

Student

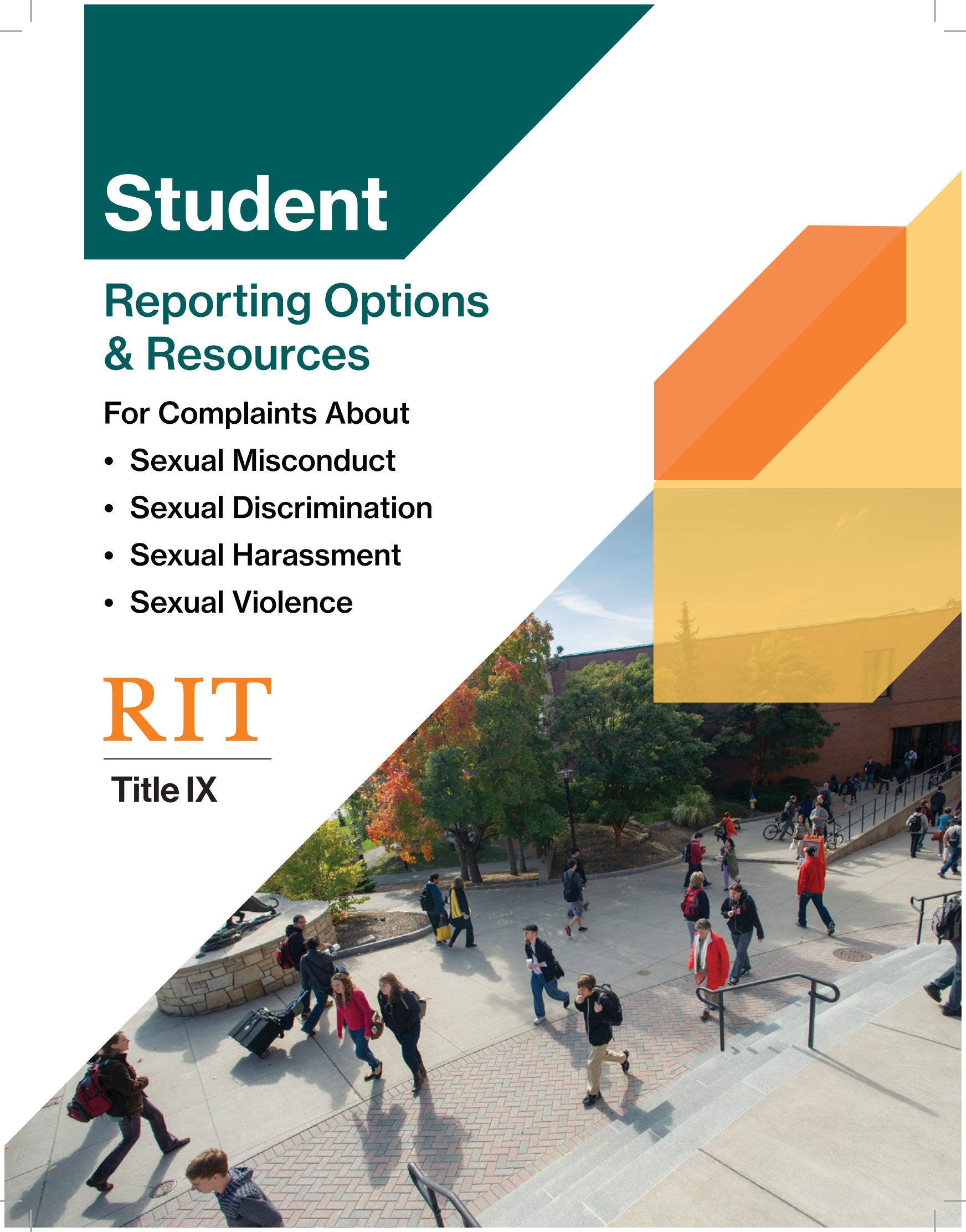
Reporting Options & Resources

For Complaints About

- Sexual Misconduct
- Sexual Discrimination
- Sexual Harassment
- Sexual Violence

RIT

Title IX



Contents

3 Introduction
3 First Steps
5 Talk to Someone: Confidential & Private University Resources
8 Resources for Students Studying and Working Abroad
8 LGBTQ-Focused Resources
10 Reporting Options and Complaint Process Against Another Student
14 Reporting Options and Complaint Process Against a Nonstudent Member of the University Community
14 Non-Sex-Based Harassment and Discrimination
14 Title IX Explained
15 Questions
16 Appendices

Introduction

Rochester Institute of Technology is committed to the health and safety of every student and to creating an environment where all members of our community are treated with dignity and respect.

If you have experienced sexual misconduct, the decision to seek support is a personal one. Whether or not you choose to do so is entirely up to you. This guide provides information and resources available at RIT and beyond for students who have experienced sex or gender discrimination, sexual misconduct, sexual harassment, sexual assault, stalking, and dating and domestic violence (also known as intimate partner violence). This information is also available online at rit.edu/titleix.

If you believe that you have been discriminated against because of your age, color, disability, ethnicity, military/veteran status, national origin, race, religion or creed, or on the basis of any other protected class, see options for reporting “Non-sex-based Harassment and Discrimination” at RIT in this guide (page 17).

First Steps

Your safety is the number-one priority. If you have experienced physical or sexual violence, get to a safe place and seek help. You are not alone. There are many people who can provide medical and emotional support, regardless of whether you choose to pursue disciplinary or criminal proceedings.

If You Need Emergency Assistance (24-Hour Response)

- Call RIT’s Department of Public Safety at 585-475-3333
- Use the TigerSafe App
- Call 911 (Police Dispatch, Monroe County Emergency Communications).

Seeking Medical Treatment

It’s important to get care as soon as possible. Even if you feel okay, you may have hidden injuries or need to explore options for preventing pregnancy or STDs. Drugs used for emergency contraception and to prevent STDs have a limited timeframe within which to work. In addition to receiving medical attention, clinicians can assist you in collecting forensic evidence. You do not need to file a report to receive medical services.

It’s important to know that

- A friend may accompany you to the emergency department.
- You may request a counselor from RESTORE, a local rape crisis service agency, to meet you at the emergency department to offer support. Call RESTORE at 585-546-2777.
- Emergency contraception, also known as “Plan B” or “the morning-after pill,” is available for purchase without a prescription for anyone age 17 and older at the RIT Student Health Center and area hospitals and pharmacies. An appointment is not needed.
- You can also call or text, the CARES 24-hour hotline number at: 585-295-3533, 7 days a week.

In Rochester, medical treatment is available at

RIT Student Health Center

rit.edu/studentaffairs/studenthealth
585-475-2255
August Center
117 Lomb Memorial Dr

Strong Memorial Hospital

urmc.rochester.edu
585-271-2100
601 Elmwood Ave.
Sexual Assault Nurse Examiners are available.

Rochester General Hospital

rochesterregional.org
585-922-4000
1425 Portland Ave.
Sexual Assault Nurse Examiners are available.

Highland Hospital

urmc.rochester.edu/highland
585-473-2200
1000 South Ave.

For students who do not have medical insurance or may not want family to learn about an emergency room visit, the New York State Office of Victim Services may be able to assist with the cost of medical services related to physical or sexual violence. For information, call 800-247-8035 or visit ovs.ny.gov/help-crime-victims.

Sexual Assault Nurse Examiners (SANE)

Strong Memorial Hospital and Rochester General Hospital have certified Sexual Assault Nurse Examiners (SANE) on staff. These registered nurses have received special training and can provide comprehensive care to sexual assault patients in a sensitive, nonthreatening manner. In addition, they are able to conduct a forensic exam and may provide expert testimony if a case goes to trial.

Collecting Physical Evidence

Collecting physical forensic evidence – hairs, fluids, fibers – within 72 hours of an assault helps preserve your right to decide at a later date whether you wish to go forward with the criminal justice system or file a complaint under RIT's conduct process. You do not need to decide whether you want to make a report about the incident immediately, but you do need to have the evidence collected as quickly as possible.

The Rape, Abuse and Incest National Network (RAINN) advises that you – if you are able – try to avoid disturbing or discarding evidence that might have your attacker's DNA on it before you seek medical care. Do not urinate or defecate; shower, bathe, or douche; brush your teeth or gargle; brush your hair; or throw away clothes worn during the attack.

Taking these steps can be very difficult following a traumatic experience, but doing so will help preserve potential evidence should you decide to make a report. You can still have an exam performed even if you have done one of these activities, such as showering. You may want to bring a change of clothes when you go to the hospital or health facility for the exam.

Preserving Other Kinds of Evidence

It is also important to save other types of evidence, such as voicemails, emails, text messages, social media posts, videos, photos, letters, and computer screen shots, which can be helpful in building a case, should you decide to make a report.

Getting Emotional Support

Whether or not an incident requires medical attention, you may want to seek emotional support. The next section of this guide includes information on private and confidential resources available to students, both on and off campus. If you need immediate emotional support, the following resources offer 24-hour, confidential assistance:

RIT Counseling and Psychological Services

585-475-2261 (business hours)

855-436-1245 (after business hours)

rit.edu/counseling

August Center

117 Lomb Memorial Dr

The following offices offer support during business hours:

Spirituality and Religious Life

585-475-2137

rit.edu/studentaffairs/religion

NTID Counseling & Academic Advising

585-475-6400

ntid.rit.edu/counselingdept

Talk to Someone: Confidential Resources and Private University Resources

Students have both confidential and private options for seeking help. You may choose any of the following resources at any time. In order to make the best decision about where to go, it is important to understand whom you can speak to with full confidentiality and those who offer privacy, as well as the difference between the two.

If you have any questions or need clarification about resources or confidentiality, please contact the Title IX Office at 585-475-7158.

Confidential University Resources

Confidential resources will not report crimes to law enforcement or other University officials without your permission except under extreme circumstances, such as a health or safety emergency. There will be no formal report, investigation, or disciplinary action.

RIT Counseling and Psychological Services

585-475-2261

rit.edu/counseling

RIT Student Health Center

585-475-2255

rit.edu/studentaffairs/studenthealth

Spirituality and Religious Life

585-475-2137

rit.edu/studentaffairs/religion

NTID Counseling & Academic Advising

585-475-6400

ntid.rit.edu/counselingdept

RIT Ombuds Office

585-475-7200 or 585-475-2876

rit.edu/ombuds/contact-us

Private Resources

These resources will maintain your privacy but are not confidential resources. If they are made aware of an incident of sexual misconduct, they are required by the University to report it to the Title IX Office. Information will be relayed only as necessary to investigate and/or seek a resolution.

RIT Title IX Coordinator

rit.edu/titleix
585-475-7158

RIT Title IX Assistant Director

585-475-7383

RIT Title IX Investigator

585-475-2297

The University has a designated Title IX Coordinator and two Deputy Title IX Coordinators who can help with reporting options and resources. They do not investigate or adjudicate claims. You can contact any of the coordinators at any point, even if the Coordinator is in a different school or unit than you. Names and contact details for Coordinators can be found at rit.edu/fa/compliance/content/title-ix. The Title IX Coordinator is a full-time member of staff. Deputy Coordinators hold administrative positions at the University and, as such, are an important in-house Title IX resources. Deputy Coordinators will provide students with the same information, support, and resources as the Title IX Coordinator.

RIT Public Safety

(24 hours a day, 7 days a week)
585-475-2853, 585-205-8333 (text)
rit.edu/fa/publicsafety

Center for Student Conduct & Conflict Resolution

585-475-5662
rit.edu/studentconduct

Office of Diversity and Inclusion

585-475-6546
rit.edu/diversity/diversity-inclusion

RIT Advocacy Program

585-475-7668
rit.edu/studentaffairs/studentconduct/rights-responsibilities/rit-advocacy-program

Responsible Employees: Who Has Mandatory Reporting Responsibilities at the University?

In addition to the above resources, there are many people at the University, such as teachers, coaches, deans, or residential or academic advisors, whom you can turn to if you have experienced or witnessed sexual misconduct. It is important to note that most of these individuals are mandatory reporters, known as “Responsible Employees” at the University, which means that if they are made aware of an incident they are required by the University to promptly report it to the Title IX Office.

Responsible Employees are not considered confidential resources, though they will maintain your privacy. If you wish to keep your conversation confidential – meaning that no one will report or investigate the incident without your permission, except in a health or safety emergency – talk to one of the individuals specified as a confidential resource in this guide. If you are a faculty or staff member and are unsure if you have reporting responsibilities, please contact the Title IX Coordinator at 585-475-7158 to learn more.

Seeking Help Off Campus: Rochester Area Resources

RESTORE Sexual Assault Services

restoresas.org

585-546-2777

RESTORE is not affiliated with RIT and reports made to RESTORE will not be shared with the University.

Willow Domestic Violence Center

willowcenterny.org

585-222-7233 (222-SAFE)

Confidential help for women and men of all ages. Assistance with emergency shelter, safety planning, counseling, court advocacy, transitional support services, and prevention education.

Campus Sexual Assault Victims Unit:

New York State Police

1-844-845-7269

The Victim Assistance Program Monroe County Sheriff's Office

monroecounty.gov/sheriff-community/vap

585-753-4403

Crisis support services, short term counseling referrals advocacy, case status information and reimbursement assistance.

Monroe County Health Department

monroecounty.gov/health-nursing-services

585-733-5375

The STD Clinic offers free and confidential screening.

Monroe Mobile Crises Team

urmc.rochester.edu/psychiatry/clinical/acute/mobile

585-275-5151 or 211

A mobile team of mental health professionals provides 24-hour crisis and suicide intervention.

IGNITE (Hotline)

DeafIGNITE@gmail.com

585-286-2713 VP

deafignite.org/contact-us/

Lifeline

585-275-5151

<http://www2.monroecounty.gov/mh-emergencyresources>

Seeking Help Off Campus: National Resources

RAINN (Rape, Abuse and Incest National Network)

rainn.org

24-hour hotline: 800-656-4673

The National Domestic Violence Hotline

(24 hours a day, 7 days a week)

800-799-7233

thehotline.org

Resources for Students Studying and Working Abroad

24-Hour University Support Services for Students Abroad

If you experience sexual misconduct while studying or working abroad, you can contact RIT Public Safety at 585-475-2853 or Jenny Sullivan, Director of Education Abroad and International Fellowships at 585-475-3224 or jenny.sullivan@rit.edu.

In addition, you may have access to support from local third party providers in your host country, including local health care and law enforcement agencies and support services at the institutions where you are studying or working.

The process for reporting sexual misconduct depends to a great extent on which program you are traveling under (exchange program, internship program, independent enrollment, and faculty led seminar). If you have questions about resources and reporting options before your planned travel to study or work abroad, please contact RIT Global at global@rit.edu.

LGBTQ-Focused Resources

Sexual misconduct, harassment, and violence affects every demographic and community, regardless of race, color, disability, socio-economic class, sex, gender identity or expression, or sexual orientation. Members of the LGBTQ community face the same barriers to seeking help as everyone but may also encounter a range of additional obstacles.

Everyone may

- feel self-blame, shame, fear, anger, and depression
- feel confused and unsure of what happened
- be concerned about how others will react to a disclosure
- need help and access to available resources.

Members of the LGBTQ community may also

- not be “out” to family and friends, which could represent a significant barrier to reporting if the perpetrator is of the same gender
- question whether the incident is a hate crime (i.e., directed against them because of their sexual orientation or gender identity or expression)
- be reluctant to seek help from medical providers, police, or the courts due to past experiences of discrimination or abuse. They may fear revictimization through transphobia, homophobia, biphobia, degradation, hostility, or accusations from service providers and public safety workers
- be concerned that reporting will only reinforce negative stereotypes about their community
- feel that they are being punished for not acting in accordance with society’s prescribed gender roles, increasing the amount of shame that they feel as a result of a sexual assault

There are a number of LGBTQ-focused resources at the University and beyond that can provide medical and emotional support

with sensitivity and respect. Some are confidential resources – meaning they will not report or investigate an incident without your permission, except in a health or safety emergency – while others are private and will share information necessary to investigate an incident or seek a resolution. This is noted under each resource’s name and contact information.

LGBTQ-Focused University Resources

RIT Student Health Center

585-475-2255

rit.edu/studentaffairs/studenthealth
Confidential Resource

RIT Counseling and Psychological Services

585-475-2261

rit.edu/counseling
Confidential Resource

The Q Center

585-475-2411

rit.edu/studentaffairs/qcenter

LGBTQ-Focused Rochester Community Resources

Strong Memorial Hospital

585-271-2100

urmc.rochester.edu

Confidential Resource

Strong has been recognized as a national Leader in LGBTQ Healthcare Equality by the Human Rights Campaign Foundation, the educational arm of the nation's largest lesbian, gay, bisexual, transgender, and queer civil rights organization. Strong has patient and employment nondiscrimination policies and provides training in LGBTQ patient-centered care for key staff members. For information, visit their web page for LGBTQ patients.

Trillium Health

585-545-7200

trilliumhealth.org

Confidential Resource

Trillium Health has also been recognized by the Human Rights Campaign as a leading provider of LGBTQcentered patient care, offering comprehensive primary care, supportive services, and community outreach and education. Trillium Health has an on-site pharmacy, STD/ HIV testing, and lab services.

Out Alliance

585-244-8640

gayalliance.org

Private Resource

An agency working to affirm LGBTQ identities and to create an atmosphere where the diversity of our community can thrive both collectively and separately. The Alliance also offers support groups for members of the LGBTQ community as well as educational and social programming.

Reporting Options and Complaint Process Against Another Student

Accommodations and Interim Measures

Once a report of Prohibited Conduct is made to a Responsible Administrator, RIT will take prompt and effective action that is reasonably practicable under the circumstances to support and protect the Complainant, Respondent, and the rest of the RIT Community. This may include taking interim actions pending an investigation and/or hearing, and may also include making accommodative changes in residential, academic, work or transportation arrangements to ensure that the Complainant and Respondent have little interaction. These Interim and Accommodative Measures are designed to end the alleged harassment, eliminate a hostile environment, and prevent recurrence.

No Contact Order

No Contact Orders are issued by a university official or administrator and prohibit all contact by and between the parties specified in the order when there is a reasonable concern that physical or psychological harm may result from contact. A No Contact Order may also be imposed during the course of an investigation or as a resolution following a report of Prohibited Conduct. The university may consider all facts and circumstances that may be relevant when issuing a No Contact Order. No Contact Orders may include Accommodative Measures, or additional protective measures specific to the safety, well-being, or other needs of either or both Students subject to the No Contact Order, when deemed necessary within the sole discretion of the university.

Additional Interim Measures:

- Restricting a student's access to certain campus locations, including the other student's residence hall
- Altering academic arrangements to require that the students not be enrolled in the same academic course(s)
- Altering transportation or employment arrangements to reasonably ensure that the Complainant and the Respondent will not access the premises at the same time.

Formal Complaints

You may choose to make a formal report to law enforcement by calling 911. The University can help you make this report. You may also make a formal report to the University by contacting any of the following:

- Title IX Coordinator at 585-475-7158 or a Deputy Title IX Coordinator
- University Public Safety at 585-475-2853
- Anonymous report using the RIT Ethics and Compliance Hotline online or by calling the Hotline at 866-294-9358
- Fill out a complaint form at rit.edu/titleix

You have the right to:

- Notify RIT Public Safety, local law enforcement, and/or the New York State Police.
- Have emergency access to an official trained in interviewing individuals subjected to Sexual Assaults
- Disclose confidentially the incident to RIT representatives, who may offer confidentiality pursuant to applicable laws and can assist in obtaining services for reporting persons.
- Disclose confidentially the incident and obtain services from the state or local government.
- Disclose the incident to RIT representatives who can offer Privacy or Confidentiality, as appropriate, and can assist in obtaining resources for reporting persons.

-
- 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.
- Receive assistance from appropriate RIT representatives in initiating legal proceedings in family court or civil court.
- Withdraw a complaint or involvement from the RIT process at any time.
- Have an RIT Advocate present to serve as your Advisor of Choice during the hearing.
- Be protected by RIT from retaliation for reporting an incident.

Informal Resolution

A Complainant may seek an informal resolution of certain reports of Prohibited Conduct. In most cases, the Complainant's decision will be honored. In such cases, the university will not conduct an investigation, hold a hearing, or take disciplinary action against any alleged Respondent. Instead, other measures will be pursued such as mediation, meetings, or facilitated dialogue with the parties.

Informal resolution is not appropriate for cases involving allegations of Sexual Assault, Domestic or Dating Violence, or Stalking unless the Complainant makes a request. Nor are informal resolutions appropriate for allegations that present significant disputed issues of fact or where the alleged Prohibited Conduct may result in suspension or expulsion. Informal resolutions are not appealable, and the pursuit of informal resolution does not preclude the Complainant from pursuing a more formal resolution or investigation in the future.

Witness Rights and Resources

Witnesses have the same rights and access to resources as complainants and respondents. The retaliation portion of this guide also applies to witnesses.

Amnesty

A bystander acting in good faith or a Reporting Person acting in good faith that discloses any incident of Domestic Violence, Dating Violence, Stalking or Sexual Assault to an RIT Responsible Administrator, a Responsible Employee, or law enforcement will not be subject to RIT's Code of Conduct for violations of alcohol and/or drug policies.

Student Sexual Misconduct Process on Campus: Formal Resolution

When a report results in a university investigation, and the Respondent is an RIT Student, specially trained investigators at RIT Public Safety will meet with all the individuals involved. RIT Public Safety is a neutral factfinder that will gather the information about the incident with sensitivity and respect for all individuals. The Title IX Coordinator will notify the Complainant and Respondent of the investigation.

Timeline

When the investigation is complete, RIT Public Safety will send all investigative documentation to the Title IX Coordinator and Center for Student Conduct and Conflict Resolution. A typical investigation will be completed within sixty (60) calendar days, if not sooner. Should there be a need for the investigation to extend beyond the standard sixty (60) calendar day timeframe, the reasons for the extension will be documented and communicated to both the Complainant and the Respondent.

Hearing and Adjudication

Sexual misconduct hearings are held on campus and are conducted by a conduct officer from the Center for Student Conduct and Conflict Resolution. The conduct officer reviews the investigative report and evidence and asks questions of all the parties with the purpose of determining, through a fair and objective process, if a violation of the Student Gender-Based And Sexual Misconduct Policy D.19 has occurred. The outcome of the hearing will be provided to both complainant and respondent with the rationale for the decision.

Appeals

Both the Complainant and the Respondent 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 Appeals Process (D18.2). 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 Appeals Process (D18.2).

Sanctions

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, Probation, Suspension, Expulsion, administrative actions, and educational sanctions as outlined in the Student Code of Conduct.

Burden of Proof

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.

Advisors

Both the Complainant and the Respondent may have their RIT Advocate present to serve as their Advisor of Choice during the hearing. If an RIT Advocate is not utilized, then either party may select an alternative Advisor of Choice. Hearings will not be postponed due to the unavailability of the student's Advisor of Choice. Advisors of Choice who are not RIT Advocates are to serve only in a supportive role and may not represent or speak on behalf of the student. The RIT Advocate or Advisor of

Choice selected may not serve as a witness in the hearing.

Privacy and Confidentiality

Even RIT Offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information you provide to a nonconfidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek resolution. If an individual discloses information during a public awareness event, a protest, during a class project, or advocacy event RIT is not obligated to investigate based on the public disclosure. RIT may however use the information provided in an effort to further educate about prevent efforts.

Protection from Retaliation

An individual making a good faith report under this policy is entitled to protection from any form of retaliation, even if the underlying allegations are later not proven to be a violation of policy. Threats or other forms of retaliation against a student, staff, or faculty who files a complaint or cooperates in an investigation related to a complaint is strictly prohibited under this policy. Retaliation includes conduct that creates an intimidating, hostile, or offensive working, residential, or education environment. 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.

Respondent Rights and Resources

If a complaint of sexual misconduct has been made against you, there are resources available at the University where you can go for information and support.

If you need help and are unsure where to begin, you are encouraged to reach out to the Title IX Coordinator or one of the Deputy Title IX Coordinators. A list of Coordinators with contact information is at rit.edu/titleix

There is a resource for respondents managed by the Center for Student Conduct and Conflict

Resolution called the Respondent Support Person Program.

rit.edu/studentaffairs/studentconduct

Participating in the Investigation

Both the Complainant and the Respondent have the option not to participate; however, the exercise of that option will not preclude RIT from proceeding and determining the outcome of the complaint on the basis of the investigative report and other available information.

All students (complainants, respondents, witnesses) have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of all gender-based misconduct including 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 Person 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 Respondent, and/or their friends, family and acquaintances within the jurisdiction of the university.
9. Access to one level of appeal of a determination.
10. Be accompanied by an Advisor of Choice

who may assist and advise a, Complainant, or Respondent throughout the 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.

Reporting Options and Complaint Process Against a Nonstudent Member of the University Community

1. If upon investigation, RIT determines that a hearing is appropriate, RIT shall be the Complainant, and will bear the burden of collecting all of the evidence and pertinent information in preparation for any hearing.
2. The Center for Student Conduct and Conflict Resolution will schedule the hearing based upon availability of parties. A Non-Member Complainant can expect to receive a notification of the date and time of the hearing. RIT will hold the hearing regardless whether the Non-Member Complainant chooses to participate or attend the hearing.
3. A Non-Member Complainant may bring an Advisor of Choice to the hearing. The Advisor of Choice will be permitted to provide quiet counsel during the hearing but may not address any other hearing participant. It shall be the Non-Member Complainant's responsibility to notify their Advisor of Choice of the date and time of the hearing.
4. A Non-Member Complainant will not have access to an RIT Advocate or other on-campus resources.
5. After the hearing the Non-Member Complainant will receive a letter stating the findings and outcomes.
6. Non-Member Complainants will not be

entitled to appeal the outcome of the hearing. However, they will be notified if the Respondent appeals, and the outcome of any appeal.

Non-Sex-Based Harassment and Discrimination

If you believe that you have been discriminated against because of your age, color, disability, ethnicity, military/veteran status, national origin, race, religion or creed, or on the basis of any other protected class, you can make a report to RIT Public Safety at 585-475-2853.

Title IX Explained

“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...”
20 U.S.C. § 1681

What Is Title IX?

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits sex discrimination at educational institutions that receive federal funding. Under Title IX, sexual discrimination includes harassment on the basis of sex. This can take many forms, including

- verbal or written harassment
- sexual assault, including rape and other unwanted sexual touching
- stalking (when done on the basis of sex)
- dating or domestic violence

Academic institutions are legally required to respond to and remedy hostile educational environments. Failure to do so means an institution could risk losing federal funding.

The U.S. Department of Education’s Office of Civil Rights (OCR) ensures compliance with Title IX. You may contact OCR at its New York office at 212-416-8250 or its national headquarters at 800-421-3481.

What Does a Title IX Coordinator or Deputy Title IX Coordinator Do?

The Title IX Coordinator and Deputy Title IX Coordinators ensure that the process for addressing complaints of sex based harassment and misconduct are handled promptly and equitably, with fairness to everyone involved. They make certain that anyone who comes to them understands their rights and has the information they need to determine what to do next. However, they do not investigate or adjudicate claims.

The Title IX Coordinator is the University’s expert on Title IX law as well as campus policies and procedures on sex discrimination and sexual misconduct. The Coordinator works with colleagues University-wide to educate the community about:

- support services
- resources
- reporting options and processes

The Coordinator and Deputy Coordinators also help develop sexual discrimination and sexual violence prevention initiatives, including trainings for students, faculty, and staff.

Who Is My Title IX Coordinator?

The University has a designated Title IX Coordinator and seven Deputy Title IX Coordinators who can answer questions and assist with reporting options and resources. You are welcome to contact any of the coordinators, even if the person is in a different school or unit from you.

A list of coordinators can be found at rit.edu/fa/compliance/content/rittitleix#reporting-coord. You can also call the Stacy DeRooy, The Director of Title IX and Clery Compliance, Title IX Coordinator at 585-475-7158.

When Should I Contact My Title IX Coordinator?

If you are in crisis, seek help immediately (page 3). Once you are safe, we strongly encourage you to contact the Title IX Coordinator or a Deputy Coordinator if you have experienced or witnessed sexual misconduct or encountered sexual discrimination. You may also contact a coordinator if you have questions about policies or procedures or need help with how to handle a situation that indirectly affects you.

Please note that Title IX Coordinators and Deputy Coordinators are private – but not confidential – resources. They will share information necessary to investigate an incident and/or seek a resolution. A list of confidential resources can be found on page 5.

Questions?

If you have any questions about the Student Gender Based and sexual Misconduct Policy, D.19, conduct process, resources, or your rights, please contact the Title IX Coordinator at 585-475-7158 or Stacy.DeRooy@rit.edu.

Appendices

Definitions

The following definitions can be found in the Student Gender-Based and Sexual Misconduct Policy (D-19). They apply to interactions between students.

Advisor of Choice means any person selected by the Complainant or the Respondent to provide a student with quiet counsel or support throughout the RIT Student Conduct Process or any process under this policy. The Advisor of Choice may be any person who is not a party, witness, or otherwise involved in the investigation. It is upon the student to share related communications with their Advisor of Choice. If the Complainant or the Respondent selects an RIT Advocate as an Advisor of Choice, the RIT Advocate has full participatory

rights in accordance with the provisions of the RIT Advocacy Program.

Affirmative 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 a 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 (See, “Incapacitation” Section IV.I.) 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. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. Consent is active, not passive.

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.

Anonymous means that a student may report a Title IX complaint without including one's name or the name of the Respondent. 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.

Coercion means the use of improper pressure to compel another individual to initiate or continue sexual activity against that individual's will. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. Examples of Coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this policy in the same way as physically forcing someone into engaging in sexual activity.

Confidentiality means that information shared by an individual with a designated Confidential Resource or community professionals cannot be revealed to any other individual without express permission of the individual. (See, Confidential Resources for getting help, Section V.) Even RIT Offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek resolution.

Complainant means a person who has

allegedly experienced Prohibited Conduct that has been reported to RIT. RIT may also be the Complainant if (1) RIT elects to investigate reports of potential violation(s) of this policy on its own accord and in its sole discretion, or (2) a Non-Member Complainant is the person who experienced the Prohibited Conduct or the subject of a report.

Dating Violence means any intentional act or threatened act of violence against the Complainant committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. Dating Violence may include behavior that seeks to establish power and control over the Complainant by causing the Complainant to fear violence to themselves or another person. Such behavior may also take the form of harassment, property damage, intimidation, and violence or a threat of violence to one's self (i.e., the Respondent) or a third party. It may involve one act or an ongoing pattern of behavior. The university will evaluate the existence of an intimate relationship based upon the Complainant's statement, taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence means any intentional act or threatened act of violence against the Complainant committed by

1. a current or former spouse or intimate partner;
2. a person with whom the Complainant shares a child; or
3. anyone who is protected from the Respondent's acts under the domestic or family violence laws of New York.

Domestic Violence also includes behavior that seeks to establish power and control over the Complainant by causing the Complainant to fear violence to themselves or another person. Such behavior may also take the form of harassment, property damage, intimidation, and violence or a threat of violence to one's self (i.e., the Respondent) or a third party. It may involve one act or an ongoing pattern or behavior.

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a Complainant use force to resist the sexual advance or request. However, use of force by the Complainant will be viewed as a clear demonstration of non-consent.

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.

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 Respondent knew, or a sober, reasonable person in a similar set of circumstances as the Respondent, should have known, that the Complainant was incapacitated.

Interim or Accommodative Measures means protective measures put in place by a university official or administrator designed to support and protect the safety of the Complainant, Respondent, or the RIT Community pending an investigation or hearing.

No Contact Order or "NCO" means a formal directive issued by a university official or

administrator requiring parties to have no direct or indirect interaction or contact with one another. Contact or interaction includes, but is not necessarily limited to, in-person contact, telephone calls, recordings, email, texts and other forms of electronic communication, social media-based messages or postings, and third party communications including through proxies.

Non-Member Complainant means a person who alleges they have experienced Prohibited Conduct but who is not a faculty member, staff member, or student at RIT. A Non-Member Complainant may provide information to the university so that the university can conduct an investigation or otherwise resolve an allegation regarding Prohibited Conduct, but certain parts of this policy will not apply to the Non-Member Complainant. The Non-Member Complainant may be invited to participate in the hearing process at the discretion of the university. In addition, certain privacy laws may prevent the university from sharing information about members of the RIT Community that would otherwise be shared with a Complainant under this policy.

Preponderance of Evidence means that after considering all of the supporting information and 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 of proof.

Prohibited Conduct means any one of the behaviors set forth in Section I, above, and are the standards that may be alleged by a Complainant and with which a Respondent may be charged.

Privacy means that information related to a complaint will be shared only with a limited circle of individuals 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 shall be discreet and respect the

privacy of all individuals involved in the process.

Reporting Person is any individual who reports an alleged violation of this policy, including the Complainant. Most reports are made by a member of the RIT Community who has directly experienced any Prohibited Conduct. However, reports may also be made by anyone who is aware of, or has witnessed, but has not directly experienced the alleged misconduct.

Respondent means any individual alleged to have engaged in Prohibited Conduct.

Responsible Administrator means RIT's Title IX Coordinator, Deputy Coordinators, and the Title IX Investigator(s).

Responsible Employee means RIT Employees who have the authority to take action to address Sex Discrimination or Sexual Misconduct, or have the duty to report any such incidents or any other misconduct to the Title IX Coordinator or other appropriate school official. Most RIT Employees are Responsible Employees for reporting purposes of this policy unless they are specifically designated as Confidential Resources.

Retaliation means any adverse action taken against an individual for making a good faith report under this policy, or participating in any investigation or proceeding under this policy. Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this policy.

RIT Advocate means any faculty or staff member trained by the Center for Student Conduct and Conflict Resolution to provide assistance to a Complainant or Respondent throughout the RIT Student Conduct Process. The Center for Student Conduct and Conflict Resolution maintains a list of trained Advocates. An Advocate may fully participate in the conduct hearing acting in accordance with the provisions of the RIT Advocacy Program. Additionally, support is available at any time prior to and during the conduct hearing, including any prehearing meetings or

interviews, up to and including appeals where applicable. The Center for Student Conduct and Conflict Resolution maintains a list of staff trained and available to provide support through the process prior to the actual hearing.

RIT Community means any individual authorized to be on the RIT campus including administrators, faculty, staff, students, student organizations, external organizations, and individuals in their operations with RIT.

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.

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.

Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another.

Sexual Assault means non-consensual sexual contact, or non-consensual sexual intercourse.

1. **Non-Consensual Sexual Contact** means any intentional sexual touching, however slight, with any object or body part, whether directly or through clothing as follows:
 - a. intentional touching of the lips, breasts, buttocks, groin, genitals, inner thigh, or anus or intentionally touching another with any of these body parts;
 - b. making another touch anyone or themselves with or on any of these body parts; and
 - c. intentional touching of another's body part for the purpose of sexual gratification, arousal, humiliation, or degradation.
2. **Non-Consensual Sexual Intercourse** means any penetration, however slight, with any object or body part as follows:

- a. penetration of the vulva by a penis, object, tongue, or finger;
- b. anal penetration by a penis, object, tongue, or finger; and
- c. any contact, no matter how slight, between the mouth of one person and the genitalia of another person.

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 (including sign language), 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.

Stalking means engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to fear for their safety or the safety of others, or suffer substantial emotional distress and/or which unreasonably interferes with the work or educational environment. Course of conduct means two or more acts including but not limited to Unwelcome Conduct in which the alleged stalker directly, indirectly, or through third parties, by any action, method, device or

means, follows, observes, surveils, threatens, trespasses or damages property, or gives a person gifts.

Sexual Misconduct is a broad term encompassing any Unwelcome Conduct of a sexual nature perpetrated without Affirmative Consent and prohibited under this policy.

Unwelcome 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.

