of this policy.

B. “Anonymous” means that a student may report a Title IX Complaint without including one’s name or the name of the accused. However, the University’s ability to investigate an anonymous report is limited when names are not included in reports. Making an initial anonymous report does not, in any way, prevent a student from choosing to follow-up with additional information in the future, if desired. The University always welcomes additional information after the initial complaint is made. (See, Options for Getting Help, Section IV (C) for Anonymous Reporting Option).

C. “Confidentiality” means that information shared by an individual with designated Confidential Resource or community professionals cannot be revealed to any other individual without express permission of the individual. (See, Options for Getting Help, Section IV (B), for Confidential Reporting Options and Confidential Resources).

D. “Complainant” means a person bringing forth an incident alleging that the person is the victim of Sexual Misconduct or Sexual Harassment by another person who is subject to this policy. RIT may also be considered a Complainant if RIT elects to investigate reports of potential violation(s) of this policy, or if the person alleging that they are the victim of Sexual Misconduct or Sexual Harassment is a non-RIT Community member.

E. “Consent” means the ability to engage in activity knowingly and voluntarily. Consent to sexual activity must be affirmative, and, whenever the word “consent” is used in this policy, it should be understood to mean affirmative consent as defined here. Affirmative consent to sexual activity must be knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words (verbal or signed) or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity, or gender expression. Consent must be mutual and exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent cannot be gained by force, by ignoring or acting in spite of the objections of another. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. There is no duty to fight off a sexual aggressor. Consent may be initially given but can be withdrawn at any time. When consent is withdrawn or can no longer be given, all sexual activity must stop. Consent to engage in sexual activity is required regardless of whether the person initiating the sexual act is under the influence of drugs and/or alcohol. A person shall not knowingly take advantage of another person who has an intellectual or physical disability, who is incapacitated by prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give consent as defined above. Further, consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. Consent is active, not passive. In addition, certain states have designated a minimum age under which a person cannot give consent. In the state of New York, the age of consent is 17.

F. “Dating Violence”^{*} means violence by an individual who is or has been in a romantic or intimate relationship with another individual and which violence unreasonably interferes with the work or educational environment. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

* Definitions marked with an asterisk (*) are also standards that may be alleged by a Complainant and with which an Accused may be charged.

G. “Domestic Violence”* means violent misdemeanors and felony offenses committed by an individual's current or former spouse, current or former cohabitant, an individual similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law and which violence unreasonably interferes with the work or educational environment.

H. “Force” means physical force, violence, threats, intimidation, or coercion.

I. “Gender-Based Harassment”* is much like sexual harassment and is evaluated based on the same standards. However, gender-based harassment need not be sexual in nature and is instead characterized by hostility because of gender, gender expression, or gender-stereotyping, including failing to conform to stereotypical notions of masculinity or femininity.

J. “Interim measure” means measures taken pending an investigation or hearing.

K. “Incapacitation” means the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be incapacitated may include, but are not limited to slurred speech, unclear signed communication, vomiting, involuntary elimination of bodily fluids, unsteady gait, odor of alcohol, combativeness, uncharacteristic behavior, or emotional volatility. The question is whether the Accused knew, or a reasonable sober person in the position of the Accused should have known, that the Complainant was incapacitated.

L. “Preponderance of Evidence” means that, after considering all of the supporting documents regarding an incident, it is more likely than not that a violation of this policy occurred. All hearings and appeals under this policy will be determined using the preponderance of the evidence standard.

M. “Privacy” means that information related to a Complaint will be shared only with a limited circle of individuals. The use of this information is limited to those employees who “need to know” in order to assist in the active review, investigation, or resolution of the Complaint. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

N. “RIT Community” means any individual authorized to be on the RIT campus including administrators, faculty, staff, Students and Student Organizations, and external organizations and individuals in their operations with RIT.

O. “RIT Student” means undergraduate, graduate, non-degree seeking, students in not-for-credit programs, and all persons taking courses or training at RIT as well as RIT Students on co-op and students not officially enrolled during a particular term, but who have a continuing relationship with the University.

P. “Sex Discrimination”* means the adverse treatment of an individual based on that individual’s gender, sexual orientation, gender identity, or gender expression. Sex discrimination includes Sexual Harassment.

Q. “Sexual Exploitation”* occurs when a person takes non-consensual or abusive sexual advantage of another. Examples of sexual exploitation include, but are not limited to, causing or attempting to cause the incapacitation of another person to gain a sexual advantage over the other; prostitution or causing the prostitution of another; observing or recording (whether by video or audio tape or otherwise) of a sexual or other private activity (such as sexual activity, undressing or showering) without the consent of all involved; taking intimate pictures of another but then distributing the pictures to others without the photographed person’s consent; engaging in voyeurism or allowing others to observe private sexual acts without the consent of all involved; engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) without informing the other person of such infection; or exposing one’s genitals in non-consensual circumstances.

R. “Sexual Harassment”* means Unwelcome Conduct of a sexual nature, which unreasonably interferes with work or the educational environment. Sexually harassing conduct is offensive, unwanted or intimidating behavior of a sexual nature and may be physical, verbal, written, visual, or may occur by electronic means. When harassment becomes so severe or pervasive as to unreasonably interfere with an individual’s ability to work, learn or participate in RIT’s programs, or when the receipt of some benefit is linked to another’s submission to sexual behavior, it is in violation of this policy. RIT reserves the right to remedy, and to discipline, behavior that is offensive even if it is not in violation of this policy if it may lead to a violation of this policy if left unaddressed. However, the fact that a person was personally offended by a statement or incident does not alone constitute a violation of this policy. RIT shall consider the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the impact of the incident, and whether the incident would be considered offensive to most people, as opposed to a particular person.

S. “Sexual Misconduct”* means sexual activity that is not based on affirmative, mutual, knowing, and freely given consent by individuals with the capacity to consent. RIT recognizes the following categories of sexual misconduct as violations of this policy:

1. “Sexual Assault”* means, consistent with federal law, sexual assault is any sexual act directed against another person, without one’s consent, including instances where the individual is incapable of giving consent. Sexual assault includes, but is not limited to, rape, sodomy, sexual assault with an object, however slight, fondling and incest.

2. “Non-Consensual Sexual Contact”* means a form of sexual assault that includes any intentional sexual touching, however slight, for purposes of sexual gratification or with sexual intent, of a private body part or object, by a person upon another person that is without consent. This may include non-penetrative acts and includes touching the private parts of another over clothing. This may also include forcing or causing another individual to touch one’s private parts without affirmative consent.

3. “Non-Consensual Sexual Intercourse”* is a form of sexual assault and includes:

- (a) “Rape”. 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, forcibly or without consent or where the victim is incapable of consent due to mental or physical incapacity.

(b) “Statutory Rape”. Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

T. “Stalking”* means engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to fear for his or her safety or the safety of others, or suffer substantial emotional distress and which unreasonably interferes with the work or educational environment. Stalking may include, but is not limited to, unwelcomed conduct such as surveillance, following, trespassing, gift giving or property damage, or written, in-person, digital, social media, or other communication directly or through a third party.

U. “Unwelcomed Conduct” means conduct that is not initiated by the recipient or which is regarded as offensive to the recipient, without regard to the intent of the individual engaging in the conduct.

IV. OPTIONS FOR GETTING HELP

Any RIT Community member who has been the victim of conduct in violation of this policy has the right to make a report to RIT Public Safety, one of the Responsible Administrators listed below, local law enforcement and/or the New York State Police. Additionally, the RIT Community member may choose not to report. If reported to RIT under this policy, a reporting individual will be protected from retaliation and will receive appropriate assistance and resources from RIT. A Students’ Bill of Rights for cases involving sexual assault, domestic violence, dating violence or stalking is located at the end of this policy.

A. Law Enforcement

A victim of a crime is encouraged, but is not required, to report the incident to local law enforcement and/or the New York State Police and pursue criminal charges. The criminal process and RIT’s disciplinary processes are mutually exclusive and not dependent on each other, meaning that a person may pursue either a criminal complaint or RIT complaint or both. Once RIT gets a complaint, RIT may still investigate once it is put on notice of an incident. (*See Section V.C, below.*) Any internal RIT investigation and/or hearing process will be conducted concurrently with any criminal justice investigation and proceeding that may be pending.

In criminal cases, including non-consensual sex offenses, the preservation of evidence is critical and must be done properly and promptly. If you have been sexually assaulted, you should not wash your body or clothes, as evidence may be lost. The Monroe County Sheriff’s Department (585) 753-4178 (24 hours a day/7 days a week) can assist in filing a criminal complaint and in securing appropriate examination, including by a Sexual Assault Nurse Examiner. New York State Police maintain a 24-hour hotline staffed by individuals trained to respond to sexual assault at 1-844-845-7269.

B. Confidential Reporting Option

There are options for individuals to report confidentially incidents that occur in violation of this policy. Confidential reporting options will not disclose any details of your report with anyone. Pastoral counselors, professional counselors, and medical staff are able to provide confidentiality in accordance with their professional responsibilities. At RIT, these confidential reporting options are the Center for

Women and Gender, the Student Health Center, the RIT Counseling Center, the Ombuds Office, the Center for Religious Life, and the NTID Counseling & Academic Advising Services Office (“Confidential Resources”). Off campus, confidential reporting options include Willow Domestic Violence Center, Lifeline, National Domestic Violence Hotline, and Advocacy Services for Deaf Abused Victims. A complete list of off-campus resources providing confidentiality can be found at the end of this policy. (See Section VII *below*, Options for Assistance.)

Sharing information with a Confidential Resource will not result in a report to RIT or investigatory or disciplinary action against the Accused. In order to initiate an investigation or disciplinary action, report the incident to a Responsible Administrator or through the Anonymous Reporting Option, below.

C. Anonymous Reporting Option

An anonymous report can be made using the RIT Ethics and Compliance Hotline by calling (866) 294-9358. The RIT Ethics and Compliance Hotline is independently operated by a third party to ensure anonymity. Anonymity is not confidentiality. Reports alleging violations of this policy, made using the RIT Ethics and Compliance Hotline, will be forwarded to the Title IX Coordinator. At the request of the reporter, no personally identifiable information is required in order to submit an anonymous report. Due to their nature, anonymous reports may be difficult to act upon.

D. Reporting to an RIT Responsible Administrator

Federal law requires certain employees to report information received relating to violations of this policy RIT (“Responsible Employees”). At RIT Responsible Employees who are required to report incidents to the Title IX Coordinator include professional staff, faculty members, and residential advisors.

While most employees at RIT are Responsible Employees, the Title IX Coordinator, Stacy DeRooy, and the Title IX Deputy Coordinators have been specifically trained to receive and respond to allegations of violations of this policy and are considered RIT Responsible Administrators of the Title IX policy. The Title IX Coordinator can be reached as follows:

Stacy DeRooy
Title IX Coordinator &
Clery Compliance Officer
Office of Compliance and Ethics
Rochester, NY 14623
(585) 475-7158
Stacy.DeRooy@rit.edu

The current list of [Deputy Title IX Coordinators](#) can be can be found on the [Title IX website](#).

Neither Responsible Employees nor Responsible Administrators are Confidential Resources. Only the Confidential Resources noted above may keep a report confidential.

A student may contact a Responsible Administrator to obtain information about this policy and supportive resources. Students are not required to disclose any detail about an incident in order to obtain general information about this policy, RIT's procedures, or counseling and other supportive resources available to you.

Only Confidential Resources can offer confidentiality. However, even non-Confidential Resources (such as Responsible Administrators) will maintain your privacy to the greatest extent possible. Privacy is not Confidentiality or Anonymity. Prior to information being disclosed, the non-Confidential Resources should make clear to the Complainant that they are not a confidential reporting option and refer the Complainant to the appropriate confidential reporting option if they do not want the information shared to be disclosed.

The information you provide to a Responsible Administrator will be shared only as necessary for an investigation and/or to seek resolution. Your identity, however, will remain private if requested, to the maximum extent possible.

V. WHAT TO EXPECT ONCE A COMPLAINT IS FILED WITH RIT

A. Time Limits for Reporting

There is no time limit for reporting a violation of this policy. Nevertheless, every person is encouraged to report allegations immediately in order to maximize RIT's ability to obtain evidence, and conduct a thorough, impartial and reliable investigation. Failure to promptly report violations of this policy may result in the loss of relevant evidence and witness testimony, and may impair RIT's ability to enforce this policy.

B. Interim and Accommodative Measures

Once a Responsible Administrator is made aware of an alleged violation of this policy, and regardless whether the complainant wishes to pursue a formal complaint, RIT will take prompt and effective action as is reasonably practicable under the circumstances to support and protect the RIT Community, including the Complainant and Accused. This may include taking interim actions pending the investigation and, if applicable, the hearing. This also may include making accommodative changes in residential, academic, work or transportation arrangements to ensure that the Complainant and Accused have as little interaction as possible. Interim and accommodative measures are designed to end the alleged harassment, eliminate a hostile environment, and prevent recurrence. There may be instances in which a Complainant wishes only for a "no contact" order or accommodative changes to be made, and, if so, the Complainant's request will be considered. Other interim or accommodative measures may include the following:

1. RIT may impose a "no contact" order, which will prohibit communication between the parties involved, including in person communication, through third parties, or via electronic means. If a no contact order is imposed, and the Complainant and the Accused observe each other in a public place, it shall be the responsibility of the Accused to leave the immediate area promptly and without directly contacting the Complainant.

2. RIT may also direct appropriate University officials to alter academic, housing, transportation, and/or University employment arrangements, as well as establish an appropriate schedule for use of RIT premises at a time that reasonably ensures that the Complainant and the Accused will not access the premises at the same time.

3. In certain circumstances, the Director for the Center of Student Conduct and Conflict Resolution, in consultation with the Title IX Coordinator, may impose an interim suspension. Interim suspension may be imposed at RIT's sole discretion: (a) to ensure the safety and well-being of members of RIT; (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a definite threat of disruption of or interference with the normal operations of RIT. During interim suspension, the student may be denied access to on-campus housing and/or the campus (including classes) and/or all other RIT activities or privileges which are determined to be appropriate.

4. Both the Complainant and the Accused shall be afforded the opportunity for a prompt review of the need for interim or accommodative measures, including the potential modification of these measures. Requests for review of interim or accommodative measures should be made to the Title IX Coordinator and may be made at any time. The Complainant and the Accused will be allowed to submit evidence in support of their request. The Title IX Coordinator shall determine if the requested modifications are appropriate, in consultation with the Associate Vice President for Student.

5. Violation(s) of RIT's directives and/or administrative actions relating to interim or accommodative measures may lead to additional charges under the Student Code of Conduct.

C. Investigation of Complaint

Upon receipt of a complaint involving any allegation of a violation of this policy, RIT will determine if an investigation is required. RIT understands that some individuals who report violations desire only supportive services or to avoid contact with the Accused, and there are circumstances where RIT is able to honor this request and to not proceed with an investigation. The complainant's decision to decline to consent to an investigation shall be honored unless RIT determines in good faith that failure to investigate does not adequately mitigate a potential risk of harm to the Complainant or other members of the RIT Community. RIT shall consider the following factors when determining to proceed with an investigation against Complainant's wishes:

1. Whether the Accused has a history of violent behavior or has a conduct history;
2. Whether the incident represents escalation in unlawful conduct on behalf of the Accused from previously noted behavior;
3. The increased risk that the Accused will commit additional acts of violence or discrimination;
4. Whether the Accused used a weapon or force;
5. Whether the reporting individual is a minor; and

6. Whether RIT possesses other means to obtain evidence and whether available information reveals a pattern of perpetration at a given location by a particular group.

RIT will notify the Complainant of its decision to proceed with an investigation and seek Complainant's consent to proceed.

If RIT determines that an investigation will be conducted, and if the Accused is an RIT Student, then the investigation will be conducted by RIT Public Safety and the Complainant shall be notified by the Title IX Coordinator that such investigation is underway. RIT Public Safety is a neutral fact-finder who, during the course of the investigation, typically conducts interviews with the Complainant, the Accused and any identified third-party witnesses.

RIT Public Safety will complete an investigative report. A typical investigation will be completed within thirty (30) calendar days, if not sooner. Should there be a need for the investigation to extend beyond the standard thirty (30) calendar day timeframe, the reasons for the extension will be documented and communicated to both the Complainant and the Accused.

Some minor incidents can be resolved informally. Informal resolutions are non-disciplinary, for example but not limited to, a conversation with professional staff member from the Center for Student Conduct and Conflict Resolution regarding behavioral expectations, or reaching an understanding between the parties about future interactions. If the Title IX Coordinator determines that informal resolution is appropriate, then s/he will communicate this to the parties and the resolution will be imposed. A party will not be required to meet face-to-face with the other party at any time in connection with the process of reaching an informal resolution unless both parties agree, and mediation is not appropriate for any form of sexual violence, domestic violence, dating violence, and/or stalking and will not be an option. Nor are informal resolutions appropriate for allegations that present significant disputed issues of fact or circumstances, or where the alleged conduct is of a nature that may warrant the imposition of a sanction of suspension or expulsion. Informal resolutions are not appealable.

If the Title IX Coordinator determines that a formal hearing is appropriate, the formal hearing process will commence by providing written notice to both parties of the notice of hearing. The notice of hearing will be delivered via email to the students' RIT email account. The Complainant and Accused will be provided a copy of this policy. Both the Complainant and the Accused will have an Advocate offered to them that can assist with providing support during the process.

If the Accused or the Complainant fails to appear at the scheduled hearing, the hearing officers may proceed with the hearing and determine the outcome of the complaint on the basis of the investigative report and any other available information, provided the absent party was duly notified of the scheduled hearing date.

An individual may withdraw the complaint or cease participation in the process at any time. As explained above, RIT endeavors to honor such requests but may not be able to do so in all instances. (See Section V, C., above detailing circumstances under which RIT may still proceed against Complainant's wishes.) Withdrawal of the complaint or involvement in the student conduct process will

not relieve RIT of its obligations to report certain specific crimes in its Annual Security Report and share information with parents in accordance with the provisions of the Family Educational Rights Privacy Act ("FERPA") when there is a health or safety emergency or when the student is a dependent on either parent's prior year federal income tax return.

D. Standard of Evidence

Disciplinary procedures involving allegations of acts in violation of this policy will be conducted promptly and be fair, equitable, and impartial. The standard of proof in such disciplinary proceedings shall be that of the preponderance of the evidence.

E. Formal Hearing Procedures

In addition to the standard hearing procedures outlined in the [RIT Student Conduct Process \(D18.0\)](#), the following provisions apply to cases of alleged violations of this policy.

1. Both the Complainant and the Accused shall receive notice referencing the specific provision of this policy alleged to have been violated and the possible outcomes. This notice shall also include the date, time, location and factual allegations concerning the alleged violation.
2. Both the Complainant and the Accused shall have an opportunity to present evidence and testimony during the hearing. The Center for Student Conduct and Conflict Resolution requests that a list of potential witnesses, as well as any additional information either party plans to present, be submitted to the office no less than three (3) days in advance of the hearing. It is the responsibility of the parties to inform their witnesses of the date and time of the hearing. The Student Conduct Officers may elect to rely upon the statements of witnesses contained in the investigative report if such witnesses are unavailable to attend the hearing.
3. Both the Complainant and the Accused shall have an opportunity to review all evidence relevant to the conduct case in the possession or control of RIT, consistent with RIT policy and applicable federal and state law including, but not limited to, the Family Educational Records Privacy Act.
4. The Complainant and Accused do not have to be in the same room at the same time if they do not wish to be. The Student Conduct Officer may make other arrangements (such as use of a wall partition or video conferencing) to allow the testimony while not depriving the either party of access to the evidence and participation in the hearing.
5. Both the Complainant and the Accused shall have the right to exclude their own prior sexual history with persons other than the other party or their own mental health diagnosis and/or treatment from admittance in the hearing. Past violations of domestic violence, dating violence, stalking or sexual assault may be considered for purposes of determining the appropriate sanction after the finding of responsibility.
6. Both the Complainant and the Accused shall have the opportunity to make an impact statement prior to the Student Conduct Officer's determination of an appropriate sanction.

7. Only the Student Conduct Officers may question the individual parties and any witnesses. Both the Complainant and Accused may submit a list of questions to the Student Conduct Officer in advance of the hearing that they would like the Student Conduct Officers to consider asking the other party. These questions will be asked at the discretion of the Student Conduct Officers, who may choose to reframe questions or omit questions that are deemed to be irrelevant or redundant. If the Student Conduct Officers determines that unresolved issues exist that would be clarified by the presentation of additional information and/or speaking to any party, the Student Conduct Officers may postpone the hearing and reconvene it in a timely manner to receive such additional information.

8. Both the Complainant and the Accused may have their RIT Advocate present to serve as their advisor during the hearing. If an RIT Advocate is not utilized, then either party may select an alternative advisor of their choice. Hearings will not be postponed due to the unavailability of the student's advisor of choice. Advisors are to serve only in a supportive role and may not represent or speak on behalf of the student. The advisor selected must not also be a witness in the hearing.

9. The hearing will be conducted by Student Conduct Officers who have received annual training on issues related to acts of sexual or gender-based misconduct, including the effects of trauma, impartiality, the rights of the Accused, how to conduct an investigation and hearing process that protects the safety of the Complainant and promotes accountability, and the right of the Accused to a presumption that the Accused is not responsible until a finding of responsibility is made pursuant to this policy.

10. The Student Conduct Officers presiding over the hearing shall not have a conflict of interest. In the event that a conflict of interest is deemed to exist, another Student Conduct Officer, without a conflict of interest, shall preside over the hearing.

11. Both the Complainant and the Accused have the option not to testify; however, the exercise of that option will not preclude the Student Conduct Officers from proceeding and determining the complaint on the basis of the investigative report and other available information.

12. The hearing will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays may be requested by municipal law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay shall not last more than ten (10) days except upon municipal law enforcement authorities' written request to justify a longer delay.

13. Upon the conclusion of the hearing, both the Complainant and the Accused shall have access to a full and fair record of the hearing which shall be preserved and maintained for at least five (5) years from the date of the end of the hearing and may include a transcript, recording or other appropriate record. The full and fair record of the hearing shall be protected from public release until a final determination is made. A final determination is made under this policy when no appeal of the decision of the hearing is sought, or in the event of an appeal, when the decision of the appeals panel is communicated to the Complainant and the Accused. Any public release of the full and fair record of the hearing shall be made in accordance with applicable RIT policy and federal and state laws.

14. Both the Complainant and the Accused shall have the right to appeal the outcome of the hearing to the University Appeals Board in accordance with the provisions of the appeals process for the Student Code of Conduct outlined in the [RIT Student Conduct Process \(D18.0\)](#). No member of the University Appeals Board participating in an appeal shall have a conflict of interest. In the event a conflict of interest is deemed to exist, the member with the identified conflict shall be replaced, for purposes of this appeal only, in accordance with the provisions of the [RIT Student Conduct Process \(D18.0\)](#).

F. Notification of Outcome

The decision of the Student Conduct Officer will be communicated to both the Complainant and the Accused in writing via email concurrently. This letter will be sent within five (5) business days after the hearing has concluded, barring any exigent circumstances that may cause reasonable delays. The Notice of Outcome will include:

1. The name of the Accused;
2. The alleged violation(s) of the Code of Conduct and the finding of responsibility;
3. The sanction(s) imposed, if any;
4. The factual findings supporting the determination;
5. The rationale for the decision; and
6. Information regarding the appeal process.

Both the Complainant and Accused will be informed of the outcome of the hearing and the outcome of any appeal without a commitment to protect the confidentiality of the information. It shall be the decision of the Complainant or the Accused to disclose or discuss the outcome of the hearing.

For those crimes of violence that RIT is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and an appeal, if any, shall include the following notation:

1. Withdrew with conduct charges pending; or
2. Suspended after a finding of responsibility for a code of conduct violation; or
3. Expelled after a finding of responsibility for a code of conduct violation.

Transcript notations for suspensions shall be removed one (1) year after the conclusion of the suspension. Transcript notations for expulsion shall not be removed.

G. Sanctions and Remedies

If a finding of responsibility is made, the Student Conduct Officers will consider, as part of their deliberations, whether the sanction will:

1. Bring an end to the violation in question;
2. Reasonably prevent a recurrence of a similar violation; and
3. Remedy the effects of the violation on the complainant and RIT Community.

In determining an appropriate sanction, the Student Conduct Officers may consider any record of past violations of the Code of Conduct, as well as the nature and severity of such past violation(s). Any sanction imposed will be explained and supported by factual findings in the written rationale of the Student Conduct Officers. Sanctions may include Warning, Disciplinary Probation, Suspension, Expulsion, administrative actions, and educational sanctions as outlined in the Student Code of Conduct.

Remedies will also be offered and provided. Appropriate remedies may include: providing an escort on campus; assistance with academics; including rescheduling exams and assignments; receiving an incomplete in the course; facilitating a classroom change; housing assignment relocation; restriction of campus access for the Accused (restricted from specific buildings, areas, etc.); no-contact orders; campus employment reassignment; and counseling referrals.

VI. STUDENTS' BILL OF RIGHTS

All students have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by RIT.
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident.

8. Be protected from retaliation by RIT, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of the University.
9. Access to at least one level of appeal of a determination.
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of RIT.

VII. OPTIONS FOR ASSISTANCE

If you or someone you know may be the victim of any violation of this policy, you are strongly encouraged to seek immediate assistance. Your first priority should be to get to a place of safety. You should then obtain necessary medical treatment as soon as possible. Assistance from Confidential Resources on campus can be obtained from the following locations:

RIT Center for Women and Gender

585-475-7464 (V/TTY)

www.rit.edu/womenandgender/

Services provided at no cost.

Center for Religious Life

585-475-2137

<http://www.rit.edu/studentaffairs/religion>

Services provided at no cost.

RIT Counseling Center

585-475-2261 (V) or 585-475-6897 (TTY)

www.rit.edu/counseling/

Services provided at no cost.

NTID Counseling & Academic Advising

585-475-6400

<http://www.ntid.rit.edu/counselingdept>

Services provided at no cost.

RIT Student Health Center

585-475-2255 (V)

<http://www.rit.edu/studentaffairs/studenthealth/>

Services provided at no cost.

RIT Ombuds Office

585.475.7200 or 585.475.2876

<http://www.rit.edu/ombuds/contact-us>

Services provided at no cost.

Other non-Confidential Resources on campus (other than the Title IX Coordinator and Deputy Coordinators) that can provide assistance include:

RIT Public Safety

(24 hours a day, 7 days a week)
585-475-2853 (V) or 585-475-6654 (TTY)
www.rit.edu/fa/publicsafety/
Services provided at no cost.

Center for Student Conduct & Conflict Resolution

585-475-5662 (V/TTY)
www.rit.edu/studentconduct/
Services provided at no cost.

RIT Human Resources

585-475-2424 (V/TTY)
www.rit.edu/humanresources/
Services provided at no cost.

Office of Diversity and Inclusion

(585) 475-6546
<http://www.rit.edu/diversity/diversity-inclusion>
Services provided at no cost.

RIT Advocacy Program

585-475-7668 (V/TTY)
www.rit.edu/studentconduct/advocacy.php
Services provided at no cost.

Student Financial Services

(585)475-6186
<http://www.rit.edu/fa/sfs/>
Services provided at no cost.

Office of Financial Aid & Scholarships

(585)475-2186
<https://www.rit.edu/emcs/financialaid/contact.html>
Services provided at no cost.

RIT Student Government Office

(585) 475-4043
sgstaff@rit.edu
Assistance with legal services provided at no cost

Additionally, you may seek assistance from non-campus community resources listed in the Appendix.

VIII. RETALIATION

RIT and federal law do not allow threats or other forms of retaliation against a student, staff, or faculty who files a complaint. Retaliation is conduct that creates an intimidating, hostile, or offensive working, residential, or education environment. It is a violation of this policy to retaliate against any person making a complaint of a violation of this policy or against any person cooperating in the investigation of any allegation of a violation of this policy. Retaliation should be reported promptly and may result in disciplinary action independent of the sanction or interim measures imposed in response to the underlying allegations. An allegation of retaliation against a student will be investigated and adjudicated depending on the status of the Accused. (*See Scope, Section II above*).

IX. AMNESTY FOR DRUG AND ALCOHOL USE

Violations of this policy are a serious issue and RIT's primary concern is ensuring that individuals feel comfortable reporting a complaint. The health and safety of every student at RIT is of utmost importance. RIT recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to domestic violence, dating violence, stalking, or sexual assault occurs may be hesitant to report such incidents due to fear of potential consequences for their own conduct. RIT strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to the appropriate RIT official. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking or sexual assault to the RIT Appropriate Administrator or law enforcement will not be subject to RIT's code of conduct for violations of alcohol and/or drug policies (*see [Alcohol &](#)*

[Other Drugs Policy, D.18.1](#)) occurring at or near the time of the commission of the domestic violence, dating violence, stalking, or sexual assault.

X. RIGHTS IN THE PROCESS

Individuals filing complaints alleging a violation of this policy shall have the right to:

1. Notify RIT Public Safety, local law enforcement, and/or the New York State Police.
2. Have emergency access to an official trained in interviewing individuals subjected to sexual assaults. That official will provide information regarding options to proceed, and, where applicable, the importance of preserving evidence and obtaining a sexual assault forensic examination as soon as possible, and detailing that the criminal justice process utilizes different standards of proof and evidence and that any questions about whether a specific incident violated the penal law should be addressed to law enforcement or to the district attorney. The official shall also explain whether the official is authorized to offer the reporting individual confidentiality or privacy, and shall inform the reporting individual of other reporting options.
3. Disclose confidentially the incident to RIT representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting individuals.
4. Disclose confidentially the incident and obtain services from the state or local government.
5. Disclose the incident to RIT representatives who can offer privacy or confidentiality, as appropriate, and can assist in obtaining resources for reporting individuals.
6. File a report of a violation of this policy and the right to consult the Title IX Coordinator and other appropriate RIT representatives for information and assistance. Reports shall be investigated in accordance with RIT policy and a reporting individual's identity shall remain private at all times if said reporting individual wishes to maintain privacy.
7. Receive assistance from appropriate RIT representatives in initiating legal proceedings in family court or civil court.
8. Withdraw a complaint or involvement from the RIT process at any time.
9. Be protected by RIT from retaliation for reporting an incident.

XI. DESIGNATION OF AUTHORITY

Any University individual title authorized by this policy to act or make a decision may designate his/her authority to another when necessary to avoid a conflict of interest or for any other reason.

XII. POLICY COMPLIANCE

The Title IX Coordinator has overall responsibility for the University's institutional compliance with Title

IX. Any person with a concern about the University's handling of a particular matter should contact:

Stacy DeRooy
Title IX Coordinator
Rochester, NY 14623
585-475-7158
Stacy.DeRooy@rit.edu

The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100, (800) 421-3481.

APPENDIX

Non-campus resources available include:

Willow Center

24-Hour Hotline 585-232-7353 | TTY 585-232-1741

<http://willowcenterny.org/>

Services provided at no cost.

Lifeline

585-275-5151

<http://www2.monroecounty.gov/mh-emergency-resources>

Services provided at no cost.

Monroe County Sheriff's Office

(24 hours a day, 7 days a week)

585-753-4178

www.monroecounty.gov/sheriff

Services provided at no cost.

Advocacy Services for Deaf Abused Victims (Hotline)

ASADVhope@gmail.com

585-232-2854 TTY/FAX

www.asadv.org

Services provided at no cost.

NYS Police Sexual Assault Hotline

844-845-7269

Services provided at no cost.

National Domestic Violence Hotline

(24 hours a day, 7 days a week)

(800) 799-7233

<http://www.thehotline.org/>

Services provided at no cost.

National Dating Abuse Helpline

(24 hours a day, 7 days a week)

(866) 331-9474

<http://www.loveisrespect.org/>

Services provided at no cost.

New York State Office of Victim Services

800-247-8035

Services provided at no cost.

Information on sexually transmitted infections and sexual assault forensic examinations:

RESTORE Sexual Assault Services

Monroe County (585-546-2777)

24 hour hotline

National Sexual Assault Hotline

(24 hours a day, 7 days a week)

(800) 656-4673

<https://www.rainn.org/get-help/national-sexual-assault-hotline>

Services provided at no cost.