

Administrative Policy for Reviewing and Investigating Reports of Misconduct or Violations of RIT Policy Conducted by the Office of Compliance and Ethics

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I. Applicability.

This policy applies to all members of the RIT community, including students, faculty, staff, volunteers, contractors, trustees, and other members in the community doing business with or for RIT. This policy governs investigations conducted by RIT's Office of Compliance and Ethics (OCE), except for Title IX investigations. Investigations conducted under RIT's Policy on Title IX Sexual Harassment for Faculty, Staff, and Students (Policy C27.0) are governed by a separate policy.

II. Policy Statement.

OCE promptly reviews and investigates reports of employee misconduct and suspected violations of university policy that fall within its purview. Investigations will be conducted in a fair, thorough, and timely manner to determine the relevant facts, circumstances, and cause of the alleged violation or misconduct. OCE will submit investigative findings to Human Resources, the office tasked with making determinations regarding policy violations and recommending disciplinary or corrective actions.

III. Rationale.

Reviewing and investigating reported concerns promotes a culture of ethical conduct, compliance, integrity, and transparency. In addition, reviewing and investigating reported concerns complies with laws and university policy, allows the university to address potential misconduct, and keeps the RIT community safe.

IV. Definitions.

a. *"Complainant"* means an RIT faculty member, staff member, or student who alleges they experienced conduct that could constitute a violation of policy. RIT is the Complainant when: (1) RIT elects to investigate reports of potential violation(s) of university policy; or (2) a Non-Member Complainant is the person who experienced prohibited conduct or is the subject of a report. A Complainant cannot remain anonymous.

b. *"Non-Member Complainant"* means a person who alleges they have experienced conduct in violation of university policy but who is not a faculty member, staff member, or student at RIT.

c. *"Investigator"* means a trained, neutral, and objective factfinder assigned by the university to investigate reports of policy violations.

d. “*Reporting Person*” means any individual that reports an actual or perceived violation of university policy. Any individual may file a report. An individual who allegedly experienced conduct that could constitute a violation of policy is a Complainant unless they choose not to participate, in which case they will be designated a Reporting Person and treated as a Witness.

e. “*Respondent*” means any individual who allegedly engaged in conduct that may be a violation of university policy or other misconduct.

f. “*Witness*” means an individual who has knowledge of an event or incident from personal observation or experience.

V. Reporting Concerns.

The university expects any individual, including employees, students, or third parties, to file a report of an actual or perceived violation of RIT policy, or any federal, state, or local law or regulation relating to an RIT employee. All university officers, supervisors, or managers must report misconduct or violations of policy to the appropriate office. All levels of employees must report any allegations of sex and gender-based harassment and discrimination. Any individual who receives a reported concern must not take any employee action to resolve the matter without first contacting Human Resources.

To the extent possible, the reported concern should include a description of the alleged conduct, including the time, date, location, and individuals involved in the incident(s) related to the concerns.

A. Reported concerns may be disclosed to:

1. An immediate supervisor, dean, divisional leader, or other university officer.

2. The anonymous and confidential RIT Ethics and Compliance Hotline for non-emergencies, available 24 hours a day/365 days a year, by calling (866) 294-9358 or (866) 294-9572 TTY, or on the online [RIT EthicsPoint website](#).

3. The Office of Compliance and Ethics online or in person. OCE is located at Eastman Hall, Suite 6025. Online Reporting Forms can be found on the [OCE webpage](#). To request information, email the OCE team at complianceandethics@rit.edu.

4. Human Resources at (585) 475-2424, or by contacting the designated [Human Resources Business Partner](#).

B. All reported concerns made under this policy, regardless of how the report is made (whether in person, by phone, an online reporting form, or electronic mail) must be documented in writing. If an office other than OCE receives the reported concern, and OCE is the primary investigative office, then the reported concern must be submitted to OCE promptly.

C. For issues concerning sex or gender-based harassment or discrimination, including Title IX, report to the Executive Director of Title IX and Clery Compliance, any member of the Title IX Office at (585) 475-7153, or use the online [Title IX Report Form](#).

D. In the event of health, safety, or fire emergencies, call Public Safety at (585) 475-2853.

E. Individuals who require additional assistance in filing a report of an alleged violation (including the need for a translator or other accommodations) should contact Human Resources or OCE.

VI. Reporting Person's Involvement.

The Reporting Person plays a vital role by providing information to the university. If the Reporting Person is not the person who is aggrieved by the alleged conduct (*i.e.*, the Complainant), then the Reporting Person's involvement in, and information received through, the process will be limited. However, the Reporting Person may have a role in the process if they have relevant information or personal knowledge of the allegations. If the Reporting Person is the Complainant, then they may have access to more information.

VII. Anonymity and Confidentiality.

To the extent possible, the university will take reasonable measures to maintain the confidentiality and privacy of the persons involved in the process.

Individuals may request anonymity in the process or request that their identity not be shared with specific individuals. However, the university's ability to fully investigate and resolve a concern may be limited when an individual remains anonymous. In addition, individuals who remain anonymous may not be entitled to receive all the information that might otherwise be available to them as a named Complainant. While OCE cannot guarantee anonymity, it will carefully balance the request for anonymity and the university's commitment to provide a safe environment for the RIT community. If information is disclosed, it will be disclosed solely on a need-to-know basis.

All individuals involved in this process are encouraged to keep any information learned in the process confidential to protect the privacy of those involved and to safeguard the integrity of the process. It is important to bear in mind that there are real people at the center of the process and confidentiality in the process is necessary to encourage members of the RIT community to seek help. Information obtained by OCE may be disclosed if required by law pursuant to a subpoena or court order and will be maintained in accordance with [RIT's Record Management Policy](#) (C.22).

VIII. OCE Investigation Scope.

Once a concern is reported, OCE will determine whether the report is within OCE's investigatory scope. OCE is responsible for investigating allegations of misconduct related to violations of laws, regulations, and some university policies. General categories of reports for which OCE is the primary investigator include:

- Harassment and discrimination of protected categories (e.g., sex, gender, race, color, national origin, disability, religion, age, etc.) that fall under [RIT Policy Prohibiting Discrimination, Harassment and Retaliation](#) (C06.0), [Protection of Minors Policy](#) (C26.0), and Policy on [Title IX Sexual Harassment for Faculty, Staff, and Students](#) (C27.0)
- Corruption and bribery ([Foreign Corrupt Practices Act \(FCPA\) Policy](#) (C21.0))
- [Conflicts of interest and Commitment](#) (C04.0)
- Export Controls

- Privacy ([Intellectual Property Policy](#) (C03.0), [Agreement for Commissioning of Educational Materials](#) (C03.1), [Copyright Policy](#) (C03.2), [Privacy Policy](#) (C07.0), [Education Records](#) (D15.0))
- Issues related to the [Code of Ethical Conduct and Compliance](#) (C00.0)
- Retaliation, including retaliation claims related to matters under OCE's scope

Certain matters fall outside of the scope of OCE, including, for example, reports of student misconduct, academic and research integrity or misconduct, immediate health and safety concerns such as criminal activity or other safety violations, and reports relating solely to employee relations without allegations based on a protected category. If the facts of the situation do not fall within scope for OCE, OCE will refer the report to Human Resources, which may be the appropriate primary investigator or will engage other applicable university resources, as needed.

Report Category	Academic & Research Integrity	Employee Relations	Student Misconduct or Criminal Conduct	Information Security and Misuse of Technology	Fraud	Environmental Health and Safety
Primary Investigator	Provost/VPR	Human Resources	Public Safety	ISO	IACA	EH&S
Examples	<ul style="list-style-type: none"> • Human subjects • Research Misconduct • Intellectual Property • Academic dishonesty 	<ul style="list-style-type: none"> • Nepotism • Non-discrimination or harassment workplace disputes, including consensual or romantic relationships • Compensation/Benefits • Recruiting/Hiring/Retention • Workplace Drug & Alcohol • Workplace culture or conditions • Family Medical Leave • Employee Health and Safety Mandates • Religious Accommodations 	<ul style="list-style-type: none"> • Health & Safety • Criminal conduct • Minors Protection • First Amendment • Physical safety and security 	<ul style="list-style-type: none"> • Data breach • Account security • Misuse of assets or network equipment • Criminal cyber activity on RIT networks 	<ul style="list-style-type: none"> • Financial • Time/Kronos • Expenses reports • Misuse of grant funds • Misappropriation of assets 	<ul style="list-style-type: none"> • Safety hazards • Incidents (i.e., work-related injuries, occupational illness, property damage, spills, fires)

IX. OCE Discretion.

In limited situations, OCE may investigate allegation(s) of a violation of university policies and procedures regardless of whether an RIT employee has filed a specific complaint.

During an investigation, the Investigator may determine that other university policies have potentially been violated. In such instances, OCE will either review the information to determine whether further investigation into the additional conduct is warranted, or it may refer the additional information to Human Resources, who may then contact the appropriate primary office investigator or engage other applicable university resources for those specified concerns.

X. Initial Investigation and Assessment.

OCE will conduct an initial investigation and assessment of the reported concern. As part of the initial investigation, OCE may meet with or reach out to the Complainant, review relevant documents, or contact other appropriate offices or individuals to gather additional clarifying and/or historical information related to the reported concern. OCE will consider any emergencies or extenuating circumstances that require immediate intervention and respond accordingly. Generally, reported concerns will follow one of three (3) tracks as outlined below.

Track I: If the allegations, even if true, would not violate university policy and no further university action is necessary, OCE, in collaboration with Human Resources, may determine the report should be dismissed from OCE, but referred to another office for resolution of the report.

Track II: If the allegations may violate university policy, but OCE is not the primary investigative office for the relevant policy, OCE may dismiss the case from OCE and refer it to Human Resources to send to the appropriate primary investigative office for a full investigation.

When a reported concern is dismissed as out of scope from OCE under Track I or II, and otherwise referred to another office, the Reporting Person or Complainant, if known, will be notified in writing and provided with any appropriate contact information.

Track III: OCE will function as the primary investigative office and conduct a full investigation (“OCE investigation”) when a report contains

allegations that, if true, would violate university policy, or federal or state law, and the nature of the allegations are within OCE's scope. In certain instances, OCE may, in its discretion, seek assistance from other internal or external investigators based on the facts and circumstances of a case. For example, the university may seek assistance from an outside investigator or assign the investigation to another department if a conflict of interest exists, or a high-level employee is accused of misconduct. In any case, OCE may, in its discretion, consult with other relevant offices such as Human Resources, the Office of Legal Affairs (OLA), or Public Safety to determine appropriate responses, including disclosure to a duly authorized regulatory or law enforcement agency.

XI. Investigations.

The purpose of an OCE investigation is to determine whether the reported allegations are factually substantiated by a preponderance of the evidence to assist the university in assessing whether an employee has violated university policy. During the OCE investigation, the Investigator may interview Reporting Person(s), Complainant(s), Respondent(s), Witnesses, and other relevant individuals, review evidence, and create an investigation report. The Respondent will be made aware of the allegations against them and provided an opportunity to respond. The Investigator is a neutral party and is neither an advocate nor an adversary to any of the parties involved. The Investigator is not the decision-maker regarding whether policy has been violated.

XII. Investigation Conclusion.

At the conclusion of an OCE investigation, the Investigator will send an investigation report with the finding(s) of fact to Human Resources. Human Resources is responsible for determining whether a policy violation has occurred, recommending sanctions or corrective actions, and coordinating with supervisors and other university officials to implement sanctions or corrective actions, if any.

XIII. Investigation Timeframe.

Reasonable efforts will be made to complete investigations promptly. Investigators are expected to take the necessary time to conduct a fair and thorough investigation, considering any extenuating circumstances.

XIV. Standard of Proof.

The standard of proof is a preponderance of evidence, which means after considering all the supporting information and documents regarding an incident, it is more likely than not the incident occurred.

XV. Cooperation and Truthful Information.

All RIT community members are expected to provide truthful information during investigations and inquiries. Employees are also expected to cooperate with investigations by providing truthful accounts and relevant documentation in response to an Investigator's questions and information requests. Employees who fail to cooperate or who otherwise impede an internal investigation may be subject to disciplinary action or other consequences. In addition, intentionally submitting or providing false or misleading information may result in disciplinary action, up to and including termination. This does not apply to reports made or information provided in good faith, even if the facts alleged in the report are ultimately unsubstantiated. Allegations may be unsubstantiated by the evidence for any number of reasons, none of which may relate to fabrication or false allegations.

XVI. Retaliation.

The university prohibits retaliation against any individual who makes a good-faith report of suspected violation of any university policy, procedure, law or regulation, or participates in an investigation, audit, inquiry, or legal proceeding related thereto. Any member of the RIT community who retaliates against another who, in good faith, reported potential misconduct or participated in an investigation can be subject to discipline. Likewise, RIT prohibits abuse of processes referenced in this policy or other RIT policies.

XVII. Responsible Office.

The Office of Compliance and Ethics

XVIII. Effective Date.

September 1, 2021

XIX. Policy History.

Released September 1, 2021

Revised November 2023

Revised January 2025