

Rochester Institute of Technology

2020 Annual Report on Sex Discrimination





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I. INTRODUCTION

Two years ago, the Title IX Office issued its first Annual Report to provide more transparency into the university's efforts to maintain a safe and healthy educational and work environment free from sex discrimination. The Office pledged to continue providing annual reports to the RIT community and sharing vital information about our progress in addressing sex discrimination on campus. This year, we are happy to report that in the 2019 academic year, we were able to build upon the success of previous years, expanding and improving education and training opportunities for prevention and outreach, growing community engagement opportunities, and revising internal policies and processes to increase effectiveness.

Success of the outreach, education, and prevention efforts are possible with the support of RIT's senior leadership, who recognize that ensuring a safe and supportive learning environment is fundamental to the university's culture, mission, and reputation. This year, as in years past, President Munson reaffirmed RIT's commitment to protect its students and employees from sex discrimination, including sexual harassment, sexual violence, intimate partner violence, gender-based harassment and discrimination, and stalking (hereinafter, "sex discrimination") in a campus-wide communication. A copy of the Letter to the RIT Community from Dr. Munson, dated September 2020, is attached to this Annual Report as Appendix III.

This year's Annual Report highlights the university's continuing efforts towards creating a safer and more inclusive environment. The Annual Report:

- 1. Provides an overview of RIT's framework for addressing concerns related to sex discrimination;
- 2. Outlines RIT's prevention education, advocacy, response, support, and community engagement initiatives on sex discrimination for this past academic year; and
- 3. Summarizes the complaints of sex discrimination received by RIT in calendar year 2019.

II. OUR FRAMEWORK FOR ADDRESSING SEX DISCRIMINATION

RIT's framework is a structure intentionally created to ensure that once sex discrimination is identified on campus, the university takes prompt, consistent and effective steps to **end** the discrimination, **prevent** its recurrence, and **remedy** its effects on the individual(s) and the RIT Community. The framework is divided into four distinct areas: (1) Oversight, Organization, and Management; (2) Assistance and Resources



for Impacted Individuals; (3) Investigations, Accountability, and Resolutions; and (4) Awareness, Prevention, and Campus Culture.

Oversight, Organization, & Management

- •Title IX Coordinator and trained staff
- Title IX Case Assessment Team
- ·Key campus partners
- Policies with clear community expectations

Assistance & Resources for Impacted Individuals

- Reporting options
- ·Interim and accomodative measures
- ·Supportive measures and resources
- Other support services

Investigations, Accountablity, & Resolutions

- Informal resolution of complaints
- Investigation of formal complaints
- Adjudication of complaints

Awareness, Prevention, & Campus Culture

- Communication and transparency
- Prevention, education, and training
- Climate assessment

Sex Discrimination

Sexual Harassment

Sexual Assault & Violence

Domestic Violence

Dating Violence

Stalking

June 2019



III. OVERSIGHT, ORGANIZATION, AND MANAGEMENT OF SEX DISCRIMINATION

A. The Title IX Office

The Title IX Office, which is part of the Office of Compliance and Ethics, is a neutral office responsible for overseeing the day-to-day university response to and compliance with Title IX and related statutes governing sex discrimination such as Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), Violence Against Women Reauthorization Act of 2013 (VAWA), New York State Education Law § 129-b (Enough is Enough), and other relevant statutes (see Appendix I, below, for information concerning these important laws.)

The Title IX Office serves as a resource for every person in the RIT Community, including students, parents or guardians, employees, alumni, community partners, and visitors and:

- Oversees all reports of sex discrimination on campus
- > Enforces the university's non-discrimination policies related to sex discrimination
- > Educates the community about the university's policies and practices
- Investigates employee reports of sex discrimination
- Connects people to both on and off campus resources that can support them if they experience sex discrimination or retaliation
- > Listens to community concerns
- ➤ Identifies any patterns or systemic problems that arise during the review of reports of sex discrimination
- Collaborates with various departments and organizations to support the delivery of robust programming

Importantly, fundamental to the Title IX Office's duties are equity, fairness, trauma-informed practices, due process, and transparency.

The Title IX Office is led by **Stacy DeRooy**, RIT's Director of Title IX and Clery Compliance ("Title IX Coordinator"). In her role as Title IX Coordinator, Stacy is responsible for coordinating the university's responses to all complaints involving possible sex discrimination. This responsibility includes monitoring processes and outcomes to ensure consistency, identifying and addressing any patterns, and assessing effects on the campus climate.

Darci Lane-Williams is the Assistant Director of Title IX and Clery Compliance and supports the Title IX Coordinator in implementing the university's responses to sex discrimination. She is the primary liaison with campus partners on training, education, prevention, and awareness.

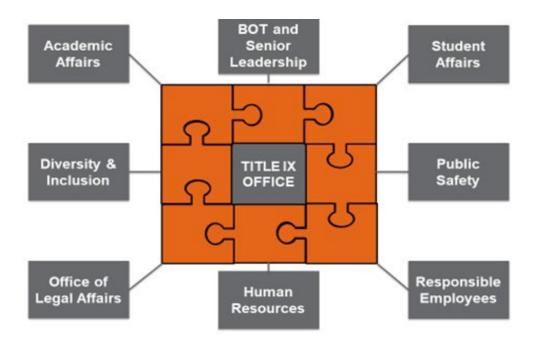
Catherine Farina is the Title IX Investigator for incidents involving employees. In her role she conducts investigations of sex discrimination claims made against any employee of the university and drafts investigation reports. She also serves as the



point of contact for Public Safety, who is tasked as the primary investigative body for investigations regarding claims made against students.

B. Key Campus Partners

The Title IX Office's initiatives are not carried out in a vacuum. The initiatives depend upon and are benefitted by collaboration between students, divisions, departments, and colleges across campus, who all play a significant role in the university's response to sex discrimination.





First and foremost, the **Board of Trustees** and the **senior leadership at RIT** recognize that ensuring a safe and supportive learning environment is fundamental to a positive campus climate. The Board and senior leadership receive regular updates on policies, processes, incidents, and mitigation strategies concerning sex discrimination at the university.

Other key campus partners integral to RIT's response to sex discrimination include:

- ➤ Division of Student Affairs, under which the Center for Student Conduct and Conflict Resolution resides, is responsible for providing fair and impartial hearings to students involved in the sex discrimination processes. In addition, it counsels students in cases that do not result in a hearing but require a structured discussion regarding student behavior and expectations. Appeal hearings for students are conducted by the University Appeals Board, also housed in the Division of Student Affairs.
- ➤ **Public Safety** investigates student reports of sex discrimination and, in some cases, also provides assistance with investigations of employees. The Public Safety Office also, among other things: (1) aids in crime prevention and training which addresses sexual assault and violence, (2) acts as liaison between law enforcement and individuals involved in reports of sex discrimination incidents, and (3) provides immediate assistance and emergency measures for individuals affected by sex discrimination.
- ➤ Human Resources makes determinations concerning whether reported conduct constitutes violations of RIT's Policy Prohibiting Discrimination and Harassment (Policy C6.0) or Policy on Title IX Sexual Harassment for Faculty, Staff and Students (Policy C.27.0). The office also makes recommendations to senior leadership regarding corrective action required for employees, if any.
- ➤ The **Division of Diversity and Inclusion** is responsible for employee appeals in cases of sex discrimination. This division is also instrumental in training the campus community on implicit bias and civility.
- ➤ Other campus partners include, but are not limited to, offices that provide confidential and non-confidential resources, the Office of Legal Affairs, Global Risk Management Services, the AdvanceRIT Leadership Team, Enrollment Management, and academic advisors.

IV. Investigations, Accountability, and Resolutions

In addition to the people and offices that support the university's initiatives, university policies allow the university to commit to writing its values and mission and to set standards of behavior, conduct, and performance for the community. They also allows the university to provide guidance and a general strategy to decision-makers on how to handle issues as they arise. Over the last several years, the university's policies governing sex discrimination and harassment have been revised annually due



to a steady stream of regulatory changes from both the federal and state government. On May 6, 2020, the Department of Education ("ED") released new regulations governing sexual harassment and discrimination under Title IX. Despite the fact the university, and the rest of the world, was in the midst of navigating a global pandemic, the ED set a very aggressive three-month timeline within which the university was required to assess and implement the new regulations on campus.

The Title IX Office assembled a team comprised of over 20 members from the various key campus offices to assess the impact of the regulations on RIT's current policies, procedures, and programming. Members from the Title IX Office, Student Conduct and Conflict Resolution, Human Resources, the Division of Diversity and Inclusion, Academic Affairs, the Office of Compliance and Ethics, the Office of Legal Affairs, and Public Safety worked diligently to review the over 2,000 pages of regulations and guidance provide by the ED. In light of the challenging circumstances and the August 14, 2020 deadline for compliance, the university enacted the Policy on Title IX Sexual Harassment for Faculty, Staff, and Students (Policy C.27) on August 14, 2020. This was enacted on an interim basis to provide the RIT community with time to review the new policy and procedures and to ensure that the university reflects a fair and informed process that protects the culture, values, and expectations of the RIT community

Notably, the new regulations, and the resulting Policy C.27, contain significant changes in how universities are required to address sexual harassment on campus. Sexual Harassment under Title IX is now defined as conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the university's education, work programs, or activities. The new definition does include *quid pro quo* harassment, which was included in the prior rules, as well as four new categories of conduct now considered *per se* sexual harassment. These include sexual assault, dating violence, domestic violence, and stalking. The alleged conduct must happen against a person in the United States on university property or in connection with a university program or activity. The new Title IX regulations require that the university dismiss those matters that do not meet the new definition, but they do allow universities to address the allegations under other university policies.

This is a substantial shift from the old, less restrictive definition of sexual harassment: unwelcome conduct that is severe, persistent, **or** pervasive. Additionally, the old regulations did not require that the misconduct take place in the United States, nor did they include the prescriptive requirement of dismissal, which provided universities much more discretion in addressing sexual harassment on campus.

Another significant change in the new regulations is that the university must provide live hearings when sexual harassment is formally reported. In those instances, the parties' advisors of choice must be permitted to cross-examine the parties and witnesses during these live hearings.

Other key changes include:

- Changes in how formal complaints are filed
- > The implementation of non-punitive, non-disciplinary supportive measures until

RIT | Title IX

after formal resolution

- Emergency removal processes for physical threats to health or safety
- 3-person live-hearing panels
- Access to evidence and investigative reports
- Grounds for appeal
- Informal resolution processes for certain cases
- Enhanced training requirements for Title IX personnel, investigators, decision makers, and advisors.

The range of disciplinary outcomes for students or student organizations found responsible for sex discrimination after the student conduct process is concluded is:

- Warning
- Suspension
- Probation
- Temporary or permanent ban from campus or specific campus locations
- Mandatory educational programs
- Ban from participating in campus organizations or campus activities
- Separation from the university, which includes suspension or expulsion

- Revocation of admission and/or degree
- Disqualification from future employment or student leadership positions
- Withholding of transcripts, grades, diploma, or degree until after the hearing, appeal, or the sanction is complete
- Transcript notations consistent with D19.0 Student Gender-Based and Sexual Misconduct Policy

In cases involving employees, the range of outcomes for employees found responsible for sex discrimination is:

- Mandatory training or education
- · Coaching or mentoring
- Formal communication and monitoring of future behavior
- Permanent or temporary suspension from employment and/or enrollment
- Workplace/Office relocation
- Attendance restrictions (i.e., meetings, departmental events)
- Termination of employment
- Withholding of merit increases
- Permanent or temporary teaching restrictions or additional oversight in classrooms, labs, or with student interactions

- Written Warning or Final Written Warning
- Unpaid administrative leave
- Temporary or permanent ban from campus or specific campus locations
- Partial or full trespass warnings to remain off campus or parts of campus
- Permanent or temporary suspension from employment and/or enrollment
- Demotion or removal of supervisory duties or titles



Two additional RIT policies¹ are central to RIT's community expectations and prohibitions regarding gender-based and related discrimination and will be used when allegations are outside the scope of Title IX (Policy C.27): Student Gender-Based and Sexual Misconduct Policy (Policy D19.0), which applies to all students; and RIT Policy Prohibiting Discrimination and Harassment (Policy C06.0), which applies to all faculty, staff and visitors. These policies provide details regarding how the university investigates and resolves complaints of sex discrimination that fall outside of Policy C.27. The policies also provide the community with important information concerning, among other things, rights and responsibilities of complainants and respondents, confidentiality, privacy, and available resources (confidential and non-confidential, both internal and external).

V. Assistance and Resources for Impacted Individuals

Policies C6.0, C27.0, D.19.0, and as well as the Title IX website, have information regarding the various <u>reporting options</u> for sex discrimination claims and information concerning interim and accommodative measures. The university strives to provide multiple reporting options to ensure there are no institutional barriers to making reports of sex discrimination. (See Appendix IV, List of Reporting Options, Confidential and Non-Confidential Offices and On Campus and Off Campus Resources.)

Both students and employees involved in incidents of sex discrimination are permitted an advisor of their choice at all meetings. Both students and employees are also offered internal and external <u>resources</u> (including confidential options) to assist them in navigating the investigatory and resolution process. (See Appendix IV.)

In addition, employees are provided with information about support services through the Employee Assistance Program ("EAP"). All parties involved in incidents involving sex discrimination investigations are able to meet with the Title IX Coordinator to discuss the process and to seek accommodative measures where appropriate. Key campus partners, including staff in Human Resources, Public Safety, and Student Conduct and Conflict Resolution remain available throughout investigations and resolution processes for support and consultation.

VI. AWARENESS, PREVENTION, AND CAMPUS CULTURE

A. Training and Education

Training and education designed to prevent gender-based and related discrimination continues to be a focus of the Title IX Office, in collaboration with the many campus partners. In its training and education efforts, the Title IX Office focuses on ensuring that the RIT community: (1) understands behavioral expectations, including the discriminatory behaviors that are prohibited, (2) is aware of the full range of reporting and resolution options and resources (both on- and off-campus) available to

¹ Other RIT policies inform the discussion about expectations of conduct concerning sex discrimination, including: Honor Code (P.03), Core Values (P.04), Compliance Policy and Code of Ethical Conduct (C.0.0), Policy on Circumstances When Consensual Relationships Must be Mitigated (C.23), and the Protection of Minors Policy (C.26). Students may also be subject to D.18.0 Student Conduct Process and D.18.1 Alcohol and Other Drugs.



individuals impacted by sex discrimination, and (3) learns about the many ways in which the campus community can work together to prevent discrimination.

Pursuant to <u>university policy</u> and New York State law, all university employees must receive annual training on sex discrimination. In 2019, 96% or approximately 4216 of employees, including part-time employees and adjuncts, completed the online module. In addition, in-person training sessions were offered throughout the year to reinforce expectations of appropriate conduct, clarify requirements for reporting information, and highlight ways to support individuals who report sex discrimination. (See Appendix II, List of Education, Prevention, and Awareness Activities for the 2019-2020 Academic Year.)

All new employees also receive in-person training on sex discrimination at new employee orientation. The Title IX Office provided in-person training to all sessions of New Employee Orientation offered by the Center for Professional Development during which new employees were introduced to campus policy, behavioral expectations, rights and responsibilities under the law and RIT policy, and available support services.

During New Student Orientation, incoming first year and transfer students are provided opportunities to participate in programs that reinforce campus policy and behavioral expectations as well as available support services.

International students receive targeted programming during a separate orientation program in which they are given information about university expectations, cultural norms, and policies. All returning, graduate, and transfer students were offered an online module on sexual assault, sexual harassment, relationship violence, stalking, and risks related to alcohol and other drug use. Returning students are offered and strongly encouraged to take a refresher module that builds upon the information received in the orientation module.

Student groups such as student-athletes, student leaders (such as resident advisors, orientation leaders), fraternity and sorority members, incoming NTID students, and international students received tailored training and education, with an emphasis on active bystander skill-building. Throughout the year, all students have numerous opportunities to participate in educational and community events such as panel discussions, workshops, and other prevention and awareness activities.

To reach the vast stakeholders throughout the university, the Title IX Office also relies on the assistance of its many campus partners for awareness and prevention. Notably, in 2019, the Office of the Provost, through AdvanceRIT, sponsored the 2-part series, Moving the Needle Part 1: Shifting the Conversation around Sexual Harassment and Part 2: Creating a Culture Resistant to Sexual Harassment, on campus. Approximately 316 members of the RIT community participated in a two-day workshop developed by the CRLT Players, a group of University of Michigan performers who use theatrical case studies to highlight the ways social identities and existing systemic inequities create different lived experiences in higher education. The workshop



featured interactive sketches that explored the consequences of sex discrimination faced by women and gender minorities in academic settings. The objectives of the workshop were to engage the attendees to identify sex harassment, discuss how those behaviors impact individuals and communities, reflect on strategies to create a climate more resistant to sexual harassment, and to consider ways to support individuals who report sex discrimination.

During the 2019-20 academic year, the Assistant Director of Title IX and Clery Compliance chaired the Sexual Violence and Discrimination Prevention Wellness Team, which was a team of faculty, staff, and students charged with providing students with programs and educational opportunities related to, among other things, sex discrimination. The Sexual Violence and Discrimination Prevention Wellness Team either sponsored or participated in seven (7) programs and activities with a total of approximately 234 attendees. (See Appendix II, List of Education, Prevention, and Awareness Activities for the 2019-20 Academic Year.)

In 2020, both the Provost and the President, respectively, convened two taskforces related to sex discrimination: (1) The Faculty Human Resources Investigations Taskforce, and (2) The Sexual Harassment and Discrimination Taskforce. The Faculty Taskforce charged by the Provost was created to assess and provide recommendations to the Provost regarding addressing complaints involving faculty including complaints about sex discrimination. The Sexual Harassment Taskforce was charged by President Munson to assess the overall status of the university as it pertains to sexual harassment and discrimination. The Title IX Coordinator is a contributing member of both taskforces. Since convening in March 2020, the Sexual Harassment Taskforce has met with stakeholders from around the university, reviewed research on best practices, and is currently working on informed recommendations for a report to the President.

B. <u>Biennial Student Sexual Misconduct and Title IX Climate Survey</u>

Climate Survey Background

In the spring of 2020, the Title IX Office administered the biennial Title IX and Sexual Misconduct Climate Survey (the "Climate Survey") to all RIT students. For the past six (6) years, RIT has utilized the Education Advisory Board's (EAB) survey to help determine students' perceptions of the university's overall climate on campus during the 2019-20 school year regarding sexual harassment, sexual misconduct, relationship violence, and stalking. Topics addressed in the survey include:

- Sexual misconduct
- Relationship violence
- Stalking
- Prevention education
- Students' perceptions about university response



- Students' perceptions about peers' responses
- Reasons students do not report

The Climate Survey was also administered to a cohort of 15 institutions in the United States and was open for approximately three weeks during the spring 2020 semester. The average response rate for RIT was 18% which was slightly below the 21% average response rate for the cohort. The cohort was comprised of six (6) very small, three (3) small, five (5) midsized, and one (1) large institution. Of the 15 institutions in the cohort, 9 are private.

The Climate Survey, administered biannually as a requirement of New York State Education Law 129-B, was marketed to the entire campus with all students invited to participate. Students were asked various questions about their knowledge of prevention efforts, on-campus resources, and case management. In addition, the survey instrument was designed to gather data on student attitudes regarding campus culture and peer behavior. 2016, 2018, and 2020 data are compared and analyzed to gauge the attitudes and needs of the RIT community. Survey data informs prevention programming efforts, development of support resources, and collaborative projects with community partners.

Climate Survey Demographics

Notably, the 2020 Climate Survey provided students more options from which to choose regarding demographics. In this year's survey, students had expanded options regarding their identified gender and sexual orientation, as well as expanded race and ethnicity options.

Gender Identity & Sexual Orientation	2018	2020
Man	52%	51%
Woman	44%	45%
Genderqueer	N/A	4%
Other	N/A	1%
Trans	N/A	5%
Heterosexual	76%	69%
LGBAQP ²	24%	31%

Race & Ethnicity	2018	2020
American Indian ³	N/A	1%
Asian	15%	20%
Black or African American	6%	6%
Native Hawaiian	1%	.4%
White	78%	74%
Latino/Hispanic	9%	8%

² LGBAQP means lesbian, gay, bisexual, asexual, questioning, pansexual

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³ "American Indian" is the identifier used by the survey creator, Education Advisory Board (EAB).



Overall Climate

Most of the students who responded to the Climate Survey, or 96%, reported a generally positive perception of campus climate, reporting that they feel safe on campus. The overall perception in 2020 was consistent with the responses in 2018, where most of the students reported similar feelings of safety on campus.

I Feel Safe at this School	2018	2020
All	97%	96%
Black Student Respondents	94%	92%
White Student Respondents	97%	96%
Latino or Hispanic	95%	92%
Asian	97%	98%
American Indian	86%	87%
Other	92%	92%

This overall assessment of the safe climate is bolstered by a general decrease in sexual harassment overall. Less than half of the individuals who responded to the Climate Survey, or 46%, reported that someone had made sexist remarks or jokes in their presence during the past academic year. This is down 8% from just two years ago where 54% had noted hearing sexist remarks or jokes. Similarly, responding individuals reported fewer instances of crude sexual remarks, and offensive sexual emails, texts or social media.

Sexual Harassment	2018	2020
Made sexist remarks or jokes in your presence	54%	46%
Said crude sexual things to you	22%	20%
Sent offensive sexual content via email, text or social media	14%	12%
Bribed for a romantic or sexual relationship	6%	6%

In addition, the number of students who reported experiencing some form of unwanted sexual violence decreased from 2018 to 2020.

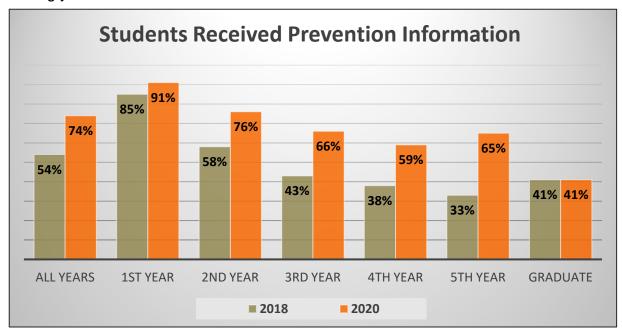
Results in overall decrease of sexual harassment may be correlated to increased efforts by the Title IX Office and campus partners to increase training and education about Title IX and sex discrimination overall, and the mandatory training of all employees at RIT. In addition, the Title IX Office has increased targeted communication, enhanced reporting options, instituted process changes, and has



engaged campus partners to raise awareness of sex discrimination and sexual harassment to various demographics on campus.

> Training and Prevention

Consistent with an overall decrease in sexual harassment, the training and education regarding prevention demonstrates that 91% of the first year students reported receiving training. Although fewer students reported receiving training in previous years, the results demonstrate that the number of students who report receiving training in subsequent years has steadily increased. Training and education regarding prevention will continue to be an area of focus for the Title IX Office in the coming year.



C. Other Awareness and Communication Efforts.

In 2020, the <u>Title IX Website</u> was completely revamped to include guides for employee and student processes as well as timely updates about training, reporting, and resources.

The Annual Security and Fire Safety Report (the "Clery Report") released each October provides the RIT community and prospective students additional information concerning, among other things, sexual assault, intimate partner violence, and stalking.⁴

In 2019, the Title IX Office and Behind the Bricks collaborated to produce Behind the

⁴ The data found in RIT's <u>Annual Security and Fire Safety Report</u> is filed annually in October with the U.S. Department of Education pursuant to the Clery Act. Data collected for the Clery Report is based on the geography of incident while data published in this Annual Report on Sex Discrimination is not limited to geography. Moreover, unlike the Clery Report, the scope of behaviors in this Annual Report are much broader and not all would not be included in the Clery Report.



<u>Bricks Video on Title IX</u> to raise awareness, provide more transparency, help shape a culture of respect, and prevent sex discrimination, and create a culture of safety.

VII. AREAS OF CONTINUOUS IMPROVEMENT AND FOCUS FOR 2020

A. Awareness, Prevention, and Campus Culture

Through education and training, RIT will continue to build a culture of respect free from sexual harassment and discrimination and one that upholds the RIT Core Values and Honor Code. In addition, the Title IX Office will continue to develop ongoing, relevant, and impactful community programs and events in collaboration with its campus partners.

The Assistant Director for Title IX and Clery Compliance continues to work collaboratively with the Division of Student Affairs, including Athletics, to create online training modules that offer compliance-related information as well as role-specific material. To continuously improve on training delivery, and avoid content redundancy, new completion tracking methods have been implemented for various student roles. For example, a module was created specifically for student-athletes which complies with all regulations, including the NCAA Policy on Campus Sexual Violence. A different module containing the most comprehensive material was created for Residence Advisors (RAs), as in their role they encounter the most frequent occurrences and are in the best position for bystander intervention. Special Interest Housing Executive Boards and Peer Mentors also benefitted from this new module to best fulfil the duties of their role. Each academic year, new modules will be developed to build upon the content offered during the previous year. Supplemental courses are also being developed for students who have a desire to learn more than what is required for their various roles on campus.

In 2020, a new Title IX Deputy Coordinator, Lana Verschage, the Director of Women and Computing, was designated for Golisano College of Computing and Information Sciences (GCCIS). Through enhanced assessment of Title IX programs and initiatives, GCCIS was identified as an area where a disproportionate number of claims of sex discrimination occur. In partnership with Dean Haake, the addition of a Title IX Deputy embedded in a college is being piloted to improve communication, identify gaps. and educate the community in order to achieve cultural change.

With the new Title IX regulations in place, the Title IX Team has worked diligently and will continue to partner with campus stakeholders on the creation of effective, compliant policies while continuously assessing the new policies and procedures in an effort to remain consistent and on a path to continuous improvement.

B. Investigations, Accountability, and Resolutions

With existing policies in effect for claims of sex discrimination which fall outside the scope of Title IX, procedures and programs have been created to comply with Title IX including Policy C.27.0 Policy on Title IX Sexual Harassment for Faculty, Staff and



Students. Employee cases which fall within the scope of C.27.0 will now have the opportunity for a hearing where employee investigations have never before had a hearing. When C.27.0 hearings are held for students or employees, the hearing panels will be comprised of three members. For employee cases, the panelists will be an attorney, a member of Human Resources, and a faculty or staff member dependent upon the role of the respondent in the case. For student cases, the panelists will be an attorney and two conduct officers.

The Title IX Office has created a program where select faculty and staff members will have the opportunity to serve as a Title IX Partner, which will require enhanced training to be able to serve as hearing officers, advisors of choice, or appeal board members in Title IX cases under Policy C.27. The creation of this program aims to fill the gap of providing adequate advisors for parties going through the process as well as incorporating trained faculty and staff into the process which will enhance neutrality and increase representation.

VIII. STATISTICAL SUMMARY OF COMPLAINTS OF SEX DISCRIMINATION FOR CALENDAR YEAR 2019

The statistical information below includes all complaints of sex discrimination reported in calendar year 2019, regardless of where the alleged events occurred. The complaints of sex discrimination are sorted in broad categories based on the complainants' allegations. Due to privacy and confidentiality obligations, specific details and complexities of the complaints cannot be shared. For information about the key definitions in the report that explain the conduct encompassed in the categories, please refer to the section entitled Key Definitions in Appendix I. We also encourage the RIT community to refer to the policies referenced above, or to check the <u>Title IX website</u> for information. Complaints received against non-RIT community members are included in the total number of complaints received for information purposes. Although RIT may not always be able to conduct a full investigation or take action against an accused non-RIT community member, it will make resources available to impacted individuals who are members of the RIT community.

A. Data for Student Complaints of Sex Discrimination and Analysis

The following information reflects (1) the complaints that were brought to the Title IX Coordinator or Deputy Title IX Coordinators in 2019 (either directly or indirectly) involving students, and (2) the outcomes of the complaints where the <u>respondent</u> is an RIT student, or the accused is not a member of the RIT community, but the alleged conduct was perpetrated against an RIT student. Although complaints often contain multiple allegations resulting in the respondent being charged with multiple policy violations, complaints involving more than one allegation of sex discrimination are only listed once. If a complaint produces one or more charges and results in a finding of responsibility, the chart will reflect the most severe of the Title IX charges. Thus, this data reflects the number of distinct complainants and the outcomes of the most serious



charge reflected in the status at the conclusion of the process.5

Student Data 2019

CHARGE	LEFT WITH CHARGES PENDING	ACCUSED NON- MEMBER	ACCUSED UNKNOWN	COMPLAINT WITHDRAWN	OUTCOME- INFORMAL RESOLUTION	OUTCOME- HOLD	OUTCOME- WARNING	OUTCOME- NOT RESONSIBLE	OUTCOME- PROBATION	OUTCOME- SUSPENSION	OUTCOME- EXPULSION	NUMBER OF COMPLAINTS
DATING OR DOMESTIC VIOLENCE	0	1	0	6	5	0	0	1	3	0	0	16
STALKING	0	2	0	4	6	0	0	1	1	2	0	16
SEXUAL ASSAULT- INTERCOURSE	1	1	0	2	1	1	0	1	1	6	0	14
SEXUAL ASSAULT- CONTACT	0	3	0	6	3	0	0	1	2	3	0	18
SEXUAL ASSAULT- UNKOWN	0	0	1	6	0	0	0	0	0	0	0	7
GENDER DISCRIMNATION	0	0	0	0	1	0	0	0	0	0	0	1
SEXUAL HARASSMENT	0	2	4	15	18	0	0	1	1	0	0	41
SEXUAL EXPLOITATION	0	0	0	0	0	0	0	0	1	0	0	1
VIOLATION OF NO CONTACT ORDER	0	0	0	0	0	0	2	1	0	1	0	4
TOTAL	1	9	5	39	34	1	2	6	9	12	0	118

In 2019, the Title IX Office processed a total of 118 complaints which is a drop of 23.87% (155 cases) from 2018. Despite not fitting within the scope of the policy, the Title IX Office still assed Twenty (20) additional cases which were determined to not fit within the scope of a TIX complaint and another six (6) cases were labeled TIX FYI. While there was a 45% increase of Dating or Domestic Violence cases from 2018, there was a 40% decrease in Sexual assault from 2018, a 43% decrease in stalking, and a 35% decrease in sexual harassment from 2018. In 2019, additional categories of gender discrimination, sexual exploitation, and violation of No Contact Order were added.

Of the 118 student complaints, approximately 24% of the cases involved Deaf or Hard of Hearing students in 2019. The complaints identified in the foregoing table were primarily made by students against other students. There were no reports made by faculty or staff against students in 2019.

⁵ For example, if a student files a complaint against a former partner alleging nonconsensual intercourse, the accused student may be charged with multiple violations of Policy D.19.0 such as nonconsensual sexual contact, nonconsensual sexual intercourse, and sexual harassment. If found responsible, the outcome will be categorized in the chart as sexual assault, with lesser included charges (*i.e.*, sexual harassment) being merged into the greater offense. In addition, the outcomes do not reflect those cases in which a student was found responsible for violating the <u>Student Conduct Process</u> (Policy D.18.0).



Third-party reporters – either witnesses to alleged misconduct, individuals to whom an incident was reported, or individuals who simply sought counsel from the Title IX Office regarding potential violations of policy – reported 26 of the 39 withdrawn cases last year.

Withdrawn Cases: 2019⁶

Type of Incident	Complaint Withdrawn ⁶	Reported by 3 rd party	Percentage
Dating/Domestic Violence	6	5	83.3%
Stalking	4	1	25%
Sexual Assault	14	9	64.2%
Sexual Harassment	15	11	73.3%
Total	39	26	66.6%

The 26 withdrawn reports from third-party reporters were received from the following individuals:

➤ Residence Life (RA, RC, Community Leaders): 3 (11.5%)

> Staff Members: 1 (3.8%)

Friends: 7 (26.9%)
Faculty: 11 (42.3%)
Advisor: 2 (7.69%)
SBCT: 1(3.8%)
Co-worker:1(3.8%)

Despite the high rate of cases reported by third parties that were ultimately withdrawn and/or otherwise administratively closed, we were encouraged that third parties were utilizing the reporting options and raising concerns with the Title IX Office. Of particular note is the increase in reports received from faculty in 2019. The mandatory training employees receive annually may be a contributing factor in the increase of third-party complaints.

B. Data for Employee Complaints of Sex Discrimination and Analysis

The following table reflects (1) the complaints that were received by either Human Resources or by a member of the Title IX Office, and (2) the outcomes of the complaints where the <u>accused</u> is an RIT employee. The outcomes in the tables do not reflect those cases in which the conduct fell outside of the scope of Policy C.06.0 and may have resulted in corrective action under another policy.

⁶ Under Policy D. 19, any complainant can "withdraw a complaint or involvement from the RIT process at any time." (Policy D.19, V.C.8). RIT will only proceed with an investigation without the complainant's consent in limited circumstances. (Policy D.19, VII.C).



Employee Data: 2019

CHARGE	RESPONDENT NON-MEMBER	RESPONDENT UNKNOWN	ADMINISTRATIVELY CLOSED/ COMPLAINT WITHDRAWN	OUTCOME-NOT RESPONSIBLE	OUTCOME- WARNING	OUTCOME- PROBATION or DEMOTION	OUTCOME- SUSPENSION	OUTCOME- TERMINATED	NUMBER OF COMPLAINTS
DATING OR DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0
GENDER DISCRIMINATION	0	0	0	5	0	0	0	0	5
SEXUAL HARRASSMENT	0	0	5	9	5	0	0	1 (temp)	21
SEXUAL ASSAULT/ MISCONDUCT	0	0	0	0	0	0	0	1	1
STALKING	0	0	0	0	1	0	0	0	1
TOTAL	0	0	5	14	6	0	0	2	28

In 2019, the university received 28 complaints of sex discrimination involving an employee. This represents a 16.6% increase in reported incidents from 2018. In addition, another 12 cases were assessed and determined not within the scope of Title IX. The majority of the employee-related cases alleged sexual harassment, which is consistent with the data from 2018. Of the 28 employee-related cases resolved in 2019, 14 cases were unsubstantiated as a policy violation under Policy C6.0. Five cases were withdrawn or administratively closed.

Complainant and Respondent Demographics: 2019

Complainant	Accused	Incidents
Staff	Staff	15
Student	Staff	5
Faculty	Faculty	0
Student	Faculty	2
Alumni	Faculty	1
Staff	Faculty	2
Staff	Non-member	2
Non-member	Faculty	1
Total		28

IX. CONCLUSION.

This was year full of accomplishments for RIT and the Title IX Office and its



partners. Even during the challenges of Covid-19 in 2020 and the Department of Education, Office of Civil Rights' significant changes to Title IX, the Title IX team partnered with several campus stakeholders to produce a practical policy and make adjustments to existing policies for the RIT community. Fundamental to these efforts and changes is the university's commitment to the community to stop, prevent, and remedy sex discrimination by actively working on developing a culture that discourages such behavior at the forefront. Fostering a respectful environment requires an ongoing effort from all members of the RIT community. Indeed, all RIT community members share a responsibility to take prompt action, including notifying the appropriate individuals after becoming aware of conduct reasonably believed to violate the university's sex discrimination policies. We encourage all RIT Community members to review the university's policies and to take advantage of the numerous resources on campus to prevent and address sex discrimination. Through collective efforts, RIT can achieve the goal of embracing a respectful, harassment-free environment for all members of the RIT community.



APPENDIX

I. LEGAL SOURCES.

There are many legal statute and precedents, both federal and state, which inform the discussion on gender-based and related discrimination for university students and employees. Moreover, the legal landscape and policy focus nationwide continue to evolve. The most relevant statutes and precedents include:

- Title VII of the Civil Rights Act of 1964 ("Title VII"), which applies to employees
 and makes it unlawful for an employer to discriminate against any individual with
 respect to his compensation, terms, conditions, or privileges of employment,
 because of such individual's race, color, religion, sex, or national origin.
- Title IX of the Education Amendments of 1972 ("Title IX"), which applies to both employees and students in educational institutions receiving federal financial assistance and prohibits discrimination on the basis of sex in any education program or activity.
 - "Dear Colleague Letters" ("DCLs"), which apply to educational institutions, are documents issued by the Department of Education intended to guide colleges and universities in their compliance with legal obligations under Title IX.
- Violence Against Women Reauthorization Act of 2013 ("VAWA") amended the
 Jeanne Clery Disclosure of Campus Security Policy and Campus Crime
 Statistics Act ("Clery Act"), which require institutions to compile statistics for
 incidents of sexual assault, dating and domestic violence, and stalking and to
 include certain policies, procedures and programs pertaining to these incidents in
 the annual security report.
- New York State Human Rights Law ("NYSHRL"), which applies to all employees
 and education programs in New York state and prohibits discrimination on the
 basis of age, race, creed, color, national origin, sexual orientation, military status,
 sex, marital status, disability, domestic violence victim status, criminal or arrest
 record or predisposing genetic characteristic.
- New York State Education Law 129-B, or "Enough is Enough", which provides students with specific entitlements and protections and requires colleges and universities statewide to adopt comprehensive procedures and guidelines to combat sexual assault, including a uniform definition of affirmative consent, a statewide amnesty policy, and expanded access to law enforcement to ensure the safety of all New York college students.



II. LIST OF EDUCATION, PREVENTION, AND AWARENESS ACTIVITIES FOR THE 2019-2020 ACADEMIC YEAR.

Name of Program	Date of Program	Host	Total Number Attended
Adjunct Faculty Training	January 2019	Title IX Office	20
Title IX Training for STEP Program Leaders	June 2019	Title IX Office	25
Title IX Training for STEP Program Students	June 2019	Title IX Office	12
Orientation Leader Training	August 2019	Center for Women and Gender Title IX Office	97
International Student Services Orientation	August 2019	Center for Women and Gender Title IX Office	352
It Is My Place	August 2019	New Student Orientation Health Promotion Center for Women and Gender	2714
All Athlete Meeting	August 2019	Athletics Title IX Office	655
RIT 365	September 2019	Center for Women and Gender	24
Who Are You?	September 2019	Health Promotion Athletics	203



Name of Program	Date of	Host	Total
Name of Flogram	Program	Host	Number
			Attended
Title IX Training	September 2019	Title IX Office	17
Relationships and Self-Care	September 2019	Division of Diversity and Inclusion Title IX Office	18
Title IX Training	September 2019	Title IX Office	22
SafeColleges	Fall 2019	Health Promotion	3439 of 9561 36%
Labrys Workshop	September 2019	Center for Women and Gender Labrys Student Club	12
Student Government Training	September 2019	Center for Women and Gender Title IX Office	50
RIT 365	October 2019	Center for Women and Gender	22
Title IX Training	October 2019	Title IX Office	13
Rape Culture and Myths	October 2019	Center for Women and Gender	42
Screening, Assessment, Intervention For Intimate Partner Violence Victimization	October 2019	College of Health Science and Technology Behavioral Sciences	7
Title IX Training	October 2019	Center for Women and Gender Title IX Office	87



Name of Program	Date of Program	Host	Total Number Attended
RIT 365	October 2019 2 Sessions	Center for Women and Gender	20
Oallana Bridan Walls	O at als a n		21
College Brides Walk	October 2019	Center for Women and Gender	49
		College of Liberal Arts	
Interpreter Training	October 2019	Center for Women and Gender	16
#RelationshipGoals	October 2019	Center for Women and Gender	12
Who are you?	October 2019	Health Promotion	131
		Athletics	
Armchair Chat Series	October 2019	NTID	66
		Interpersonal Violence and Gender Discrimination Wellness Team	
Bridges Over Brunch: Religion, Relationships and Violence	October 2019	Spirituality Wellness Team	14
		Spirituality and Religious Life	
A Hidden Fridania A Discussion	0.11	Center for Women and Gender	20
A Hidden Epidemic: A Discussion About Domestic Violence	October 2019	College of Health Science and Technology	22
		Behavioral Sciences	
		Interpersonal Violence and Gender Discrimination Wellness Team	
Labrys	October 2019	Center for Women and Gender	12
		Labrys Club	
Interpreter Training	October 2019	Center for Women and Gender	14
Title IX Training	November 2019	Center for Women and Gender	153
		Title IX Office	



Name of Program	Date of Program	Host	Total Number
Title IX Training	November 2019	NTID	Attended 17
Who are you?	November 2019	Health Promotion Athletics	272
#consentfirst	November 2019	Center for Women and Gender	45
Rape Culture and Myths	November 2019	Center for Women and Gender	45
Casual Sexism	November 2019	Center for Women and Gender	22
#RelationshipGoals	January 2020	Center for Women and Gender	61
Resident Advisor Training	January 20202	Center for Residence Life	25
Women in Computing (WiC) Title IX Training	January 2020	Women in Computing Title IX Office	45
Facts and Myths About Interpersonal Violence	February 2020	Center for Women and Gender	22
Write Yourself a Love Letter	February 2020	Center for Women and Gender RESTORE Sexual Assault Services	40
Is My Relationship Healthy?	February 2020	Center for Women and Gender	31
Cute or Creepy	February 2020	Center for Women and Gender	56
Consent-o-Grams	February 2020	Center for Women and Gender	60
I Love Female Orgasm	February 2020	Center for Women and Gender Campus Activities Board	125



Name of Program	Date of Program	Host	Total Number Attended
Title IX Training	February 2020	Center for Women and Gender Title IX Office	85
Title IX Training	March 2020	Center for Women and Gender Title IX Office	35
Title IX Training	March 2020	Center for Women and Gender Title IX Office	41
#RelationshipGoals	April 2020	Center for Women and Gender	14
#30DaysofSAAM	April 2020	Title IX Office	Online- varies
Under the Surface: A Trauma Informed Response to Survivors	April 2020	Title IX Office	36
Who are you?	Spring 2019	Health Promotion Athletics	56
New Employee Orientation	January- December 2019	Center for Professional Development	272 in 10 sessions
Annual Sexual Discrimination and Harassment On-line Modules	January- December 2019	Title IX Office	3,924
TOTAL EVENTS	January- December 2019	65 programs, workshops, and trainings	12,645



III. LETTER TO THE RIT COMMUNITY FROM DR. MUNSON, SEPTEMBER 21, 2020.

Dear RIT Students, Faculty, and Staff:

RIT is committed to creating and maintaining a safe environment for all members of our university community. RIT prohibits discrimination and harassment on campus, or at any RIT activity off campus, by its administrators, faculty, staff, students, student organizations, as well as external organizations and individuals in their operation with the university.

On May 6, 2020, the U.S. Department of Education, Office for Civil Rights released revised regulations to implement Title IX of the Education Amendments of 1972. Title IX is the federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities that receive federal financial assistance. To address the regulatory changes, RIT passed a new interim policy, the C.27 Title IX Policy for Faculty, Staff and Students.

In addition to Title IX Policy for Faculty, Staff and Students, <u>D.19 Student Sexual Misconduct Policy</u> and <u>C06.0 RIT Policy Prohibiting Harassment and Discrimination</u> will remain in effect for all prohibited conduct that may fall outside the specific scope of conduct identified in the Title IX regulations. These policies and procedures form a comprehensive approach to reporting, investigating, and responding to allegations of sex discrimination, including sexual harassment, sexual assault, domestic and dating violence, and stalking affecting the RIT community. We encourage you to review these university policies and procedures.

Any member of the RIT community who has concerns about sexual discrimination or harassment is encouraged to report any such concerns to any one of the multiple reporting options across the university and to seek assistance from the numerous resources on campus. A complete overview of Title IX, reporting options, and support and resources available can be found on the <u>Title IX website</u>. Retaliation for any such reports is strictly prohibited.

Thank you for your attention to this very important topic.

David C. Munson, Jr.

President, RIT



REPORTING CHANNELS

In an emergency or in cases of sexual misconduct, individuals should contact Public Safety immediately at (585) 475-3333.

In addition, the following individuals are trained to help the campus community with reports or concerns of sex discrimination, and can help the reporting individual obtain resources to end sex discrimination, prevent its recurrence, and address its effects:

- Stacy DeRooy, Director of Title IX and Clery Compliance (Title IX Coordinator), Office of Compliance and Ethics, 585-475-7158
- Darci Lane-Williams, Assistant Director of Title IX and Clery Compliance, Office of Compliance and Ethics, 585-475-7383
- Catherine Farina, Title IX Investigator, Office of Compliance and Ethics, 585-475-2297
- Amy Stornello, NTID, 585-391-9990 (VP) or 585-709-1120 (text)
- James Macchiano, Diversity & Inclusion, 585-475-2290
- Lana Verschage, Golisano College of Computing & Information Sciences 585-475-7155

Reports made against faculty and staff will be investigated by the Title IX investigator. The Public Safety Department will investigate any claims or concerns made against any student and campus visitors. In all cases, Title IX and Public Safety work together to support each other's investigations as appropriate.

In all cases, individuals may contact external law enforcement in addition to Public Safety.

RESOURCES AND SUPPORT

If an individual would like to speak with someone confidentially about an incident or concern, RIT offers several confidential options. Faculty, staff, and students may seek assistance from:

- The Ombuds Office,
- Spirituality and Religious Life

In addition to the foregoing options, students may also seek confidential assistance from:

- Counseling and Psychological Services,
- The Student Health Center, and
- NTID Counseling and Academic Advising Services

EDUCATION AND TRAINING

All university employees are required to complete mandatory training which is available online through Talent Roadmap.

The completion of this training is a required by law and university policy.



IV. REPORTING OPTIONS, CONFIDENTIAL AND NON-CONFIDENTIAL OFFICES, AND ON CAMPUS AND OFF CAMPUS RESOURCES.

Who is RIT's Title IX Coordinator and Other Responsible Administrators?

TITLE IX COORDINATOR Stacy DeRooy

Director of Title IX & Clery Compliance Title IX Coordinator Office of Compliance and Ethics Eastman Building Room 6046 585-475-7158 stacy.derooy@rit.edu

TITLE IX TEAM

Darci Lane-Williams

Assistant Director of Title IX & Clery Compliance
Deputy Title IX
Coordinator
Office of Compliance and
Ethics Eastman Building
Room 6045
585-475-7383
drlcae@rit.edu

Catherine Farina

Title IX Investigator
Compliance Coordinator
Office of Compliance and
Ethics
Eastman Building
Room 6039
585-475-2297
cmfcae@rit.edu

DEPUTY TITLE IX COORDINATORS James Macchiano

Director of Multicultural Center for Academic Success of Diversity & Inclusion Deputy Title IX Coordinator SAU Room 2308 585-475-2290 jimmcs@rit.edu

Amy Stornello

Director of SVP NTID Deputy Title IX Coordinator LBJ Room 2647 585-270-1979 (Text) 585-391-9990 (Video Phone) amy.stornello@rit.edu

Lana Verschage

Director of Women in Computing Deputy Title IX Coordinator GOL Room 2608 585-270-1979 Itvvse@rit.edu



Assistance from on-campus Confidential Resources for students can be obtained from:

RIT Counseling and Psychological

Services (CaPs) 585-475-2261

www.rit.edu/counseling/

Services provided at no cost.

RIT Student Health Center

585-475-2255

http://www.rit.edu/studentaffairs/student

health/

Services provided at no cost.

NTID Counseling &

Academic Advising 585-475-

6400

https://www.rit.edu/ntid/sas/ntidcounseling-academic-advising-

services Services provided at no

cost.

Assistance from on-campus Confidential Resources for employees can be obtained from:

Spirituality and Religious Life 585-

475-2137

http://www.rit.edu/studentaffairs/

religion Services provided at no

cost.

RIT Ombuds Office

585-475-7357 or 585-475-

6424

585-286-4677 (VP)

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

Services provided at no cost.

In addition to the Title IX Coordinator and the Responsible Administrators, other non-Confidential Resources on campus that can provide assistance include:

RIT Public Safety

(24 hours a day, 7 days a week) 585-475-2853, 585-205-8333 (text)

www.rit.edu/fa/publicsafety/

Services provided at no cost.

Center for Student Conduct & Conflict

Resolution

585-475-5662

www.rit.edu/studentconduct/

Services provided at no cost.

RIT Human Resources

585-475-2424

www.rit.edu/humanresources/

Services provided at no cost.

The Division of Diversity and Inclusion

585-475-6546

https://www.rit.edu/diversity/ Services provided at no cost.



RIT Advocacy Program 585-475-7668

https://www.rit.edu/studentaffairs/studentc onduct/rights-responsibilities/rit-advocacyprogram

Services provided at no cost.

Student Financial
Services 585-4756186
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/co https://www.rit.edu/emc

RIT Student Government
Office 585-475-4043
https://www.rit.edu/studentgovernment/
https://www.rit.edu/st



Assistance from non-campus community resources includes:

Willow Center
24-Hour Hotline 585-222-SAFE (7233)
http://willowcenterny.org/

Services provided at no cost.

Lifeline 585-275-5151

http://www2.monroecounty.gov/mhemergency-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.

IGNITE (Hotline)

DeafIGNITE@gmail.com

585-286-2713 VP

https://deafignite.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.

Resolve of Greater Rochester www.resolve-roc.org
585-425-1580
Services provided at no cost.

RESTORE 24-HOUR HOTLINE Monroe County: 1-585-546-2777

Genesee, Livingston, Orleans & Wyoming

Counties: 800-527-1757 RAINN: 800-656-4673 https://restoresas.org/

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/nationalsexual-assault-hotline

Services provided at no cost.

Monroe County STD Testing 585-753-5391

https://www.monroecounty.gov/health-nursing-STD-HIV

