



REPORT ON RIT'S GENDER-BASED AND RELATED DISCRIMINATION POLICIES, UNIVERSITY INITIATIVES AND CASES IN 2016 AND 2017

I. INTRODUCTION

RIT is committed to creating and maintaining a safe environment for all members of the RIT community. In keeping with this commitment, when RIT learns of any alleged incidents of gender or sexual discrimination and harassment, including sexual assault, domestic violence, dating violence and stalking (collectively referenced throughout the report as “gender-based and related discrimination”), we utilize our investigation and resolution processes to determine whether our policies have been violated. We work to end the prohibited behavior, prevent its recurrence, and remedy the effects by providing resources, accommodations, and support for all affected members of the RIT community. This report provides the RIT community with a description of the University’s initiatives to address gender-based and related discrimination, and to engage the campus community in continuing to build a culture of respect and inclusion. We welcome the RIT community’s feedback on this report and look forward to our continued collaboration.

RIT’s programs and initiatives to address gender-based and related discrimination have evolved over the past few years. Although we have made substantial progress, RIT is always striving to continuously improve. We continue to expand education, training and community engagement opportunities, revise internal process to increase our effectiveness and outreach, and review staffing to ensure we are meeting the needs of our campus community. We continue to listen closely to input from the RIT community and our peer institutions to evaluate and implement best practices at RIT.

This report addresses three topics:

1. The work of RIT’s Title IX Office and its campus partners, and RIT’s policies and procedures to address gender-based and related discrimination;
2. RIT’s prevention education, advocacy, support, and community engagement initiatives on gender-based and related discrimination; and
3. A summary of complaints of all gender-based and related discrimination made in 2016 and 2017.

II. RIT’S TITLE IX OFFICE AND RELATED POLICIES

The Title IX Office is led by Stacy DeRooy, RIT’s Director of Title IX and Clery Compliance (“Title IX Coordinator”). The Title IX Office is part of the Office of Compliance and Ethics and is responsible for overseeing RIT’s compliance with Title IX and related statutes governing gender-based and related discrimination. Title IX is the federal statute that protects individuals from discrimination based on sex in education programs or activities that receive federal financial assistance. RIT’s policies incorporate RIT’s obligations under federal and state

law.¹ In her role as Title IX Coordinator, Stacy seeks to identify gender-based harassment and discrimination on campus, prevent its recurrence, and address the effects of discrimination when found to have occurred. She also serves as a campus leader in the University's discrimination prevention efforts through continuous outreach, education and engagement.

The Title IX Office's initiatives are not carried out in a vacuum. They depend upon and are benefitted by collaboration between students, divisions, departments, and colleges across campus, including but not limited to Public Safety, the division of Student Affairs, the division of Diversity & Inclusion, Human Resources, the Office of Legal Affairs, NTID, and other professional staff such as academic advisors.

III. POLICIES AND PROCEDURES

Two RIT policies² are central to RIT's community expectations and prohibitions regarding gender-based and related discrimination:

- [Student Gender-Based and Sexual Misconduct Policy - Title IX \(Policy D19.0\)](#), which applies to all students; and
- [RIT Policy Prohibiting Discrimination and Harassment \(Policy C06.0\)](#), which applies to all faculty and staff.

These policies describe the processes and procedures that the University follows to investigate and resolve complaints of gender-based and related discrimination. The policies also provide the community with important information concerning, among other things, rights and responsibilities of complainants and accused individuals, confidentiality, privacy, and available resources (confidential and non-confidential, both internal and external). In addition, the policies and the Title IX website has information regarding the various [reporting options](#) for gender-based and related discrimination claims, and information concerning interim and accommodative measures. We strive to provide multiple reporting options to ensure that there are no institutional barriers to making reports of gender-based and related discrimination. In addition, various methods (*e.g.*, posters and brochures) are used to inform the RIT community of their rights and the numerous on-campus and off-campus support services available.

There are generally two ways in which RIT becomes aware of allegations of gender-based and related discrimination involving RIT students: either an individual seeks assistance from or shares information directly with the Title IX Office, or information is shared with an RIT employee who has responsibility, in turn, to inform the Title IX Office (employees with these obligations are known as "Responsible Employees," which includes most employees on campus). In cases involving students, the Title IX Coordinator follows up with the individual who made the report to provide information about reporting options, applicable University policies, support resources, and any interim or accommodative measures that are appropriate.

¹ For more information about the federal and state legal precedents governing gender-based discrimination and harassment, and related misconduct, see the Legal Sources in the attached Appendix to this report.

² Other RIT policies inform the discussion about expectations of conduct concerning gender-based and related discrimination, including the following: [Honor Code \(P.03\)](#), [Core Values \(P.04\)](#), [Compliance Policy and Code of Ethical Conduct \(C.0.0\)](#), and [Policy on Circumstances When Consensual Relationships Must be Mitigated \(C.23\)](#).

When the allegations involve two employees or where an employee is accused, Human Resources generally will receive complaints directly from the individuals experiencing the gender-based and related discrimination, or from a Responsible Employee. In cases involving employees, Human Resources informs the Title IX Coordinator of the complaint so that the Title IX Coordinator can, among other things, ensure consistency throughout the process.

In all reports, whether involving students or employees, the complainant has the right to make a complaint to law enforcement and RIT will assist the complainant in doing so if the complainant desires. A complainant's decision to engage law enforcement does not affect the RIT process.

- *Complaints Between Students or Where a Student is Accused of Gender-Based and Related Discrimination*

The University has formal and informal options for resolving complaints involving students. The informal process does not imply that the matter is any less serious than those evaluated under the formal processes. Instead, this option allows the complainant to retain as much control as possible over the actions taken in response to an alleged act of gender-based and related discrimination. Whenever possible, the complainant can decide whether to pursue an investigation and participate in the conduct process. The complainant can also withdraw from the process at any time. In rare circumstances, such as those involving safety risks to individuals or to the greater RIT community, the University may bring matters to a formal hearing independent of the wishes of the complainant.

Regardless which process the complainant chooses, accommodative measures are often put in place to promptly end the alleged discrimination or harassment and prevent recurrence of the conduct. Examples of accommodative measures include the imposition of "no contact orders," or changes in residential, academic or work arrangements. The decision to seek accommodative measures does not prevent or delay an investigation or a conduct hearing. Similarly, interim measures, such as interim suspension pending an investigation and a conduct hearing, may also be imposed. Prompt review and modification of interim and accommodative measures is available, which may result in modification of these measures.

If a formal investigation is commenced, Public Safety takes the lead on a thorough and impartial investigation of the facts. The parties to the complaint have the opportunity to review and comment on the investigation report. A hearing is then held and the student conduct process concludes when the hearing officer provides both parties with written notice of the hearing outcome. Disciplinary actions involving allegations of gender-based and related discrimination are decided equitably and impartially using the preponderance of the evidence standard. Both parties have the right to one level of appeal. Upon appeal, a three-party panel of the University Appeal Board (UAB) is convened. All outcomes are final after an appeal.

The following conduct is prohibited under RIT's Student Gender-Based and Sexual Misconduct Policy - Title IX (Policy D19.0):

- Dating Violence
- Domestic Violence
- Retaliation
- Sex Discrimination/Sexual Harassment
- Stalking
- Gender-Based Harassment
- Sexual Exploitation
- Sexual Misconduct, which includes:
 - Sexual Assault
 - Non-Consensual Sexual Contact
 - Non-Consensual Sexual Intercourse

A complete listing of the definitions of the prohibited conduct related to students can be found in [RIT's Title IX Policy \(D19.0\)](#). Key definitions of terms used in this report can also be found in the attached Appendix. The range of disciplinary outcomes for students or student organizations found responsible for gender-based and related discrimination after the student conduct process is concluded are:

- Warning
- Probation
- Suspension
- Expulsion

In most circumstances, student outcomes also include educational and training components. No contact orders remain in place for the duration of both parties' tenure at RIT. When a student is found "not responsible," the no contact order reverts to an "active avoidance no contact order," which means that both parties are required to actively avoid one another. If a student is found responsible, then the onus remains only on that student to ensure that there is no direct or indirect contact with the complainant.

- *Complaints Between Employees or Where an Employee is Accused of Gender-Based and Related Discrimination*

Unlike in student cases where informal processes may be used to resolve complaints of gender-based and related discrimination, upon receiving a complaint involving an RIT employee, Human Resources always conducts a formal investigation into the allegations to determine whether the alleged conduct violates RIT policy using the preponderance of the evidence standard. With regard to gender-based and related discrimination, RIT's Policy Prohibiting Discrimination and Harassment (Policy C06.0) prohibits the following conduct:³

- Dating Violence
- Domestic Violence
- Retaliation
- Sex Discrimination
- Stalking
- Gender-Based Harassment
- Sexual Harassment
- Sexual Misconduct, which includes:
 - Sexual Assault
 - Non-Consensual Sexual Contact
 - Non-Consensual Sexual Intercourse

³ The Policy Prohibiting Discrimination and Harassment prohibits discrimination and harassment based on an individual's group, class, or category, including 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.

A complete listing of the definitions of the prohibited conduct can be found in [RIT's Policy Prohibiting Discrimination and Harassment \(C06.0\)](#). Key definitions of terms used in this report can also be found in the attached Appendix.

The range of actions for employees found responsible for gender-based and related discrimination are:

- Training and continuing education
- Formal communication and monitoring of future behavior
- Suspension
- Workplace relocation
- Coaching
- Written warning
- Demotion
- Termination

Notably, in some instances after an investigation where Human Resources determines that RIT's Policy Prohibiting Discrimination and Harassment (Policy C06.0) was not violated, the employee may still be subject to disciplinary actions for violating the [RIT Honor Code](#), which expressly sets the expectation for employees to “[d]emonstrate civility, respect, decency and sensitivity” towards members of the RIT community, and to recognize that “all individuals at this university are ...entitled ...to mutual respect.”

IV. TRAINING, EDUCATION AND COMMUNITY ENGAGEMENT

Training and education designed to prevent gender-based and related discrimination continues to be a focus of the Title IX Office, in collaboration with many university partners across campus. In its training and education efforts, the Title IX Office focuses on ensuring that the RIT community: (1) understands behavioral expectations, including the discriminatory behaviors that are prohibited, (2) is aware of the full range of reporting and resolution options and resources (both on- and off-campus) available to individuals impacted by gender-based and related discrimination, and (3) learns about the many ways in which the campus community can work together to prevent discrimination.

All incoming undergraduate, graduate and transfer students are required to complete an online module on sexual assault, sexual harassment, relationship violence, stalking and risks related to alcohol and other drug use. Returning students are offered and strongly encouraged to take a refresher module that builds upon the information received in the orientation module. During the on-site orientation program, new students are provided opportunities to participate in programs that reinforce campus policy and behavioral expectations, and become aware of the available support services. Student groups such as student-athletes, resident advisors, orientation leaders, fraternity and sorority members and other student leaders receive tailored in-person training and education with an emphasis on active bystander skill-building. Throughout the year, all students have numerous opportunities to participate in educational and community events such as panel discussions, workshops, and other prevention and awareness activities.

New employee orientation includes required training on discrimination and harassment, including employee rights and responsibilities under Title IX and other discrimination laws and policies. New employees are introduced to campus policy, behavioral expectations, and available support services. In addition, ongoing training and education occurs throughout the year. In-person and online training sessions reinforce expectations of appropriate conduct and

clarify requirements for reporting, as well as ways to support individuals who disclose gender-based and related discrimination. To date, approximately 2,801 of the 3,651 regular RIT employees, or 78%, have completed gender-based and related discrimination training.

V. ADVOCACY, SUPPORT, AND COMMUNITY ENGAGEMENT EFFORTS

Both students and employees involved in gender-based and related discrimination investigations are able to have an advisor of their choice with them at all meetings. Both students and employees are also offered internal and external [resources](#) (including confidential options) to assist them in navigating the investigatory and resolution process. In addition, employees are provided with information about support services through the Employee Assistance Program (“EAP”). All parties involved in gender-based and related discrimination investigations are offered the opportunity to meet with the Title IX Coordinator to discuss the process and to seek accommodative measures where appropriate. Staff in Human Resources, Public Safety, and Student Conduct and Conflict Resolution remain available throughout investigations and resolution processes for support and consultation.

VI. AREAS OF CONTINUOUS IMPROVEMENT AND FOCUS FOR 2018

- *Training and Education*

Reinforcing expectations of appropriate conduct will continue to be a focus of the Office of Compliance and Ethics and the Title IX Office in 2018. A mandatory training policy, which includes annual training for all faculty and staff on important key compliance areas such as harassment and discrimination and Title IX will be introduced to the governance groups this year for discussion and approval. Through education and training, RIT can continue to build a culture of respect free from sexual harassment and discrimination, and one that upholds the [RIT Core Values](#) and [Honor Code](#). A new suite of online training programs will be available to all employees to facilitate the dissemination of critical information to the RIT community, and will serve to supplement the numerous in-person training opportunities on campus.

In addition, the Title IX Office, in collaboration with and in support of campus partners, will continue to develop ongoing community programs and events. The Title IX Office is always open to feedback and suggestions throughout the academic year.

- *Change in Structure and Process to Investigate Claims of Gender-Based and Related Discrimination Complaints Against Employees*

Under RIT’s current Policy Prohibiting Discrimination and Harassment (Policy C06.0), claims of gender-based and related discrimination against faculty and staff are investigated by Human Resources. Beginning in or about June 2018, the Title IX Office will undertake these investigations. As part of the change, the Office of Compliance and Ethics and the Title IX Office will review and revise current policies and procedures to ensure that employees fully understand their rights during the investigatory process. At the conclusion of an investigation, determinations regarding whether RIT policy has been violated will continue to be made by Human Resources, and recommended corrective action will continue to be determined by the vice president of the division in which the accused is employed, in consultation with Human Resources.

- *Annual Report*

RIT will publish an annual report of the number of complaints received by the Title IX Office alleging gender-based and related discrimination and how the complaints were resolved. The annual report will provide transparency (while ensuring privacy and fulfilling confidentiality obligations) and will encourage continued community discussion and collaboration to prevent and respond to gender-based and related discrimination on our campus. The report will be released annually in or about October with data from the previous calendar year to coincide with regulatory obligations of data collection and dissemination related to the Clery Act and Article 129-B of the New York State Education Law.

VII. STATISTICAL SUMMARY OF COMPLAINTS OF GENDER-BASED AND RELATED DISCRIMINATION FOR CALENDAR YEARS 2016 AND 2017

The statistical information below includes all complaints of gender-based and related discrimination brought forward within 2016 and 2017, regardless of when the alleged events occurred. The complaints of gender-based and related discrimination are sorted in broad categories based on the complainants' allegations, or the person who is reported to have experienced the conduct. Privacy and confidentiality obligations dictate that we cannot share all of the details and complexities of the complaints. For information about the key definitions in the report that explain the conduct encompassed in the categories, please refer to the section entitled Key Definitions in the attached Appendix. We also encourage the RIT community to refer to the policies referenced above, or to check the [Title IX website](#) for information.

The data found in this report will not correspond to RIT's [Annual Security and Fire Safety Report](#) ("ASR") filed annually in October with the U.S. Department of Education pursuant to the Clery Act. Data collected for the ASR is based on geography of incident while data for this report is not limited to geography. Moreover, this report includes a broader scope of behaviors than required to be included in the ASR.

The number of reported cases of gender-based and related discrimination have increased steadily at RIT, as it has at most colleges and universities across the country, since 2011 when the Department of Education, Office of Civil Rights issued its guidance clarifying how colleges and universities should handle campus complaints of sexual discrimination, harassment and assault. Based on a climate survey completed by RIT students in 2016 and national data, we believe that the reports received at RIT likely do not reflect the total number of incidents that occur annually at RIT. Nonetheless, the continued increase of reports is a positive development, demonstrating the RIT community's increased knowledge of University reporting options, resources and support services, as well as an increased willingness to utilize those resources.

- *Student Data and Analysis*

The following information reflects (1) the complaints that were brought to the Title IX Coordinator or Deputy Title IX Coordinators in 2016 (either directly or indirectly) involving students, and (2) the outcomes of the complaints where the accused is an RIT student, or the accused is not a member of the RIT community, but the alleged conduct was perpetrated against an RIT student. Complaints involving more than one allegation of gender-based and related discrimination are only listed once. Indeed, often complaints contain allegations that result in the

accused being charged with multiple policy violations, and determinations must be made separately for each charge. If a complaint produces one or more charges, and results in a finding of responsibility, the chart will reflect the most severe of the Title IX charges. Thus, this data reflects the number of distinct complainants, and the outcomes of the most serious charge reflected in the status at the conclusion of the process.⁴

Figure 1: STUDENT DATA 2016

CHARGE	ACCUSED NON-MEMBER*	ACCUSED UNKNOWN	COMPLAINT WITHDRAWN	OUTCOME- ACCOMMODATIVE MEASURES	OUTCOME- NO FINDING	OUTCOME- WARNING	OUTCOME- PROBATION	OUTCOME- SUSPENSION	OUTCOME- EXPULSION	NUMBER OF COMPLAINTS
DATING OR DOMESTIC VIOLENCE	0	0	3	4	5	3	4	4	1	24
SEXUAL HARRASSMENT	5	25	4	31	0	2	2	0	0	64
SEXUAL ASSAULT / MISCONDUCT	6	2	12	7	7	0	3	5	1	37
STALKING	5	1	2	12	1	1	5	3	1	26
TOTAL	16	28	21	54	13	6	14	12	3	151

*Included for reference only, not in outcome totals

Figure 1 Analysis: From January 1, 2016 to December 31, 2016, RIT received a total of 151 complaints of gender-based and related discrimination involving students.⁵ The highest number of complaints received in 2016 were complaints of sexual harassment. The status of the complainants in 2016 were as follows:

- 96% were RIT students;
- 1% were employees who filed complaints against an RIT student; and
- 3% were non-community members who filed complaints against an RIT student.

The following information reflects (1) the complaints that were brought to the Title IX Coordinator or Deputy Title IX Coordinators in 2017 (either directly or indirectly) involving students, and (2) the outcomes of the complaints where the accused is an RIT student, or the accused is not a member of the RIT community, but the alleged conduct was perpetrated against an RIT student.

⁴ For example, if a student files a complaint against a former partner alleging nonconsensual intercourse, the accused student may be charged with multiple violations of Policy D.19.0 such as nonconsensual sexual contact, nonconsensual sexual intercourse, and sexual harassment. If found responsible, the outcome will be categorized in the chart as sexual assault, with lesser included charges (*i.e.*, sexual harassment) being merged into the greater offense. In addition, the outcomes do not reflect those cases in which a student was found responsible for violating the [Student Conduct Process](#) (Policy D.18.0).

⁵ This report is issued from the Title IX Office and student data in this report may differ from student data reported by the Office of Student Conduct & Conflict Resolution (“Student Conduct”) due to the parameters and standards used by each office. For example, the Title IX Office collects data based on the number of complaints it receives regardless whether the complaint ultimately goes through the conduct process, while Student Conduct data is based on outcomes for accused students after the conduct process. Similarly, Title IX data is grouped into categories required by statute while Student Conduct data is categorized based on definitions in the RIT Code of Conduct.

Figure 2: STUDENT DATA 2017

CHARGE	ACCUSED NON-MEMBER*	ACCUSED UNKNOWN	COMPLAINT WITHDRAWN	OUTCOME-ACCOMMODATIVE MEASURES	OUTCOME-NO FINDING	OUTCOME-WARNING	OUTCOME-PROBATION	OUTCOME-SUSPENSION	OUTCOME-EXPULSION	NUMBER OF COMPLAINTS
DATING OR DOMESTIC VIOLENCE	6	0	1	8	2	0	2	2	0	15
SEXUAL HARRASSMENT	5	7	9	61	1	0	9	4	0	91
SEXUAL ASSAULT/MISCONDUCT	9	0	8	10	9	1	2	2	3	35
STALKING	5	0	2	11	1	0	1	1	0	16
TOTAL	25	7	20	90	13	1	14	9	3	157

*Included for reference only, not in outcome totals

Figure 2 Analysis: In 2017, the number of complaints rose slightly from 151 to 157, or 4%. Notably, RIT had a 42% increase in reports of sexual harassment from 2016 to 2017. The status of the complainants in 2017 were as follows:

- 93% were RIT students;
 - 1% were employees who filed complaints against an RIT student; and
 - 6% were non-community members who filed complaints against an RIT student.
- *Employee Data and Analysis*

The following charts reflect (1) the complaints that were received by either Human Resources or the Title IX Coordinator, and (2) the outcomes of the complaints where the accused is an RIT employee. The outcomes in the charts do not reflect those cases in which a finding was made that the alleged conduct occurred by a preponderance of the evidence, but that the conduct fell outside of the scope of Policy C.06.0 and may have resulted in corrective action under another policy such as the [RIT Honor Code](#). _

Figure 3: EMPLOYEE DATA 2016

CHARGE	ACCUSED NON-MEMBER*	ACCUSED UNKNOWN	COMPLAINT WITHDRAWN	OUTCOME-NO FINDING	OUTCOME-WARNING	OUTCOME-PROBATION	OUTCOME-SUSPENSION	OUTCOME-TERMINATED	NUMBER OF COMPLAINTS
DATING OR DOMESTIC VIOLENCE	0	0	0	0	0	0	0	0	0
GENDER DISCRIMINATION	0	0	0	6	0	0	0	0	6
SEXUAL HARRASSMENT	0	0	2	8	5	0	0	0	15
SEXUAL ASSAULT/MISCONDUCT	0	0	0	2	0	0	0	0	2
STALKING	0	0	0	1	0	0	0	0	1
TOTAL	0	0	2	17	5	0	0	0	24

*Included for reference only, not in outcome totals

Figure 3 Analysis: In 2016, 24 complaints were received alleging gender-based discrimination against employees. Two (2) complaints were subsequently withdrawn. Consistent with student cases, the bulk of the complaints – 15 of the 24 complaints, or 63% – were in the category of “sexual harassment,” which includes a wide-range of conduct. Of the 22 cases that were

investigated and resolved, the accused was found responsible for violating Policy C06.0 in 5 cases, or 23%, which resulted in written warnings. The status of the complainants in 2016 were as follows:

- 42% were student complaints against an employee;
- 37% were staff complaints against another employee;
- 13% were faculty complaints against another employee; and
- 8% were non-community members against an RIT employee.

The next chart summarizes (1) complaints that were brought to Human Resources or the Title IX Coordinator in 2017 and (2) outcomes of the complaints where the accused is an RIT employee:

Figure 4: EMPLOYEE DATA 2017

CHARGE	ACCUSED NON-MEMBER*	ACCUSED UNKNOWN	COMPLAINT WITHDRAWN	OUTCOME-NO FINDING	OUTCOME-WARNING	OUTCOME-PROBATION	OUTCOME-SUSPENSION	OUTCOME-TERMINATED	NUMBER OF COMPLAINTS
DATING OR DOMESTIC VIOLENCE	1	0	0	0	0	0	0	0	0
GENDER DISCRIMINATION	0	0	0	5	0	0	0	0	5
SEXUAL HARRASSMENT	1	0	0	18	4	0	0	3	25*
SEXUAL ASSAULT/MISCONDUCT	0	0	0	0	0	0	0	0	0
STALKING	0	0	0	0	0	0	0	0	0
TOTAL	2	0	0	23	4	0	0	3	30

* Included for reference only, not in outcome totals

♦ Does not reflect two complaints currently in progress

Figure 4 Analysis: In 2017, 30 complaints were received alleging gender-based discrimination against employees. The number of reported cases of gender-based and related discrimination increased with regard to employees in 2017 by 33%. The majority of the cases in 2017, or 84%, were in the category of sexual harassment. Of the 30 cases that were investigated and resolved in 2017, the accused was found responsible for violating Policy C06.0 in 9 cases, or 30%, which resulted in 4 written warnings and 3 terminations. The status of the complainants in 2016 were as follows:

- 38% were student complaints against an employee;
- 38% were staff complaints against another employee;
- 12% were faculty complaints against another employee; and
- 12% were non-community members against an RIT employee.

VIII. CONCLUSION

RIT is committed to creating and maintaining a campus environment free from all harassment and discrimination that impedes the University’s educational and professional endeavors, and adversely affect the lives of those who work, study, and live here. This commitment includes preventing and remediating gender-based and related discrimination and

actively working on developing a culture that discourages such behavior. Fostering a respectful environment requires a continuing commitment from all members of the RIT community. Indeed, we all share a responsibility for taking prompt action, including notifying the appropriate individuals, if you become aware of conduct that you reasonably believe may violate the University's gender-based and related discrimination policies. We encourage you to review the University's policies and to take advantage of the numerous resources on campus to prevent and address gender-based and related discrimination. Through our collective efforts, we can achieve our goal of fostering a respectful, harassment-free environment for all members of the RIT community.

APPENDIX

I. KEY DEFINITIONS AND EXAMPLES

“Dating Violence” means 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.

Acts of Dating Violence or Domestic Violence may be physical, emotional/psychological, sexual, or economic in nature. They can be a single act or a pattern of behavior.

“Gender or 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.

Gender or Sex Discrimination need not be sexual in nature and is instead characterized by adverse treatment or hostility because of gender, gender expression, or gender-stereotyping, including failing to conform to stereotypical notions of masculinity or femininity.

“Sexual Harassment” is a form of sex discrimination that includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects a person’s employment, unreasonably interferes with a person’s work performance, or creates an intimidating, hostile or offensive work environment.

Examples of conduct that can constitute sexual harassment if based on an individual’s sex, gender identity or gender expression include but are not limited to:

- Unwelcome jokes or comments (*e.g.*, sexist or “dirty” jokes), comments on physical attributes, spreading rumors about or rating others as to sexual activity or performance, talking about one’s sexual activity in front of others, displaying or distributing sexually explicit drawings, pictures and/or written material;
- Disparaging remarks about sex, gender identity, or gender expression (*e.g.*, negative or offensive remarks or jokes about a person’s self-presentation);
- Letters, telephone calls, visits, pressure for sexual favors, pressure for unnecessary personal interaction, pressure for dates where a sexual/romantic intent appears evident but remains unwanted;
- Displaying negative or offensive posters, pictures or drawings about sex, gender, or gender expression;
- Electronic communications, such as e-mail, text messaging, and Internet use, that may violate gender-based and related discrimination policies.

“Sexual Misconduct” means sexual activity that is not based on affirmative, mutual, knowing, and freely given consent by individuals with the capacity to consent. Categories of sexual misconduct include sexual assault, nonconsensual sexual contact or intercourse.

1. **“Sexual Assault”** means 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 non-penetrative 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”** means 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”** means the 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.

“Stalking” means engaging in a course of conduct directed at a specific individual that would cause a reasonable individual to fear for his or her 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, unwelcomed 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.

II. LEGAL SOURCES

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

- **Title VII of the Civil Rights Act of 1964** (“Title VII”), which applies to employees and makes it unlawful for an employer to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.

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