

C06.0 POLICY PROHIBITING DISCRIMINATION AND HARASSMENT

Scope: All members of the RIT Community shall comply with this Policy. This Policy is considered part of the conditions of employment and participation in RIT sponsored events or programs. This Policy applies to conduct that takes place either on the RIT campus or at university-sponsored events or programs off campus. This Policy may also apply to off-campus conduct where an individual's behavior unreasonably interferes with another's well-being and full participation as a member of the RIT Community.

Any RIT student accused of violating the university's prohibitions against sex discrimination or sexual harassment shall be subject to the procedures set forth in RIT's Student Gender-Based and Sexual Misconduct Policy (D19.0), and any RIT student accused of violating the university's prohibitions against other forms of discrimination and harassment shall be subject to RIT's Student Conduct Process (D18.0). Students may use this policy if they have a complaint against a staff or faculty member or a visitor or non-community member. If a staff or faculty member wishes to bring forward a report of a violation of this policy against a visitor or other non-community member (e.g. a prospective student, a guest of a student, a member of another university's team, a local resident, etc.), or if a visitor or non-community member wishes to report a violation of this policy by an RIT staff or faculty member, they may do so by following the procedures set forth in this policy at III(F). The university will determine if an investigation is required and the appropriate action to be taken, which may include contacting law enforcement and/or banning the non-community member from campus.

I. POLICY STATEMENT

The RIT community is committed to a diverse and dynamic learning, working, and living environment. It is committed to an environment which encourages, promotes and protects free inquiry and free expression. Members of the RIT community have the right to hold, express vigorously, defend and openly promote their ideas and opinions. The RIT Policy Prohibiting Discrimination and Harassment is not intended to restrict freedom of speech or any form of artistic or visual expression. The Policy is also not intended to restrict discussion and debate in the classroom or academic forum. Protecting these values, however, does not include protecting acts of discrimination or harassment.

RIT will not discriminate in terms and conditions of employment, admission, and participation in programs or residential life. It prohibits discrimination and harassment on campus, or at any RIT activities off campus, by its administrators, faculty, staff, students and student organizations, and external organizations and individuals in their operations with RIT.

The Policy Prohibiting Discrimination and Harassment is inclusive of [Title IX of the Education Amendments of 1972](#) which is a federal law that prohibits discrimination on the basis of sex under any education program or activity receiving federal financial assistance.

The initiation of an investigation of a potential violation of C06.0 precludes an individual from later requesting the use of policy [C06.1](#) to investigate the same issue. In addition, once a C06.0 investigation is initiated, it must be fully investigated. Confidentiality will be maintained as described in the definition section of this policy.

Making an intentionally false charge of discrimination or harassment or retaliating against someone who has made a charge is as serious an offense as discrimination and harassment and is prohibited. Nothing in this Policy relieves RIT of the obligation of adhering to federal, state, and local laws. This Policy will be applied and/or modified in a particular case to the extent RIT determines necessary to comply with the applicable federal, state and local law.

II. DEFINITIONS

Terms not defined elsewhere in this Policy are defined below.

- A. **Accused** means any member of the RIT community alleged to have engaged in conduct in violation of this Policy.
- B. **Business Day** means Monday through Friday and does not include official RIT holidays.
- C. **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.
- D. **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.
- E. **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.
- F. **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.
- G. **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 gender-stereotyping, including failing to conform to stereotypical notions of masculinity or femininity.

- H. **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.
- I. **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.
- J. **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.
- K. **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.
- L. **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).
- M. **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.
- N. **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.
- O. **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.
- P. **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 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 - 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.

Q. **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.

R. **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.

S. **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.

III. GENERAL PROVISIONS

A. **Prohibition.** RIT does not discriminate and shall take reasonable steps to prevent Discrimination and Harassment, to prevent the recurrence of Discrimination and Harassment, and to remedy the discriminatory effects on members of the RIT Community, if appropriate. Discrimination and Harassment are also considered a form of employee misconduct subject to disciplinary action per applicable RIT policies. Except where distinctions are bona fide or otherwise permitted or required by law, the university prohibits Discrimination and/or Harassment as a basis for:

1. making admissions or hiring decisions at RIT, or
2. determining participation in programs at RIT or sponsored by RIT, or
3. making decisions affecting the terms and conditions of an individual's employment or advancement, grade or academic standing, or access to any benefit or privilege at RIT, or
4. administering disciplinary processes.

B. **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.

Following a determination in response to an allegation that this Policy was violated, the Complainant and the Accused shall be informed, in writing, of the outcome of the investigation. 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 shall be informed, in writing, of the outcome of the investigation, a rationale for the outcome, and any utilization of the remedies available under the [Staff Performance Improvement policy](#).

- C. **Records of Allegations.** Allegations of discrimination or harassment will be recorded in the Central, Confidential Employee Relations File for employees. The Central, Confidential Employee Relations Files are separate from the employees' personnel files. The Central, Confidential Employee Relations files are maintained in the Office of the assistant vice president of Human Resources for those records, as specified in this Policy, which result when an employee is the Accused.
1. Access to entries in the Central, Confidential Employee Relations files will be controlled by the assistant vice president of Human Resources.
 2. RIT Supervisors or vice presidents may request that the files be examined for entries regarding an employee when such information is relevant to the resolution of a pending case. Examination will be conducted by representatives from the Department of Human Resources.
 3. Employees may also request that the files be examined and that they be informed of any entries pertaining to themselves as an Accused. The names of Complainants will be withheld if not previously disclosed to the Accused. Examination will be conducted by representatives from the Department of Human Resources.
 4. The records in the Central, Confidential Employee Relations files will be reviewed annually by the assistant vice president of Human Resources in accordance with the provisions of the [RIT Records Management Policy \(C22.0\)](#).
- D. **Records of Violations.** Violations of this Policy and any disciplinary sanctions imposed will be recorded in the official personnel file for employees or in the student's record if the person is found to have violated this Policy.
- E. **Notes.** Individuals involved in an investigation may take notes of meetings, actions, or any other aspect of the process. These notes may be requested as evidence by either party and because they are RIT Records, they shall be maintained in accordance with the [Records Management Policy \(C22.0\)](#).
- F. **Filing Complaints.** Any member of the RIT Community may file a complaint alleging a violation of this Policy based on group, class or category. Complaints may be made, in person or in writing, to the 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, or any RIT Supervisor; members of the RIT Community alleging issues based on gender are also encouraged to bring complaints to the [Title IX Coordinator](#) and/or Deputy Title IX Coordinators. (See, Resources, section D below). Once a complaint is filed, an investigation will be initiated. Complaints may be made verbally or in writing, using the [form available](#). All RIT Supervisors who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to Human Resources. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, RIT Supervisors will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

- G. **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.
- H. **Interim Measures and Accommodations.** In cases involving allegations of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, sexual assault or other sexual violence, interim actions and/or accommodations may be made by the university in an effort to immediately respond to a situation. These interim measures and/or accommodations could include, but are not limited to: changes in work assignments, alterations in reporting/supervisory relationships, "No Contact" orders prohibiting direct and/or indirect contact between the parties, and any other interim restriction or sanction deemed appropriate by the university. In addition, when a staff or faculty member accused of violating this policy is determined to present a threat to the health and safety of the campus community, that person may be subject to interim suspension and/or other measures pending the outcome of any proceedings under this Policy, subject to (where applicable) any applicable collective bargaining agreements and university employment policies and practices. Providing interim measures or accommodations should not be viewed as prejudging responsibility by any alleged violation.

IV. PROCEDURES

A. RIT Students

1. Any RIT student accused of engaging in conduct toward a staff or faculty member that violates this Policy shall be subject to the procedures set forth in the RIT's Student Gender-Based and Sexual Misconduct Policy ([D19.0](#)) or Student Conduct Process ([D18.0](#))

2. Romantic and sexual relationships between a staff or faculty member and a student are strongly discouraged and governed by the Policy on Circumstances When Consensual Relationships Must Be Mitigated (C23.0). Nonconsensual romantic and sexual relationships between a staff or faculty member and a student are a violation of this Policy. If a staff or faculty member engages in sexual activity with a student, the standard of consent that will apply to staff, faculty member and/or student is the affirmative consent standard in the Student Gender-Based and Sexual Misconduct Policy (D19.0).

B. All Other RIT Community Members

1. As a general rule, the Department of Human Resources will perform an investigation for all cases of alleged violation of this Policy. 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.
2. The investigation shall be prompt, adequate, reliable and impartial. It may be utilized whenever violations of this Policy are alleged by or against an RIT staff or faculty member and non-employees who are RIT Community members.
3. Upon receipt of complaint, a representative from Human Resources will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, the representative will encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, the representative will prepare a Complaint Form based on the oral reporting. A representative from Human Resources shall commence an investigation within five (5) Business Days after receipt of the request for an investigation. The investigation shall be concluded within sixty (60) Business Days of the receipt of a request for an investigation. These timeframes may need to be expanded based on the facts and circumstances of the specific investigation. In cases involving allegations of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, sexual assault or other sexual violence, any extension and the reasons therefor shall be documented and communicated to all parties.
4. A representative from Human Resources 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. Any meetings or interviews held under this Policy will not be postponed due to the unavailability of the individual's advisor of choice. Advisors are to serve only in a supportive role and may not represent or speak on behalf of a party.

5. A representative from Human Resources 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. The documentation reviewed and individuals interviewed shall be within the sole discretion of the representative from Human Resources tasked with the investigation.
6. A representative from Human Resources shall evaluate and resolve allegations of violations covered by the Discrimination and Harassment Policy using a Preponderance of the Evidence standard.
7. In cases involving allegations of domestic violence, dating violence, stalking, sexual assault or other sexual violence by a student against an RIT staff or faculty member, both the Complainant and Accused shall have the opportunity to make a written impact statement prior to the determination of any appropriate sanction(s).
8. A representative from Human Resources will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The final resolution of the complaint, together with any corrective actions action(s).

The written documentation and associated documents will be kept in RIT's records in accordance with the provisions of the RIT Records Management Policy (C22.0).

9. In cases involving allegations of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, sexual assault or other sexual violence, upon conclusion of the investigation, the Complainant and the Accused shall receive prompt written notice of the outcome of the investigation and the associated rationale for the outcome. In cases where an investigation determines that a violation of this Policy has occurred, the written notice provided to the Complainant shall include the outcome of the investigation and a rationale for the outcome, and, to the extent permitted by law and/or university policy, any specific corrective or disciplinary action that may have been recommended. Complainants shall also be informed of their right to file a complaint or charge externally as outline in Section V. below.
10. 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 \(E24.0\)](#).
11. 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.

- a. The appeal shall be made to the vice president and associate provost for Diversity and Inclusion. The grounds for appeal shall be limited to:
 1. determining whether the investigation was conducted in accordance with the procedures under this policy.
 2. determining whether any specific corrective or disciplinary action that may have been recommended was appropriate for the violation of the policy; and/or
 3. considering new information or evidence which was not known, knowable, or available at the time of the original investigation and which information or evidence is sufficient for a reasonable person to alter the determination of the investigation.
 - b. Any party seeking to appeal a determination shall do so in writing and shall specifically state one or more of the reasons above and the evident supporting the appeal. Any appeal that fails to specifically state the basis for appeal may be dismissed based solely on this failure to specifically state the basis for appeal.
 - c. Once an appeal is filed, the parties involved will receive written, electronic notification within three (3) Business Days of the receipt of the appeal. This notice shall state that the case is under appeal.
 - d. The non-appealing party may submit a written statement to the vice president and associate provost of Diversity and Inclusion responding to the appeal, with three (3) Business Days of the receipt of the notice of appeal.
 - e. A member of the Human Resources Department shall respond to the appeal, verbally or in writing, and give the rationale for the determination based on the investigation, as requested by the vice president and associate provost of Diversity and Inclusion.
 - f. After reviewing the information provided, the vice president and associate provost of Diversity and Inclusion may, at their discretion, meet to ask questions of the parties involved in the case. Upon conclusion of the review of the submitted information, a final determination will be made.
 - g. Should the vice president and associate provost of Diversity and Inclusion have a clear conflict of interest, be a named witness, or be either the Accused or the Complainant, the appeal will be heard by an Appeal Committee.
12. The vice president and associate provost for Diversity and Inclusion may convene an Appeal Committee within 10 (ten) business days from the receipt of the appeal to assist in the determination of the appeal, or the vice president and associate provost for Diversity and Inclusion may decide the appeal based on the information presented by the Complainant and the Accused. The decision on the appeal shall be made by the vice president and associate provost for Diversity and Inclusion within five (5) Business Days of the receipt of the recommendation from the Appeal Committee or within ten (10) Business Days from the receipt of the appeal.

13. The Appeal Committee shall be convened at the sole discretion of the vice president and associate provost of Diversity and Inclusion for the sole purpose of assisting in the determination of the appeal in cases involving allegations of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, sexual assault or other sexual violence. The only exception to this process would be when there is a clear conflict of interest between the vice president and associate provost of Diversity and Inclusion and either the Complainant or the Accused, or if the vice president and associate provost of Diversity and Inclusion is a witness, the Complainant or the Accused. In these situations, the vice president and associate provost of Diversity and Inclusion shall convene an Appeal Committee and the decision of that Committee will be final.
 - a. The Appeal Committee shall be a standing committee and shall have equal numbers of faculty, staff and students. It shall consist of fifteen (15) members; five (5) members nominated by Academic Senate, five (5) members nominated by Staff Council; and five (5) members nominated by Student Government. The membership should consist of at least two (2) supervisory staff members, two (2) administrative faculty, two (2) non-supervisory staff members and two (2) instructional faculty. Each member of the committee will be required to receive training from the Office of Compliance and Ethics and will be asked to be available for service for a two-year time period, with the exception of the students, who will be asked to be available for service for a one-year time period.
 - b. The vice president and associate provost of Diversity and Inclusion shall assign the appeal to a subset of three (3) members of the Appeal Committee. Selection will be based on the circumstances of the case to ensure peer review and the absence of any potential bias. Student members of the Appeal Committee will only be involved in cases where a student was the Complainant and is appealing the outcome of the student's case. In those situations, the subset of three (3) will contain one faculty member, one staff member, and one student.
 - c. No later than ten (10) Business Days from the date of the written notice from the vice president and associate provost of Diversity and Inclusion of the intention to convene the subset of the Appeal Committee, the Appeal Committee shall convene to consider the appeal. The Complainant and the Accused shall be permitted an equal opportunity to present information to the Appeal Committee.
 - d. The Appeal Committee shall have one (1) Business Day to accept and review the information presented by the Complainant and the Accused. Upon conclusion of this review, and no later than three (3) Business Days from the commencement of the Appeal Committee's review of the information presented, the Appeal Committee shall present its written recommendation and rationale to the vice president and associate provost of Diversity and Inclusion.
 - e. The vice president and associate provost for Diversity and Inclusion shall consider the recommendation of the Appeal Committee prior to making a determination on the appeal.
14. The decision on appeal may include:

- a. A determination that the investigation was not conducted in accordance with the procedures under this Policy. Under these circumstances, the case shall be remanded to Human Resources for further investigation consistent with specific recommendations for resolving the procedural deficiencies identified.
- b. A determination that specific corrective or disciplinary action recommended was not appropriate for the violation of this Policy. Under these circumstances, new corrective or disciplinary action consistent with prior corrective or disciplinary action for similar violations of this Policy may be imposed, or the case may be remanded to Human Resources for a new determination of specific corrective or disciplinary action.
- c. A determination that new information or evidence was sufficient for a reasonable person to alter the determination of the investigation. Under these circumstances, the case shall be remanded to Human Resources for further investigation, taking into account the new information or evidence identified.

15. The decision of the vice president and associate provost for Diversity and Inclusion shall be final. If the vice president and associate provost of Diversity and Inclusion has convened an Appeal Committee due to a direct conflict of interest between the vice president and associate provost for Diversity and Inclusion and the parties involved, then the Committee's decision shall be final.

C. **Appropriate Action.** 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.

1. All staff and faculty members of RIT are subject to appropriate action for violations of this Policy.
2. The university shall consider the severity and pervasiveness of the violation when determining the appropriate action to be taken. The determination of an appropriate action shall be the responsibility of the vice president of the division in which the Accused is employed, in consultation with the assistant vice president for Human Resources.
3. The dismissal of a tenure-track or non-tenure-track faculty member before the expiration of an appointment is not an appropriate action under this Policy and shall only occur in accordance with the [Dismissal of a Faculty Member for Cause policy \(E23.0\)](#) or [Dismissal of a Non-Tenure-Track Faculty Member for Cause \(E23.1\)](#). If there is a grievance related to this Policy, the grievance process must conclude before the dismissal for cause process commences.
4. In the event of a factual finding that this Policy has been violated by a tenure-track or a non-tenure-track faculty member, and a dismissal for cause proceeding is commenced, the appropriate Dismissal Review Committee shall accept the factual finding made pursuant to this Policy and shall limit their consideration to whether the conduct found to have occurred merits dismissal.
5. The dismissal of a staff member can occur directly as an appropriate action under this Policy.

D. **Resources**

RIT's primary concern is with the health, safety, and well-being of its faculty, staff, and students. If a staff or faculty member has, or is aware of someone who has experienced any form of discrimination or harassment, they are urged to seek immediate assistance. In cases involving allegations of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, stalking, sexual assault or other sexual violence, individuals are encouraged to contact RIT's **Title IX** resources.

V. Legal Protections and External Remedies

Sexual harassment is not only prohibited by RIT but is also prohibited by state, federal, and, where applicable, local law. Aside from the internal process at RIT, employees may also choose to pursue legal remedies with governmental entities at any time, including, but not limited to, the New York State Division of Human Rights and the Equal Employment Opportunity Commission.

- A. New York State Division of Human Rights (DHR). A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court. Complaints with DHR may be filed any time within one year of the harassment. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, www.dhr.ny.gov Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint.
- B. United States Equal Employment Opportunity Commission (EEOC). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.
- C. Local Protections. Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.
- D. If the Sexual Harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

VI. Assistance from RIT confidential resources for staff and faculty can be obtained from:

RIT Center for Women and Gender

585-475-7464 (V/TTY)

www.rit.edu/womenandgender/

Resource for referrals.

RIT Ombuds Office

585.475.7200 or 585.475.2876

<http://www.rit.edu/ombuds/contact-us>

Services provided at no cost.

Non-confidential RIT resources who will address issues involving staff and faculty with discretion and inform others on a need-to-know-basis only include, but are not limited to:

RIT Public Safety

(24 hours a day, 7 days a week)

585-475-2853 (V) or 585-205-8333 (text)

www.rit.edu/fa/publicsafety/

RIT Department of Human Resources

585-475-2424 (V/TTY)

www.rit.edu/humanresources/

Services provided at no cost.

RIT Division of Diversity and Inclusion

(585) 475-6546

<http://www.rit.edu/diversity/diversity-inclusion>

Services provided at no cost

In addition if that matter for which you seek assistance involves sexual harassment or discrimination, you can contact the RIT Title IX Coordinator or the Title IX Deputy Coordinators who have been specifically trained to receive and respond to allegations of violations of sexual discrimination or harassment. The Title IX Coordinator can be reached at:

Title IX Coordinator & Clery Compliance Officer

Office of Compliance and Ethics

Rochester, NY 14623

(585)475-7158

Stacy.DeRooy@rit.edu

The current list of Deputy Title IX Coordinators can be found on the [Title IX](#) website.

Non-RIT resources can be found in the Appendix attached to this Policy, as well as government agencies that may provide additional resources for anyone dealing with or wishing to file a complaint of gender based discrimination or harassment.

Responsible Party: Department of Human Resources and Office of Legal Affairs

Effective Date: October 15, 1997

Policy History

2002-2003 Edited to reflect department name changes

Edited May 13, 2009

Edited August, 2010

Edited October 2010

Edited August 2012

Revised October 2013

Edited March 2014

Revised October 2016

Approved as an interim policy November 2016

Revision approved March 2017

Revision approved October 2018

APPENDIX

Non-campus resources available include:

Willow Center

24-Hour Hotline (585)232-7353

TTY (585)232-1741

<http://willowcenterny.org/>

Services provided at no cost.

National Domestic Violence Hotline

(24 hours a day, 7 days a week)

(800) 799-7233

<http://www.thehotline.org/>

Services provided at no cost.

Lifeline

(585)275-5151

<http://www2.monroecounty.gov/mh-emergency-resources>

Services provided at no cost.

National Dating Abuse Helpline

(24 hours a day, 7 days a week)

(866) 331-9474

<http://www.loveisrespect.org/>

Services provided at no cost.

Monroe County Sheriff's Office

(24 hours a day, 7 days a week)

(585)753-4178

www.monroecounty.gov/sheriff

Services provided at no cost.

IGNITE (formerly Advocacy Services for Deaf Abused Victims)

<http://deafignite.org/>

DeafIGNITE@gmail.com

(585)286-2713 (VP/phone)

(585)232-2854 (TTY/FAX)

NYS Police Sexual Assault Hotline

(844)845-7269

Services provided at no cost.

The U.S. Dept. of Educ., Office for Civil Rights

400 Maryland Avenue, SW,

Washington, DC 20202-1100,

(800) 421-3481

(Federal agency responsible for ensuring compliance with Title IX)

New York State Office of Victim Services

(800)247-8035

Services provided at no cost.

Information on sexually transmitted infections and sexual assault forensic examinations:

RESTORE Sexual Assault Services

Monroe County (585)546-2777

24 hour hotline

National Sexual Assault Hotline

(24 hours a day, 7 days a week)

(800) 656-4673

<https://www.rainn.org/get-help/national-sexual-assault-hotline>

Services provided at no cost.