

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

Table of Contents

I.	Applicability	2
II.	Policy Statement	2
III.	Rationale	2
IV.	Definitions	2
V.	Reporting Concerns.....	3
VI.	Reporting Person’s Involvement	4
VII.	Anonymity and Confidentiality	4
VIII.	OCE Discretion.....	5
IX.	OCE Investigation Scope	5
X.	Initial Assessment	6
XI.	Investigations	7
XII.	Investigation Conclusion.....	7
XIII.	Investigation Timeframe.....	8
XIV.	Standard of Proof.....	8
XV.	Cooperation and Truthful Information	8
XVI.	Retaliation	8
XVII.	Responsible Office	8
XVIII.	Effective Date	9
XIX.	Policy History.....	9

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).

II. Policy Statement

OCE is tasked with reviewing and, where appropriate, investigating reports of employee misconduct and suspected violations of university policy. Reported concerns will be reviewed promptly and, if necessary, investigated. 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. Investigative findings will be submitted 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. Reviewing and investigating reported concerns also 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, staff 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 a Non-Member 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 fact-finder 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 and wants to remain anonymous will be treated as a Reporting Person.

e. “*Respondent*” means any individual alleged to have engaged in conduct alleged to be a violation of university policy.

V. Reporting Concerns

The university encourages 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. 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.

Reported concerns may be disclosed to:

- An immediate supervisor, dean, divisional leader, or other university officer.
 - Any supervisor who becomes aware of any concern or complaint alleging a violation of university policy must contact OCE, the Title IX Office, the Office of Legal Affairs, or Human Resources. Any supervisor who receives the reported concern must not take any employee action to resolve the matter without first contacting Human Resources.
- 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](#).
- Office of Compliance and Ethics (OCE)
 - In person at 01-6025 Eastman Hall, 171 Lomb Memorial Drive, Rochester, NY
 - Telephone at (585) 475-6111
 - Email complianceandethics@rit.edu
 - Online Report Form found on the OCE webpage [here](#).
- Human Resources at (585) 475-2424.

All reported concerns made under this policy, regardless of how the report is made (whether in person, by phone, or electronic mail), must be

documented in writing. If the reported concern is received by any office other than OCE, and OCE is the primary investigative office, the reported concern must be submitted to OCE promptly.

For issues concerning **sexual or gender-based harassment or discrimination**, report to the 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](#).

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

Individuals who require additional assistance in filing a report of an alleged violation (including the need for a translator) 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. 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 of the information that might otherwise be available to them. 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 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 Discretion

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

During the course of an investigation, the Investigator may determine that other university policies may have 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 another office for review into those specific concerns.

IX. OCE Investigation Scope

Once a concern is reported to OCE, OCE will determine whether the report is within OCE's 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.) (Policy Prohibiting Discrimination, Harassment and Retaliation C06.0, Policy on Consensual Romantic or Sexual Relationships C23.0, Protection of Minors Policy C26.0, Policy on Title IX Sexual Harassment for Faculty, Staff, and Students C27.0)
- Corruption and bribery (e.g., Foreign Corrupt Practices Act (FCPA) Policy)
- Conflicts of interest (Conflict of Interest and Commitment Policy C04.0)
- Export controls
- Privacy (e.g., Intellectual Property Policy C03.0 and C03.1, Copyright Policy C03.2, Privacy Policy C07.0, Education Records D15.0)

- Issues related to the Code of Ethical Conduct and Compliance (Policy C00.0)
- Retaliation, including retaliation claims related to matters under OCE’s scope

Certain matters, such as student conduct matters, academic and research integrity or misconduct, immediate health and safety concerns, and reports relating solely to employee relations without allegations based on a protected category fall outside of the purview of OCE. If the facts of a situation do not fall within the OCE’s purview, OCE will refer the report to the appropriate primary office or other applicable university resources.

Report Category	Academic & Research Integrity	Employee Relations	Student Reports and 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
	<ul style="list-style-type: none"> • Human subjects • Research Misconduct • Intellectual Property 	<ul style="list-style-type: none"> • Nepotism • Non-discrimination or harassment workplace disputes • Compensation/ Benefits • Recruiting/Hiring/ Retention • Workplace Drug & Alcohol • Work place culture • Family Medical Leave • Employee Health and Safety Mandates • Religious Accommodations 	<ul style="list-style-type: none"> • Health & Safety • Criminal conduct • Minors • First Amendment 	<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)

X. Initial Assessment

OCE will conduct an initial assessment of the reported concern. OCE may 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 appropriately.

If the allegations, even if true, would not violate university policy and no further university action is necessary, OCE may determine the report should be dismissed. If the allegations may violate university policy, but OCE is not the primary investigative office for the relevant policy, OCE may

refer the case to the appropriate primary investigative office. When a reported concern is dismissed or referred to another office, the Reporting Person, if known, will be notified in writing and provided any appropriate contact information.

OCE will conduct an 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 the purview of OCE. In certain instances, OCE may seek assistance from other internal or external investigators. If a primary investigative office is unable to investigate due to a conflict of interest, then the university may seek assistance from an outside investigator or assign the investigation to another department. OCE may 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 in order to assist the university in assessing whether an employee has violated university policy. During the 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 Investigator is neither an advocate for nor an adversary to any of the involved parties. The Investigator is not the decision-maker regarding whether policy is violated. The Respondent will be made aware of the allegations against them and provided an opportunity to respond.

XII. Investigation Conclusion

At the conclusion of an 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 of 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 this process. Employees are expected to cooperate with investigations by providing truthful accounts and relevant documentation in response to investigator questions and related information requests. Employees who fail to cooperate or who otherwise impede an internal investigation may be subject to disciplinary action in accordance with university policy.

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 unsubstantiated. Allegations may be unsubstantiated by the evidence for any number of reasons, none of which relate 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 against any individual who participates in an investigation, audit, inquiry, or legal proceeding related thereto. Any member of the RIT community who has been found to have taken retaliatory action against another who, in good faith, reported potential misconduct will be subject to discipline. Likewise, abuse of processes referenced in this policy or other RIT policies is also prohibited.

XVII. Responsible Office

The Office of Compliance & Ethics

XVIII. Effective Date

September 1, 2021

XIX. Policy History

Released September 1, 2021