

Faculty & Staff

Reporting Options & Resources

For Complaints About

- Discrimination
- Harassment
- Sexual Misconduct
- Sexual Violence

RIT

Title IX

Contents

3 | Introduction

3 | First Steps

5 | Talk to Someone: Confidential Resources

6 | Reporting Discrimination or Harassment

9 | Questions?

9 | Appendices

Introduction

RIT is committed to the health and safety of every member of our community and to creating an environment where everyone is 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 faculty and staff 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/fa/compliance/content/title-ix.

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 “Reporting Discrimination or Harassment ” at the University on page 6.

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 criminal proceedings and/or file a complaint with the university.

If You Need Emergency Assistance (24-Hour Response)

- Call RIT Public Safety at 585-475-2853
- 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 STIs. Drugs used for emergency contraception and to prevent STIs have a limited time frame 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.

In Rochester, medical treatment is available at

RIT Student Health Center

rit.edu/studentaffairs/studenthealth/
585-475-2255
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 individuals 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 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 and/or file a complaint under RIT's 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 voice mails, 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.

Talk to Someone:

Confidential Resources

Individuals at the following RIT offices and local organizations offer confidential support. Confidential resources will not report crimes to law enforcement and are not authorized to investigate on behalf of the RIT. In specific instances, such as a health or safety emergency, these professionals may be required to report your information to external authorities.

RIT Resources

Spirituality and Religious Life
rit.edu/studentaffairs/religion

RIT Ombuds Office
585-475-7357 or 585-475-6424
VP: 585-286-4677
rit.edu/ombuds/contact-us
Services provided at no cost.

Rochester Area Resources

RESTORE Sexual Assault Services
restoresas.org
585-546-2777
Free and confidential crisis intervention and support to survivors of sexual assault, available 24 hours a day.

Willow Domestic Violence Center
willowcenterny.org
585-222-7233 (222-SAFE)
Confidential help for women and men of all ages, available 24 hours a day. Assistance with emergency shelter, safety planning, counseling, court advocacy, transitional support services, and prevention education.

National Resources

RAINN (Rape, Abuse and Incest National Network)
rainn.org
24-hour hotline: 800-656-4673

The National Domestic Violence Hotline
thehotline.org

Reporting Discrimination or Harassment

Sexual harassment, sexual misconduct, and sexual violence are forms of sex discrimination under RIT's Policy Prohibiting Discrimination and Harassment C06.0. and Policy on Title IX Sexual Harassment for Faculty, Staff and Students C27.0.

Between Supportive measures and Formal Investigation: When a complaint is received the TIX Office makes an assessment on policy applicability. The complainant will receive an immediate outreach to meet with a TIX Coordinator to discuss support and options. If the allegations fall within the scope of Title IX the complainant will decide if they wish to proceed with filing a formal Title IX complaint.

If you have experienced discrimination and/or harassment, you may submit a complaint to any of the following individuals or offices:

- RIT Department of Human Resources
- Office of Legal Affairs
- Office of the Vice President for Diversity and Inclusion
- RIT's assistant vice president of Compliance & Ethics
- RIT's Public Safety Department
- The RIT president
- Any RIT vice president
- Any RIT Supervisor
- Title IX Coordinator

Individuals in these offices will maintain your privacy, but they are not confidential resources. Information will be relayed only as necessary to investigate and/or seek a resolution.

Supportive Measures

Supportive Measures are non-punitive, non-disciplinary measures designed to restore or preserve equal access to RIT's Education

Program or Activity without unreasonably burdening either party. The Supportive Measures are designed to protect the safety of all parties or RIT's educational environment and to deter Title IX Sexual Harassment. Regardless of the stage of the process under this Policy, the university may take Supportive Measures when appropriate, to protect the parties involved and the university community. Supportive Measures may be requested by either party and will be individualized on a case-by-case basis, considering the rights and obligations of all parties.

Supportive Measures may include, but are not limited to:

- counseling;
- extensions of deadlines or other course-related adjustments;
- modifications of work or class schedules;
- campus escort services;
- mutually-agreed upon restrictions on contact between the parties;
- voluntary changes in work or housing locations;
- leaves of absence;
- increased security and monitoring of certain areas of the campus (or other similar measures).

To request or discuss Supportive Measures, individuals should contact the Title IX Coordinator.

Emergency Removal, Administrative Leave, or Other Interim Actions

Authority to Remove

RIT retains the authority to remove a Respondent from RIT's Education Program or Activities on an emergency basis, including administrative leave for a non-student Employee Respondent, where RIT (1) undertakes an individualized safety and risk analysis, and (2) determines that there is an immediate threat to the physical health or safety of an RIT community member (including the threat of self-harm) arising from

the allegations in a report of Title IX Sexual Harassment which justifies removal. Other interim actions, such as no contact orders or exclusion from certain locations, may also be issued under the same authority where necessary for the physical health or safety of any individual.

If the Respondent is an Employee, then the Notice of Emergency Removal will be issued by the assistant vice president for Human Resources, in consultation with the vice president of the division in which the Respondent works. The individual who issues the Notice of Emergency Removal will not be a decision-maker in any other part of the grievance process under this Policy for the case.

The Notice of Removal shall be in writing, and will provide the Respondent with the basis upon which removal was issued, and the opportunity to promptly challenge the determination.

Formal Investigation

A formal investigation into a complaint of discrimination or harassment can arise from either a verbal or written complaint. When you make a formal complaint, you are the complainant in the case. The person or persons against whom you have made the claim is/are the respondent(s). The investigation shall be prompt, adequate, reliable and impartial.

Upon receipt of complaint, a Title IX Investigator will conduct an immediate review of the allegations, and take any interim actions, as appropriate. Generally the Title IX Investigator shall commence an investigation within (5) Business Days after receipt of the request for an investigation. Reasonable delays are at the discretion of RIT.

The investigation shall be concluded within sixty (60) Business Days of the receipt of a request for an investigation. These time frames may need to be expanded based on the facts and circumstances of the specific investigation. A Title IX Investigator will interview all parties involved. In cases involving allegations of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence,

stalking, sexual assault or other sexual violence, the Complainant and Accused have the right to be accompanied by an advisor of choice. In cases involving sexual violence, domestic violence, dating violence or stalking, the advisor may be an attorney and need not be from the university community.

The Title IX investigator shall take steps to obtain and preserve documents, emails, or phone records relevant to the allegations and will take steps to obtain and preserve them. The representative will also request and review all relevant documentation, including electronic communications, and interview those individuals believed to have actual knowledge of facts and circumstances relevant to the violation alleged. The Complainant and Accused will be permitted an equal opportunity to present information in the context of the investigation and an equal opportunity to request that witnesses having relevant information be included in the investigation process.

At the conclusion of the investigation the complainant and respondent will have (10) calendar days to review and respond to an evidence packet provided by the investigator.

The Title IX Investigator will create a written documentation of the investigation which contains the following and will be provided to the parties with ten (10) calendar days to review and respond:

1. A list of all documents reviewed, along with a detailed summary of relevant documents;
2. A list of names of those interviewed, along with a detailed summary of their statements
3. A timeline of events;
4. A summary of prior relevant incidents, reported or unreported; and a representative from Human Resources will determine the final resolution of the complaint, together with any corrective actions action(s).

Final Investigation Report

The Title IX Investigator will create a Final Investigation Report that summarizes relevant evidence. The Final investigation Report is not

intended to catalog all evidence obtained by the investigator, but only to provide a summary of that evidence that, in the reasoned judgment of the investigator, is relevant to the allegations in the Formal Complaint. Only relevant evidence tending to prove and disprove the allegations will be referenced in the Final Investigation Report. The investigator may redact irrelevant information from the Final Investigation Report when that information is contained in a document or evidence that is otherwise relevant.

The parties shall receive a copy of the Final Investigation Report at least ten (10) days prior to any scheduled hearing. Any evidence subject to inspection and review will be available to the parties at the hearing, including for purposes of cross-examination, in an appendix to the Final Investigation Report. Within five (5) Business Days of receipt of the written notice of the outcome of the investigation, the Complainant or the Accused may grieve the process in accordance with the provisions of RIT's Staff Grievance Procedure (E30.0) or RIT's Faculty Grievance Procedure (E24.0). In cases involving allegations of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, sexual assault or other sexual violence, the Complainant and the Accused may also appeal the outcome of the investigation within five (5) Business Days of receipt of the written notice of the outcome of the investigation.

Complaints investigated in accordance with the provisions of this Policy may be subject to appropriate action, including, but not limited to, notations in personnel files, written reprimands, final written warnings, imposition of training or counseling requirements, suspensions with or without pay, or dismissal.

Burden of Proof

A Title IX Investigator from Human Resources shall evaluate and resolve allegations of violations covered by the Discrimination and Harassment Policy using a Preponderance of the Evidence standard.

Informal Resolution

As a general rule, the Title IX Office will perform an investigation for all cases of alleged violation of these policies Policy based on sex or gender. If a reporting individual requests confidentiality and/or that the university take no action with respect to the report, the university will consider the request. The university will consider several factors, including the seriousness of the reported behavior, whether other members of the community may be affected by the behavior, and whether there are alternatives to addressing the behavior. In all cases, the university retains the right to act as it deems necessary on any information that comes to its attention.

Privacy and Confidentiality

Confidentiality will be maintained consistent with a thorough investigation and resolution of any allegation of a violation of this Policy and in accordance with applicable federal, state, and local laws. It should be understood that in order to investigate an allegation of Discrimination or Harassment and in order to take action to resolve any wrongdoing or misunderstanding, it may be necessary to share information with a limited number of other people. Information concerning an allegation of Discrimination or Harassment will be shared only as necessary in order to resolve the situation successfully. Others who may be informed of some information about the allegation include people who are possible sources of information concerning the facts and RIT Supervisors. If, however, an individual shares their information with a designated on-campus confidential resource or community professional, the information cannot be revealed to any other individual without the express permission of the individual.

Protection from Retaliation

The university and applicable law prohibits retaliation against any member of the RIT Community because they have filed a complaint alleging a violation of this Policy, have participated in the processes described

in this Policy, or opposed any practice in violation of this Policy or applicable federal, state, or local laws. 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. Complaints alleging retaliation shall utilize the same procedures for filing complaints alleging violations of this Policy.

Respondent Rights and Resources

All employees participating in a TIX investigation are encouraged to seek support through [EAP rit.edu/fa/humanresources/policies/procedures/eap.html](http://rit.edu/fa/humanresources/policies/procedures/eap.html)

Full Text of C06.0 POLICY PROHIBITING DISCRIMINATION, HARASSMENT, AND RETALIATION and C27.0 Policy on Title IX Sexual Harassment for Faculty, Staff, and Students

<https://www.rit.edu/academicaffairs/policiesmanual/c060>

<https://www.rit.edu/academicaffairs/policiesmanual/c270>

Questions?

Questions about C06.0 POLICY PROHIBITING DISCRIMINATION, HARASSMENT, AND RETALIATION and C27.0 Policy on Title IX Sexual Harassment for Faculty, Staff, and Students can be directed to the Title IX Coordinator at 585-475-7158 or stacy.derooy@rit.edu

Appendices

A. Definitions

The following definitions can be found in the C06.0 POLICY ON TITLE IX SEXUAL HARASSMENT FOR FACULTY, STAFF, AND STUDENTS and C27.0 Policy on Title IX Sexual Harassment for Faculty, Staff, and Students.

They apply to interactions with faculty and staff.

Business Day means Monday through Friday and does not include official RIT holidays.

Complainant means any member of the RIT community or other individual alleging a violation of this Policy, RIT, or the individual against whom the alleged acts occurred.

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

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

Discrimination means the treatment of an individual based on that individual's group, class, or category except where distinctions are bona fide or otherwise permitted or required by law.

Gender-Based Harassment is much like Sexual Harassment (see below) 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 genderstereotyping, including failing to conform to stereotypical notions of masculinity or femininity.

Group, class or category includes, but is not limited to, race, religion, age, citizenship, color, creed, culture, including Deaf culture, actual or perceived disabilities, gender, marital status, ethnic or national origin, political affiliation or preference, military or veteran status, sexual orientation, gender identity, gender expression, or genetic predisposition.

Harassment means abuse, threats, intimidation, assault, coercion and/or unwelcomed conduct based on that individual's group, class, or category by any means, including but not limited to, physical, verbal or signed communication, written, photographic or electronic means which has the purpose or effect of:

1. unreasonably interfering with an employee's or student's work, academic performance or activities, or participation in RIT sponsored programs or events, or
2. creating an intimidating, hostile or abusive environment for an employee or student at RIT or in RIT sponsored or supervised programs or events.

Hostile Work Environment means a workplace situation where an employee cannot reasonably perform their work, due to unwelcomed conduct by members of the RIT community which is based on that individual's group, class, or category.

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

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

RIT Community means any individual authorized to be on the RIT campus including administrators, faculty, staff, students and student organizations, alumni, and external organizations and individuals in their operations with RIT (e.g., interns, temporary employees, contractors, vendors).

RIT Supervisor means any person in a position at RIT which requires that person to supervise other individuals and to write performance evaluations on them, whether or not this person supervises any of the parties involved in an allegation of discrimination or harassment.

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 misconduct, and sexual violence.

Sexual Harassment means a form of harassment based on unwelcomed conduct of a sexual nature which is made a condition of employment or academic status, unreasonably interferes with the work or educational environment, or the submission to or rejection of such conduct is used as the basis for employment decisions. Sexually harassing conduct is offensive, unwanted or intimidating behavior of a sexual nature and may be physical, verbal, written, visual, or may occur by electronic means. When harassment becomes so severe or pervasive as to unreasonably interfere with an individual's ability to work, learn, or participate in RIT's programs, or when the receipt of some benefit is linked to another's submission to sexual behavior, it is in violation of this Policy. RIT reserves the right to remedy, and to discipline, behavior that is offensive even if it is not in violation of this Policy if it may lead to a violation of this Policy if left unaddressed. However, the fact that a person was personally offended by a statement or incident does not alone constitute a violation of this Policy. RIT shall consider the context of a communication or incident, the relationship of the individuals involved in the communication or incident, whether an incident was an isolated incident or part of a broader pattern or course of offensive conduct, the seriousness of the incident, the impact of the incident, and whether the incident would be considered offensive to most people, as opposed to a particular person. Examples of Sexual Harassment may include, but are not limited to:

1. Physical assaults of a sexual nature, such as:
 - a. Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;
 - b. Rape, sexual battery, molestation or attempts to commit these assaults.
2. Unwanted sexual advances or propositions,

such as:

- a. Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
 - b. Subtle or obvious pressure for unwelcome sexual activities.
3. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a Hostile Work Environment.
 4. Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
 5. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
 - a. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job
 - b. Sabotaging an individual's work.

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

1. **Sexual assault** means, consistent with federal law, any sexual act directed against another person without one's consent, including instances where the individual is incapable of giving consent. Sexual assault includes but is not limited to rape, sodomy, sexual assault with an object, however slight, fondling and incest.
2. **Non-Consensual sexual contact** means a form of sexual assault that includes any intentional sexual touching, however slight, for purposes of sexual gratification or with

sexual intent, of a private body part or object, by a person upon another person that is without consent. This may include nonpenetrative acts and includes touching the private parts of another over clothing. This may also include forcing or causing another individual to touch one's private parts without affirmative consent.

3. **Non-consensual sexual intercourse** is a form of sexual assault and includes:
 - a. **Rape** - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, forcibly or without consent or where the victim is incapable of consent due to mental or physical incapacity.
 - b. **Statutory rape** - Non-forcible sexual intercourse with a person who is under the statutory age of consent. In New York, the statutory age of consent is 17 years old.

Sexual Violence means any act of a sexual nature prohibited by applicable federal, state, or local laws including, but not limited to, rape, sexual abuse, sexual assault, sexual battery, and sexual coercion.

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 which unreasonably interferes with the work or educational environment. Stalking may include, but is not limited to, unwelcome conduct such as surveillance, following, trespassing, gift giving or property damage, or written, in-person, digital, social media, or other communication directly or through a third party.

Unwelcomed Conduct means conduct that is not initiated by the recipient or which is regarded as offensive to the recipient, without regard to the intent of the individual engaging in the conduct. Unwelcomed conduct can be persistent, pervasive, or severe and can include sexual misconduct or sexual violence or other acts of intimidation or violence if based upon an individual's group, class, or category.

