

D.19. STUDENT GENDER-BASED AND SEXUAL MISCONDUCT POLICY

I. INTRODUCTION

State laws prohibit discrimination in education and work on the basis of sex, as well as dating violence, domestic violence and stalking. This Student Gender-Based and Sexual Misconduct Policy is RIT's Student Policy covering all gender based and sexual misconduct not covered in [C.27 RIT Title IX Policy for Faculty, Staff and Students](#). Unless otherwise stated, RIT's Student Gender-Based and Sexual Misconduct Policy applies whenever any allegation of sex discrimination is made by or against an RIT student. This Policy applies equally regardless of an individual's sexual orientation, gender, gender identity, or gender expression.

II. SCOPE

The standards set forth in this Policy apply to conduct by or against RIT students from the time of acceptance of admission. The Policy also applies to students who are on a leave of absence, studying abroad, or on co-op. It includes conduct which occurs when students are not officially enrolled –during a particular term as long as they have a continuing relationship with the university. This Policy applies to a student's behavior even if the student withdraws or graduates from the university while a disciplinary matter is pending, or if the behavior occurs off campus. For purposes of this Policy, the location of the off campus behavior will not affect its applicability.

Any faculty or staff whose conduct may violate this Policy shall be subject to the procedures set forth in the [RIT Policy Prohibiting Discrimination and Harassment \(C6.0\)](#) Or [C.27 Title IX Policy for Faculty, Staff and Students as appropriate](#). This Policy does not apply to non-RIT Community members, except to the extent that (1) the non-RIT Community member is alleging a violation of this Policy by an RIT Student, or (2) RIT has the ability to control the behavior of the non-RIT Community member, including but not limited to banning a non-RIT Community member from campus. Determining whether to proceed regarding potential violations of this Policy by non-RIT Community members shall be at the sole discretion of RIT. Non-RIT Community members may report violations of this Policy and the report will be addressed in accordance with the procedures below. However, a non-RIT Community member's role in RIT's investigatory and disciplinary procedures may be limited. RIT's support resources are available only to members of the RIT Community. If an individual's status with the university (i.e., student, staff, faculty member, non-RIT Community member) has changed from the time of the alleged Policy violation to the time of complaint, the university will determine which policies will apply.

III. PROHIBITED CONDUCT

Students alleged to have committed any of the following Prohibited Conduct may be charged with Policy violation(s) by RIT.

A. “Dating Violence” means any intentional act or threatened act of violence against the Complainant committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. Dating Violence may include behavior that seeks to establish power and control over the Complainant by causing the Complainant to fear violence to themselves or another person. Such behavior may also take the form of harassment, property damage, intimidation, and violence or a threat of violence to one’s self (i.e., the Respondent) or a third party. It may involve one act or an ongoing pattern of behavior. The university will evaluate the existence of an intimate relationship based upon the Complainant’s statement, taking into consideration the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

B. “Disruptive/Disorderly Behavior” means conduct amongst current or former intimate partners which is likely to disrupt the activities of a reasonable person going about their daily life within the university community. “Unwelcome” means the person did not solicit or invite the behavior and regarded it as undesirable or offensive, even if at first the behavior was tolerated. Behaviors may include, but are not limited to, abusive language, derogatory remarks, insults or mocking comments, frequent attempts at reopening the lines of communication and/or other behaviors that may not rise to the level of stalking or dating violence however are having a negative impact on the other person.

C. “Domestic Violence” means any intentional act or threatened act of violence against the Complainant committed by (1) a current or former spouse or intimate partner; (2) a person with whom the Complainant shares a child; or (3) anyone who is protected from the Respondent’s acts under the domestic or family violence laws of New York. Domestic Violence also includes behavior that seeks to establish power and control over the Complainant by causing the Complainant to fear violence to themselves or another person. Such behavior may also take the form of harassment, property damage, intimidation, and violence or a threat of violence to one’s self (i.e., the Respondent) or a third party. It may involve one act or an ongoing pattern of behavior.

D. “Refusal to Comply” means refusal to acknowledge and/or follow any legitimate and reasonable requests, including but not limited to accommodative, emergency or interim measures which includes No Contact Orders issued by any university representative in the performance of their official duties.

E. “Retaliation” means any adverse action taken against an individual for making a good faith report under this Policy, or participating in any investigation or proceeding under this Policy, encourages another member of the RIT Community to file a complaint alleging a violation of this

Policy, participates in the processes described in this Policy and/or its Procedures, or opposes any practice or conduct that violates this Policy or applicable federal, state, or local laws (“Protected Activity”) Retaliation includes threatening, intimidating, harassing, or any other conduct that would discourage a reasonable person from engaging in activity protected under this Policy. 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.

F. “Sex/Gender Based Discrimination” means the adverse treatment of an individual based upon their sex, gender, sexual orientation, gender identity, or gender expression. It may be characterized by hostility because of gender, gender expression, or gender- stereotyping, including failing to conform to stereotypical notions of masculinity and femininity.

G. “Sexual Assault” means “Sexual Assault” means rape, fondling, incest, or statutory rape as those terms are defined in the Federal Bureau of Investigation’s Uniform Crime Reporting program and Policy C.27, and includes: Non-Consensual Sexual Contact, or (2) Non-Consensual Sexual Intercourse, and (3) without Affirmative Consent.

1. “Non-Consensual Sexual Contact” means any intentional sexual touching, however slight, with any object or body part, whether directly or through clothing as follows: (a) intentional touching of the lips, breasts, buttocks, groin, genitals, inner thigh, or anus or intentionally touching another with any of these body parts; (b) making another person touch another or themselves with or on any of these body parts; and (c) intentional touching of another’s body part for the purpose of sexual gratification, arousal, humiliation, or degradation, without Affirmative Consent.
2. “Non-Consensual Sexual Intercourse” means any penetration, however slight, with any object or body part as follows (a) penetration of the vulva by a penis, object, tongue, or finger; (b) anal penetration by a penis, object, tongue, or finger; and (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person, without Affirmative Consent.

H. “Sexual Exploitation” occurs when a person takes non-consensual or abusive sexual advantage of another. Examples of Sexual Exploitation include, but are not limited to:

1. Causing or attempting to cause the incapacitation of another person to gain a sexual advantage over the other;
2. Prostitution or causing the prostitution of another;

3. Observing or recording (whether by video or audio tape or otherwise) of a sexual or other private activity (such as sexual activity, undressing or showering) without the consent of all involved;
4. Taking intimate pictures of another without the photographed person's consent;
5. Distributing pictures of another person to others without the photographed person's consent;
6. Engaging in voyeurism or allowing others to observe private sexual acts without the consent of all involved;
7. Engaging in consensual sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infection (STI) without informing the other person of such infection; or
8. Exposing one's genitals in non-consensual circumstances including electronically.
9. Falsely claiming the use of contraceptive(s) and prophylactics

I. "Sexual/Gender-Based Harassment" means a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment, education or participation in RIT's programs. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. For the purposes of this Policy, "work environment" includes RIT education and programs.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex/gender when:

- a. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- b. Such conduct is made either explicitly or implicitly a term or condition of employment; or
- c. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment. Sexual Harassment can include any or all of the following behaviors, as well as others which are not listed; this list is intended to be illustrative, not exhaustive:

1. Harassment through public or private insult, sexually suggestive comments concerning a person's body or behavior, and sexual demands;
2. Physical acts of a sexual nature, such as: Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body or; exposure of another person's body.
3. Subtle or overt pressure to comply with demands of sexual activity;
4. Remarks about another person's clothing, body, sexual activities, sexual preferences, gender identity or sexual orientation, as well as teasing, jokes, remarks, or gestures which are sexual in nature;
5. Unwarranted staring at another person's body;
6. Unwanted communications of a sexual nature in any form, over any medium, and in any media;
7. Requests or demands for sexual favors accompanied by implied or overt threats or promised rewards, e.g., grades, class or clinical assignments, recommendations, student employment (for students) or assignments, promotions, preferred scheduling, discipline, references (for employees); or
8. Repetition of unwanted invitations for dates, reconciliation, or communications related to the relationship.

Sexual Harassment is established by determining whether the particular facts and circumstances of each case meet the definitions of this Policy.

- J. "Stalking" means engaging in a course of conduct directed at a specific person and

on the basis of sex that would cause a reasonable person to fear for the person's safety or the safety of others, or to suffer substantial emotional distress. "Course of conduct" means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

Stalking also includes cyber-stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used.

IV. RELATED DEFINITIONS

A. "Advisor of Choice" means any person selected by the Complainant or the Respondent (the "parties") to provide a student with quiet counsel or support throughout the RIT Student Conduct Process or any process under this Policy. The Advisor of Choice may be any person who is not a party, witness, or otherwise involved in the investigation. The parties are responsible for sharing related communications with their Advisor of Choice. If a party selects an RIT Advocate as an Advisor of Choice, the RIT Advocate has full participatory rights in accordance with the provisions of the RIT Advocacy Program. (See, RIT Advocate, Section IV.T.).

B. "Affirmative Consent" means the ability to engage in activity knowingly and voluntarily. Consent to sexual activity must be affirmative, and, whenever the word "Consent" is used in this Policy, it should be understood to mean Affirmative Consent as defined here. Affirmative Consent to sexual activity must be a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words (verbal or signed) or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate Consent.

The definition of Consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression. Consent must be mutual and exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent cannot be gained by force, intimidation, coercion, or threat of harm, or by ignoring or acting in spite of the

objections of another. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. There is no duty to fight off a sexual aggressor.

Consent may be initially given but can be withdrawn at any time. When Consent is withdrawn or can no longer be given, all sexual activity must stop. Consent to engage in sexual activity is required regardless of whether the person initiating the sexual act is under the influence of drugs and/or alcohol (See, "Incapacitation" Section IV.H.). A person shall not knowingly take advantage of another person who has an intellectual or physical disability, who is incapacitated by prescribed medication, alcohol or other chemical drugs, or who is not conscious or awake, and thus is not able to give Consent as defined above. Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm. Consent is active, not passive.

Certain states have designated a minimum age under which a person cannot give Consent. In the state of New York, the age of Consent is 17.

C. "Coercion" means the use of improper pressure to compel another individual to initiate or continue sexual activity against that person's will. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another's freedom of will and ability to choose whether or not to engage in sexual activity. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. Examples of Coercion include threatening to "out" someone based on sexual orientation, gender identity or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity. Coercing an individual into engaging in sexual activity violates this Policy in the same way as physically forcing someone into engaging in sexual activity.

D. "Confidentiality" means that information shared by an individual with a designated Confidential Resource or community professionals cannot be revealed to any other individual without express permission of the individual. (See, Confidential Resources for getting help, Section V.).

E. "Complainant" means a person who has made a report to RIT that they experienced Prohibited Conduct that has been reported to RIT. RIT may also be the Complainant if (1) RIT elects to investigate reports of potential violation(s) of this Policy on its own accord and in its sole discretion, or (2) a Non-Member Complainant is the person who experienced the Prohibited Conduct or is the subject of a report.

F. "Force" is the use or threat of physical violence or intimidation to overcome someone's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a Complainant use force to resist a sexual advance or request. However, use of force by the Complainant will be viewed as a clear demonstration of non-consent.

G. “Impact Statement” means an oral or written statement that describes the effect on an individual’s education and activities at RIT that is submitted to the Center for Student Conduct and Conflict Resolution for consideration by the Center prior to determining the appropriate sanction in a particular case.

H. “Incapacitation” means the inability, temporarily or permanently, to give Consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring. Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person; however, warning signs that a person may be incapacitated may include, but are not limited to slurred speech, unclear signed communication, vomiting, involuntary elimination of bodily fluids, unsteady gait, odor of alcohol, combativeness, uncharacteristic behavior, or emotional volatility. The Respondent is held to the standard of whether a sober, reasonable person should have known that the Complainant was incapacitated.

I. “Interim or Accommodative Measures” means protective measures put in place by a university official or administrator designed to support and protect the safety of the Complainant, Respondent, or the RIT Community pending an investigation or hearing.

J. “Mutual Resolution” means the resolution method in which, if offered, the parties (if applicable) voluntarily accept the determination of responsibility and sanction(s) proposed by the Director or designee, as described in VII. B. 1. of the Policy.

K. “No Contact Order” or “NCO” means a formal directive issued by a university official or administrator requiring the parties to have no direct or indirect interaction or contact with one another. Contact or interaction includes, but is not necessarily limited to, in-person contact, telephone calls, recordings, email, texts and other forms of electronic communication, social media-based messages or postings, and third party communications. (See, Interim and Accommodative Measures, Section VII.B.). A violation of an NCO is a chargeable violation under this Policy.

L. “Non-Member Complainant” means a person who alleges they have experienced Prohibited Conduct but is not a faculty member, staff member, or student at RIT. A Non-Member Complainant may provide information to the university so that the university can conduct an investigation or otherwise resolve the matter, however not all sections of this Policy will apply to Non-Member Complainants. The Non-Member Complainant may be invited to participate in the hearing process at the discretion of the university. In addition, privacy laws may prevent the university from sharing information about RIT Community members that would otherwise be shared with a Complainant under this Policy. A Non-Member Complainant will have procedural rights, as outlined below in Section IX.

M. “Preponderance of Evidence” means that the conduct in question more likely than not occurred.

N. “Prohibited Conduct” means any one of the behaviors set forth in Section I, above, upon which a Respondent may be charged.

O. “Privacy” means that information related to a complaint of Prohibited conduct will only be shared only with a limited number of university administrators or staff who have a “need to know” in order to assist with interim measures, and/or in the active review, investigation, or resolution of the complaint. While not bound by Confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

P. “Reporting Person” is any individual who reports an alleged violation of this Policy, including the Complainant. Most reports are made by a member of the RIT Community who has directly experienced any Prohibited Conduct. However, reports may also be made by anyone who is aware of, or has witnessed, but has not directly experienced the alleged Prohibited Conduct.

Q. “Respondent” means any individual alleged to have engaged in Prohibited Conduct. When a Respondent has multiple roles within the university, the university’s Title IX Coordinator will determine which investigatory procedure will apply based on the facts and circumstances of a particular incident, such as which role predominates and/or which role was more applicable at the time of the incident. For example, if the Respondent is a full-time employee and a part-time student at the university, the Respondent’s predominant role as employee may require that the incident be reviewed under the procedures applicable to employee investigations.

R. “Responsible Administrator” means RIT’s Title IX Coordinator, Deputy Coordinators, and the Title IX Investigator(s).

S. “Responsible Employee” means RIT Employees who have the authority to take action to address Prohibited Conduct, or have the duty to report any such incidents to the Title IX Coordinator or other appropriate school official. Most RIT Employees are Responsible Employees for reporting purposes under this Policy and RIT’s [Policy Prohibiting Harassment and Discrimination \(C.6.0\)](#) unless they are specifically designated as Confidential Resources. (See, Confidential Resources for Getting Help, Section IV.). Responsible Employees must report allegations of Sexual Misconduct to RIT’s Responsible Administrators to allow the university to stop, prevent, and remedy such occurrences.

T. “RIT Advocate” means any faculty or staff member trained by the Center for Student Conduct and Conflict Resolution to provide assistance to a Complainant or Respondent throughout the RIT Student Conduct Process. The Center for Student Conduct and Conflict Resolution maintains a list of trained Advocates. An Advocate may fully participate in the conduct

hearing acting in accordance with the provisions of the [RIT Advocacy Program](#). Advocacy support for the parties is available at any time prior to and during the conduct hearing, including any prehearing meetings or interviews, and up to and including appeals. The Center for Student Conduct and Conflict Resolution maintains a list of staff trained and available to provide support through the process prior to the actual hearing.

U. “RIT Community” means any individual authorized to be on the RIT campus including administrators, faculty, staff, students, student organizations, external organizations, and individuals in their operations with RIT.

V. “RIT Student” means undergraduate, graduate, non-degree seeking, students in not-for-credit programs, and all persons taking courses or training at RIT, as well as RIT students on co-op and students not officially enrolled during a particular term, but who have a continuing relationship with the university.

W. Sanction means [university actions of conditions and/or statuses placed upon a student found responsible for prohibited behavior in violation of this Policy](#). Statuses indicate the Student's disciplinary standing with the university after a decision of “responsible” has been made. [Sanctions for violations of this Policy will be commensurate with the conduct and may include, but are not limited to, one or more of the following:](#)

- [1. Warning](#)
- [2. Probation](#)
- [3. Temporary or permanent ban from campus or specific campus locations \(such as residential colleges or other RIT residential facilities\)](#)
- [4. Ban from participating in Athletics practice, competitions or events](#)
- [5. Mandatory educational programs](#)
- [6. Ban from participating in campus organizations or campus activities, including bans on particular forms of undergraduate activities](#)
- [7. Disqualification from future employment or student leadership positions](#)
- [8. Withholding of transcripts, grades, diploma, or degree until after the hearing, appeal, or the sanction is complete](#)
- [9. Transcript notations consistent with D19.0 Student Gender-Based and Sexual Misconduct Policy](#)

10. Separation from the university, which includes suspension, for a period of time

11. Revocation of admission and/or degree

12. Expulsion

~~Some university programs may restrict student access while a status is in place. The length of status is determined by the hearing officer. Statuses imposed may be warning, probation for one or more semester or until they are no longer enrolled; suspension for one or more semesters or until the student is no longer enrolled; expulsion. Conditions are meant to work in conjunction with statuses to provide the student with the opportunity to learn from their experience or as a consequence of their behavior. Conditions may include mandatory attendance at seminars or meetings and/or the loss of privileges. Conditions are an opportunity for the student to reflect on their behavior and choices, become educated on specific relevant topics, and work restoratively to give back to the campus community. Conditions imposed may include education requirements of attendance at workshops; research papers, attendance at counseling, meaningful life experience such as work, education or volunteering.~~

X. “Unwelcome 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.

V. CONFIDENTIAL RESOURCES FOR GETTING HELP

RIT Students have confidential options for seeking help if they have experienced or witnessed Prohibited Conduct. Confidential resources will not disclose any details of a report of Prohibited Conduct with anyone. Pastoral counselors, professional counselors, ombudsperson(s) and medical staff are able to provide confidentiality in accordance with their professional responsibilities. At RIT, these confidential options are the [Student Health Center](#), the [RIT Counseling and Psychological Services \(CAPs\)](#), the [Ombuds Office](#), [Spirituality and Religious Life](#), and the [NTID Counseling & Academic Advising Services Office](#) (“Confidential Resources”).

Sharing information with a Confidential Resource will not result in their sharing information with other RIT offices. Nor will it result in investigatory or disciplinary action against the Respondent.

Off campus, confidential reporting options are also available. A complete list of off-campus resources providing Confidentiality can be found at the end of this Policy. (See, Options for Assistance, Section XV.)

RIT Offices and employees who cannot guarantee confidentiality will maintain privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek resolution.

VI. REPORTING PROHIBITED CONDUCT

RIT's policies and procedures are intended to protect the rights of the Complainant, the Respondent, and the RIT Community. RIT encourages all individuals who have experienced, have knowledge of, or have witnessed Prohibited Conduct committed by or against students, staff, or faculty to report such conduct. All reports of Prohibited Conduct brought against an RIT Student, staff, faculty, or other member of the RIT Community will be taken seriously.

RIT provides a variety of reporting options available to an individual, so that each person may choose a path for response best suited to their particular situation.

A. Reporting Prohibited Conduct to the University

1. Reporting to RIT's Public Safety

Any individual may report Prohibited Contact to RIT's Public Safety by calling (585) 475-3333, or texting (585) 205-8333. Public Safety is available twenty four (24) hours per day, seven (7) days per week. There are occasions when a report may trigger RIT's obligation to issue a notice to the community about an incident that could pose a threat to the community (a "Crime Alert"). RIT Public Safety assesses each reported incident to determine if it requires a Crime Alert. If a reported incident results in a Crime Alert, the Complainant's name and other identifiable information will never be included.

2. Reporting Online to the Title IX Office

An individual may report Prohibited Conduct to the Title IX Office by filling out ~~a Complainant~~ **the Sexual Harassment, Discrimination and Sexual Misconduct Reporting form** online at ~~https://www.rit.edu/fa/compliance/title-~~ <https://www.rit.edu/fa/compliance/report-title-ix-concern>.

3. Reporting Anonymously

An individual may make an anonymous report of Prohibited Conduct online using the [RIT Ethics and Compliance Hotline](#) or by calling the Hotline at (866) 294-9358. The RIT Ethics and

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Compliance Hotline is independently operated by a third party to ensure anonymity. Anonymity is not the same as confidentiality. Reports using the RIT Ethics and Compliance Hotline will be forwarded to the Title IX Coordinator. No personally identifiable information is required in order to submit an anonymous report through the Hotline. Anonymous reports may be difficult to fully investigate and resolve. Making an initial anonymous report does not, in any way, prevent a student from choosing to follow-up with additional information in the future, if desired. The university always welcomes additional information after the initial complaint is made.

4. Reporting to the Title IX Coordinator or Another Responsible Administrator

RIT strongly encourages individuals who have experienced, have knowledge of, or have witnessed Prohibited Conduct committed by or against students, staff, or faculty to report the circumstances immediately to the Director of Title IX and Clery Compliance, Stacy DeRooy (referred to throughout this Policy as the “Title IX Coordinator”), or another Responsible Administrator. The Title IX Coordinator and the other Responsible Administrators have been specifically trained to receive and respond to allegations of Prohibited Conduct. The Title IX Coordinator can be reached as follows:

Stacy DeRooy
Director of Title IX and Clery Compliance
Office of Compliance and Ethics
Rochester, NY 14623
(585) 475-7158
Stacy.DeRooy@rit.edu

The current list of [Title IX Coordinators](#) and the remaining Responsible Administrators can be found on the [Title IX website](#). Responsible Administrators are not Confidential Resources. Only Confidential Resources can offer Confidentiality. However, Responsible Administrators will maintain the Privacy of any report to the greatest extent possible. That means any information provided to a Responsible Administrator will be shared only as necessary to provide interim measures, to investigate or otherwise resolve a report of Prohibited Conduct.

Anyone may contact a Responsible Administrator to obtain information about this Policy and supportive resources. If people have questions about this Policy, RIT’s procedures, or counseling and other supportive resources available, they are not required to disclose information about any incident in order to obtain general information.

5. Responsible Employees

With the limited exception of employees designated as Confidential Resources, all employees to whom a report of Prohibited Conduct is made must disclose the report to the Title IX Coordinator or Responsible Administrator. The report should include all relevant information that the Reporting Person has shared with the Responsible Employee such as the names of those involved in the alleged incident, as well as the date, time, and location of the alleged incident. The Responsible Employee will not attempt to determine whether the Prohibited Conduct occurred.

If an individual discloses Prohibited Conduct during a public awareness event, a protest, a class project, or advocacy event, such disclosure does not constitute a report to RIT and RIT is not obligated to investigate based on the public disclosure. RIT may however, use the information disclosed to further educate about prevention efforts.

B. Reporting to Local Law Enforcement or State Police

Behavior that violates this Policy may also violate the laws of the local jurisdiction in which the incident occurred and subject a Respondent to criminal prosecution. The university encourages (but does not require) individuals who have experienced Prohibited Conduct to report promptly to local law enforcement or the New York State Police and pursue criminal charges. The university may also report certain matters directly to law enforcement when there are threats to the community. See also VII C.

The standard for determining whether someone has violated New York State or federal criminal laws are different than the university's standard of evidence when determining whether university Policy has been violated. Conduct that may violate university Policy may not constitute a crime and law enforcement may decline to prosecute. Accordingly, this Policy and its procedures are independent of any criminal investigation or proceeding. New York State law gives RIT students the right to decide if they want to pursue a criminal complaint, an RIT complaint, neither, both, or just one. If a complainant chooses to pursue both, any internal RIT investigation and/or hearing process will be conducted concurrently with any criminal investigation and proceeding that may be pending.

C. Rights of Complainant in the Reporting Process

Individuals filing a report of Prohibited Conduct have the right to:

1. Notify RIT Public Safety, local law enforcement, and/or the New York State Police.
2. Have disclosures of domestic violence, dating violence, sexual assault, sexual harassment and stalking treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Access to at least one level of appeal of a determination;

Be accompanied by an advisor of choice who may assist and advise reporting individual, accused, or respondent throughout the conduct process including during all meetings and hearings related to such process;

Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution
9. Withdraw a complaint or involvement from the RIT process at any time.
10. Be protected from retaliation by RIT, any student, the accused and/or the respondent, and/or their friends, family and acquaintances within the jurisdiction of RIT

VII. WHAT TO EXPECT ONCE A REPORT IS FILED WITH RIT

A. Time Limits for Reporting

There is no time limit for reporting a violation of this Policy. Nevertheless, every person is encouraged to report allegations of Prohibited Conduct immediately so that RIT is able to maximize its ability to obtain evidence, and conduct a thorough, impartial and reliable investigation. Failure to promptly report violations of this Policy may result in the loss of relevant evidence and witness testimony, and may impair RIT's ability to enforce this Policy.

B. Interim and Accommodative Measures

Once a report of Prohibited Conduct is made to a Responsible Administrator, RIT will take prompt and effective action that is reasonably practicable under the circumstances to support and protect the Complainant, Respondent, and the rest of the RIT Community. This may include taking emergency measures pending an assessment of [Title IX appropriate policy](#) applicability and are intended to be short term (generally addressed the next business day). Emergency measures are generally put in place by Public Safety. Interim actions pending an investigation and/or hearing which are generally put in place by the Title IX Coordinator or their designee may also include making accommodative changes in residential, academic, work or transportation arrangements to ensure that the Complainant and Respondent have little interaction. These Interim and Accommodative Measures are designed to end alleged harassment, eliminate a hostile environment, and prevent recurrence of alleged Prohibited Conduct.

1. No Contact Orders

No Contact Orders are issued by a university official or administrator and prohibit all contact by and between the parties as specified in the Order when there is a reasonable concern that physical or emotional harm may result from contact. A No Contact Order may also be imposed during the course of an investigation or as a resolution following a report of Prohibited Conduct. The university will consider all relevant facts and circumstances when issuing a No Contact Order, including but not limited to circumstances when:

- a. There are allegations, threats, or evidence of physical violence by one student against another;
- b. There are allegations, threats, or evidence of emotional abuse or harassment by one student against another;
- c. There appears to be substantial risk of emotional harm from continued contact between the students;

- d. Continued contact between students may have a material impact on campus disciplinary proceedings;
- e. Requested or agreed to in good faith by both students involved; and/or
- f. There are allegations of serious college Policy violations;

No Contact Orders may include Accommodative Measures, or additional protective measures specific to the safety, well-being, or other needs of either or both students, when deemed necessary and are within the sole discretion of the university.

i. Duration of No Contact Orders

No Contact Orders shall remain in effect until the graduation or withdrawal of at least one of the parties, unless the No Contact Order expressly provides otherwise, or is modified or rescinded by the university.

ii. Responsibilities of the Parties Subject to No Contact Orders

If a No Contact Order is issued as a result of a report and investigation related to Prohibited Conduct then it is the Respondent's responsibility to leave the immediate area promptly and without contact or communication with the Complainant. The Respondent will continue to have this responsibility until the findings of a hearing. If found "responsible" following a hearing, the Respondent will continue to be responsible for leaving the immediate area, promptly.

If the Complainant does not want an investigation into the report alleging Prohibited Conduct and if the report involves verbal harassment only, then the No Contact Order will be mutual. Likewise, if, following a hearing the Respondent is found "not responsible" then the No Contact Order shall default to a Mutual No Contact Order.

The Mutual No Contact Order requires all named parties to actively avoid one another in all situations and to avoid contacting one another by any means. Each party is required to respect the need of the other to manage their university activities with a minimum of contact with the other. In the event the parties occupy the same place at the same time, it will be incumbent on the party that is uncomfortable with the proximity of the other party to determine whether they wish to remain in the area. Each party should act reasonably and responsibly if incidental contact occurs.

2. Accommodative Measures

Accommodative Measures are additional protective measures that are specific to the safety, well-being, or other needs of either or both students. Accommodative Measures may include, but are not limited to, the following:

- a. Restricting a student from being in close proximity to the other student (No Contact Order);
- b. Restricting a student's access to certain campus locations, including the other student's residence hall;
- c. Restricting the times a student may be present in on-campus dining facilities;
- d. Altering academic arrangements to require that the students not be enrolled in the same academic course(s);
- e. Requiring that the students not participate in the same co-curricular or extra-curricular activities; and/or
- f. Altering transportation or employment arrangements to reasonably ensure that the parties will not access the premises at the same time.

3. Issuance of No Contact Orders and Accommodative Measures:

No Contact Orders ("NCOs") and Accommodative Measures may be issued by the following university administrators:

- a. For matters pertaining to the Student Code of Conduct: the Associate Vice President of Student Affairs or their designee;
- b. For matters pertaining to this Policy: the Director of Title IX and Clery Compliance or their designee; and
- c. For situations involving personal or campus safety (Emergency Measures): the Director of Public Safety or their designee, may issue temporary No Contact Orders and Accommodative Measures, which directives shall be confirmed, modified or rescinded by the Associate Vice President of Student Affairs or the Director of Title IX and Clery Compliance once all relevant information is reviewed.

4. ~~Interim Suspension~~Emergency Removal

In certain circumstances, the Director for the Center for Student Conduct and Conflict Resolution or their designee, in consultation with the Director of Title IX and Clery Compliance, may impose an ~~interim suspension~~emergency removal. ~~Interim suspension~~Emergency removal may be imposed at RIT's sole discretion: (a) to ensure the safety and well-being of members of RIT; (b) to ensure the student's own physical or emotional safety and well-being; or (c) if the student poses a definite threat of disruption of or interference with the normal operations of RIT. During ~~interim suspension~~removal period, the student may be denied access to on-campus housing

and/or the campus (including classes) and/or all other RIT activities or privileges an interim suspension may be imposed before, during, or after the commencement of an investigation, or during the appeal process.

5. Review of Interim or Accommodative Measures

Both the Complainant and the Respondent shall be afforded the opportunity for a prompt review of the need for Interim or Accommodative Measures, including the potential modification or rescission of these measures. A student seeking the modification or rescission of a No Contact Order shall make the request to the university administrator who issued the No Contact Order. The issuing university administrator shall consult with both parties before referring the determination to a neutral office who will then determine whether to modify or rescind the NCO. The parties will be allowed to submit evidence in support of their respective requests. The issuing university administrator shall determine if the requested modifications are appropriate, in consultation with the Title IX Coordinator or AVP of Student Affairs as applicable.

6. Violations of Interim Measures, including No Contact Orders and Accommodative Measures

Violations of Interim Measures, including No Contact Orders or Accommodative Measures are subject to discipline under the Student Code of Conduct or the retaliation provisions of this Policy, as appropriate. Violation(s) of RIT's directives and/or administrative actions relating to Interim or Accommodative Measures may lead to additional charges under this Policy or the Student Code of Conduct.

7. Supportive Measures

Complainants will be offered services from CARES as well as access to an Advocate trained in the RIT process.

Respondents will be offered services from CAPs as well as access to an Advocate trained in the RIT process.

Witnesses or other parties impacted by a Title IX investigation who are RIT students may seek supportive services from CAPs

C. Resolution of a Report of Prohibited Conduct

1. Informal Resolution

A Complainant may seek an informal resolution with regard to certain reports of Prohibited Conduct. In most cases, the Complainant's decision to: (1) seek informal resolution, (2) decline

to consent to an investigation into reported Prohibited Conduct, or (3) withdraw from the processes under this Policy, will be honored. In such cases, the university will not conduct an investigation, hold a hearing, or take disciplinary action against any alleged Respondent. Instead, other measures may be pursued such as mediation, meetings, or facilitated dialogue with the parties regarding behavioral expectations or the permanent imposition of accommodative measures depending on the willingness of the parties. Mediation is a form of informal resolution which is generally not appropriate for cases involving allegations of Sexual Assault, Domestic or Dating Violence, or Stalking unless the Complainant makes a request. Nor is informal resolution appropriate for allegations that present significant disputed issues of fact or where an investigation is deemed necessary and the Prohibited Conduct may result in suspension or expulsion. Informal resolution is not appealable, and the pursuit of informal resolution does not preclude the Complainant from pursuing a more formal resolution or investigation in the future.

If the Title IX Coordinator determines that informal resolution does not adequately mitigate a potential risk of harm to the Complainant or other members of the RIT Community, then the Complainant's request may be denied. Likewise the university may determine to proceed with an investigation regardless whether the Complainant consents.

The Title IX Coordinator shall consider the following factors when determining whether to proceed with an investigation or against Complainant's wishes:

- a. Whether the Respondent has a history of violent behavior or has a student conduct history;
- b. Whether the incident represents an escalation in Respondent's unlawful conduct from previously noted behavior;
- c. The increased risk that the Respondent will commit additional acts of violence or discrimination;
- d. Whether the Respondent used a weapon or force;
- e. Whether the Complainant is a minor; and
- f. Whether RIT possesses other means to obtain evidence and whether available information reveals a pattern of perpetration at a given location by a particular group.

The Complainant will be notified in writing by the Title IX Coordinator if a determination is made to proceed with an investigation.

2. Formal Resolution

The formal resolution process for a report of Prohibited Conduct includes an investigation to determine if university Policy has been violated. If a Respondent is found to have violated university Policy, then a range of disciplinary measures may be imposed up to and including expulsion from the university.

a. Investigation of Report of Prohibited Conduct

RIT Public Safety is the investigating body that investigates reports of Prohibited Conduct made against RIT Students. The parties will receive written notice from the Title IX Office that the university has commenced an investigation. A typical investigation will be completed within sixty (60) calendar days. If an investigation extends beyond sixty (60) calendar days, the parties will receive written notice that the investigation has been extended and the reason for the extension.

Once the investigation is complete, RIT Public Safety will send all investigative documents to the Title IX Office and to the Center for Student Conduct and Conflict Resolution for further review and assessment. The parties will have access to all investigative documents that will be used by the university to resolve their case when the case goes to Mutual Resolution or Formal Hearing. Cases involving Dating or Domestic Violence, Sexual Assault, and Stalking the parties will receive a preliminary investigation report, and will have the opportunity to review and respond to the investigation report prior to the case being sent to the Center for Student Conduct and Conflict Resolution.

b. Resolution of Cases

The Director of the Center for Student Conduct and Conflict Resolution or designee will review all of the investigation documents to make a determination whether to pursue Formal Charge(s) in a case. If the Director or designee determines that Formal Charge(s) are appropriate, the case may be resolved through a Mutual Resolution, or through a Hearing.

1. Mutual Resolution for the Parties

The Director of the Center for Student Conduct and Conflict Resolution or designee, in their sole discretion, may determine that the Mutual Resolution of a case appropriate. In that case, the Director or designee will discuss Mutual Resolution with both parties. If the parties accept to resolve a case through Mutual Resolution, the parties must voluntarily accept the outcomes regarding the findings of responsibility and related sanctions proposed by the Director or designee, and waive their right to hearing. The Director or designee will provide the parties with a summary outlining the proposed finding of responsibility,

related sanctions, and the rationale. The parties will then have three business (3) days to accept the Mutual Resolution, which must be signed by both parties and the Director or designee. The signed Mutual Resolution may not be appealed.

If the Director or designee does not offer a Mutual Resolution or either party declines a Mutual Resolution, the Director or designee shall refer the case to a hearing.

2. Formal Hearing Procedures and Adjudication

In addition to the standard hearing procedures outlined in the [RIT Student Conduct Process \(D18.0\)](#), the following provisions apply to cases of alleged violations of this Policy.

- a. Both the Complainant and the Respondent shall receive notice referencing the specific provision of this Policy alleged to have been violated for which charges are pending and the possible outcomes. This notice shall also include the date, time, location, and factual allegations concerning the alleged violation.
- b. Both the Complainant and the Respondent shall have an opportunity to present evidence and testimony during the hearing. The Center for Student Conduct and Conflict Resolution requests that a list of potential witnesses, as well as any additional information either party plans to present, be submitted to the office no fewer than three (3) days in advance of the hearing. Only witnesses with direct information who are part of the RIT community are allowed to participate. Character witnesses are not allowed. It is the responsibility of the parties to inform their witnesses of the date and time of the hearing. The Student Conduct Officers may elect to rely upon the statements of witnesses contained in the investigative report if such witnesses are unavailable to attend the hearing or when the hearing officer deems the information supplied in the investigative report is sufficient.
- c. Both the Complainant and the Respondent shall have an opportunity to review all relevant evidence in the possession or control of RIT, consistent with RIT Policy and applicable federal and state law including, but not limited to, the Family Educational Records Privacy Act.

- d. The Complainant and Respondent do not have to be in the same room at the same time if they do not wish to be. The Student Conduct Officer may make other arrangements (such as use of a wall partition or video conferencing) to allow testimony while not depriving either party access to evidence or participation at the hearing.

Prior sexual history with persons other than the other party will be excluded from evidence at the hearing.

- e. Mental health diagnosis and/or treatment will be excluded from evidence at the hearing. Past misconduct of the Respondent may be considered only for purposes of determining the appropriate sanction after a finding of responsibility.
- f. Both the Complainant and the Respondent shall have the opportunity to make an impact statement prior to the Student Conduct Officer's determination of a sanction. Impact statements may include general or specific physical, emotional impact to self, the RIT community, clubs or organizations as well as any financial implications the parties may have faced will face.
- g. Only the Student Conduct Officers may question the individual parties and any witnesses. Both the Complainant and Respondent may submit a list of questions to the Student Conduct Officer in advance of the hearing that they would like the Student Conduct Officers to consider asking the other party. These questions will be asked at the discretion of the Student Conduct Officers, who may choose to reframe questions or omit questions that are deemed to be irrelevant or redundant. Both parties have the opportunity during the hearing to ask additional questions which may develop during the course of the hearing. If the Student Conduct Officers determine that unresolved issues exist that would be clarified by the presentation of additional information and/or speaking to any party, the Student Conduct Officers may postpone the hearing and reconvene it in a timely manner to receive such additional information.
- h. Both the Complainant and the Respondent may have their RIT Advocate present to serve as their Advisor of Choice during the hearing. If an RIT Advocate is not utilized, then either party may select an alternative

Advisor of Choice. Advisors of Choice who are not RIT Advocates are to serve only in a supportive role and may not represent or speak on behalf of the student. The RIT Advocate or Advisor of Choice selected may not serve as a witness in the hearing.

- i. Hearings will be postponed at the discretion of RIT. The hearing will be conducted by Student Conduct Officers who have received annual training on issues related to acts of sexual or gender-based misconduct, including the effects of trauma, impartiality, the rights of the Respondent, how to conduct an investigation and hearing process that protects the safety of the Complainant while promoting accountability, and the right of the Respondent to a presumption that the Respondent is not responsible unless and until a finding of responsibility is made pursuant to this Policy.
- j. The Student Conduct Officers presiding over the hearing shall not have a conflict of interest. In the event that a conflict of interest is deemed to exist, another Student Conduct Officer without a conflict of interest shall preside over the hearing. A student wishing to challenge the participation of any hearing officer may do so by completing the section of the Hearing Request Form that is sent to them with the charge letter. This form will be reviewed to determine if the challenge has merit.

Both the Complainant and the Respondent have the option not to participate; however, the exercise of that option will not preclude the Student Conduct Officers from proceeding and determining the outcome of the complaint on the basis of the investigative report and other available information, however it may have an impact on the balance of narrative information presented at the time of the hearing.

- k. The hearing will be conducted concurrently with any criminal justice investigation and proceeding that may be pending. Temporary delays may be requested by municipal law enforcement authorities for the purpose of gathering evidence. Any requested temporary delay shall not last more than ten (10) days except upon law enforcement authorities' written request to justify a longer delay.

- l. A party seeking a delay in the scheduling of the conduct hearing must submit their request and reason for a delay in writing to the Center for Student Conduct and Conflict Resolution.
- m. Upon the conclusion of the hearing, both the Complainant and the Respondent shall have access to a full and fair record of the hearing which will be preserved and maintained for at least five (5) years from the last day of the hearing or five (5) years from the parties graduating and may include a transcript, recording or other appropriate record. The full and fair record of the hearing will be protected from public release until a final determination is made. A final determination is made under this Policy when no appeal of the determination of the hearing is sought, or in the event of an appeal, when the determination of the University Appeals Board is communicated to the Complainant and the Respondent. Any public release of the full and fair record of the hearing shall be made in accordance with applicable RIT Policy and federal and state laws.
- n. Both the Complainant and the Respondent shall have the right to appeal the outcome of the hearing to the University Appeals Board in accordance with the provisions of the appeals process for the Student Code of Conduct outlined in the RIT Student Appeals Process (D18.2). No member of the University Appeals Board participating in an appeal shall have a conflict of interest. In the event a conflict of interest is deemed to exist, the member with the identified conflict shall be replaced, for purposes of this appeal only, in accordance with the provisions of the [RIT Student Appeals Process \(D18.2\)](#).

E. Standard of Proof

Disciplinary procedures involving allegations of acts in violation of this Policy will be conducted promptly and be fair, equitable, and impartial. The standard of proof in such disciplinary proceedings shall be that of the preponderance of the evidence. Accordingly, a Respondent will be found responsible for the reported Prohibited Conduct only if the hearing officers conclude that such misconduct more likely than not occurred, based upon careful review of all information presented. All appeal panels will use this same standard.

F. Notification of Outcome

The determination of the hearing officers will be communicated concurrently to both the Complainant and the Respondent in writing via email. This letter will be sent within five (5)

business days after the hearing has concluded, barring any exigent circumstances that may cause reasonable delays. The Notice of Outcome will include:

1. The names of the Respondent and Complainant
2. The alleged violation(s) of the Code of Conduct and the finding of responsibility or non-responsibility;
3. The sanction(s) imposed, if any;
4. The factual findings supporting the determination;
5. The rationale for the determination; and
6. Information regarding the appeal process.

Both the Complainant and Respondent will be informed of the outcome of the hearing and the outcome of any appeal without a commitment from either party to protect the confidentiality of the information. It shall be the decision of the Complainant or the Respondent whether to disclose or discuss the outcome of the hearing.

G. Transcript Notations

For those crimes of violence that RIT is required by federal law to include in its Annual Security Report, the transcripts of students found responsible after a hearing and an appeal, if any, shall include the following notation:

1. Withdrew with conduct charges pending; or
2. Suspended after a finding of responsibility for a code of conduct violation; or
3. Expelled after a finding of responsibility for a code of conduct violation.

For purpose of transcript notations charges are considered pending at the time the parties receive a Notice of Investigation. Transcript notations for suspensions may not be removed until one (1) year after the conclusion of a suspension, upon the Respondent’s request, and at RIT’s discretion. Transcript notations for expulsion shall not be removed.

H. Sanctions and Remedies

If a finding of responsibility is made, the Student Conduct Officers will consider, as part of their deliberations, whether the sanction will:

1. Bring an end to the violation in question;
2. Reasonably prevent a recurrence of a similar violation; and
3. Remedy the effects of the violation on the Complainant and RIT Community.

In determining an appropriate sanction, the Student Conduct Officers may consider any record of past violations of the Code of Conduct, as well as the nature and severity of such past violation(s). Any sanction imposed will be explained and supported by factual findings in the written rationale of the Student Conduct Officers. Sanctions may include Warning, Probation, Suspension, Expulsion, Administrative actions, and educational sanctions as outlined in the Student Code of Conduct: Temporary or Permanent ban from campus or specific campus locations (such as residential colleges or other RIT residential facilities), Mandatory educational programs, Ban from participating in campus organizations or campus activities, including bans on particular forms of undergraduate activities, Disqualification from future employment or student leadership positions, Withholding of transcripts, grades, diploma, or degree until after the hearing, appeal, or the sanction is complete, Transcript notations consistent with D19.0 Student Gender-Based and Sexual Misconduct Policy or Revocation of admission and/or degree

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Remedies for the parties may also be offered and provided. Appropriate remedies may include, for example, providing an on-campus escort on campus; assistance with academics such as rescheduling exams and assignments; facilitating a classroom change; housing assignment relocation; restriction of campus access for the Respondent, such as specific buildings or areas; No Contact Orders; campus employment reassignment; and counseling referrals.

VIII. RIT ~~TITLE IX~~ Gender Based Sexual Misconduct STUDENT BILL OF RIGHTS

All students have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of all gender-based misconduct including Domestic Violence, Dating Violence, Stalking, and Sexual Assault treated seriously.

3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by RIT.
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard.
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available.
6. Be free from any suggestion that the Reporting Person is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by RIT, any student, the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the university.
9. Access to one level of appeal of a determination.
10. Be accompanied by an Advisor of Choice who may assist and advise a, Complainant, or Respondent throughout the conduct process including during all meetings and hearings related to such process.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of RIT.

IX. NON-MEMBER COMPLAINANT PROCEDURAL RIGHTS

1. If upon investigation, RIT determines that a hearing is appropriate, RIT shall be the Complainant, and will bear the burden of collecting all of the evidence and pertinent information in preparation for any hearing.
2. The Center for Student Conduct and Conflict Resolution will schedule the hearing based upon availability of parties. A Non-Member Complainant can expect to receive a notification of the date and time of the hearing. RIT will hold the hearing regardless whether the Non-Member Complainant chooses to participate or attend the hearing.
3. A Non-Member Complainant may bring an Advisor of Choice to the hearing. The Advisor of Choice will be permitted to provide quiet counsel during the hearing

but may not address any other hearing participant. It shall be the Non-Member Complainant's responsibility to notify their Advisor of Choice of the date and time of the hearing.

4. A Non-Member Complainant will not have access to an RIT Advocate or other on-campus resources.
5. After the hearing the Non-Member Complainant will receive a letter which sets forth the findings and outcomes.
6. Non-Member Complainants will not be entitled to appeal the outcome of the hearing. However, they will be notified if the Respondent appeals, and the outcome of any such appeal.

XI. FALSE CLAIMS

Making an intentionally false claim or intentionally providing false information in an investigation is also prohibited and a violation of this Policy.

XII. AMNESTY FOR DRUG AND ALCOHOL USE

Violations of this Policy are a serious issue and RIT's primary concern is ensuring that individuals feel comfortable reporting a complaint. The health and safety of every student at RIT is of utmost importance. RIT recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence occurs, including but not limited to Domestic Violence, Dating Violence, Stalking, or Sexual Assault may be hesitant to report such incidents due to fear of potential consequences for their own conduct. RIT strongly encourages students to report Domestic Violence, Dating Violence, Stalking, or Sexual Assault to the appropriate RIT official. A bystander acting in good faith or a Reporting Person acting in good faith that discloses any incident of Domestic Violence, Dating Violence, Stalking or Sexual Assault to an RIT Responsible Administrator, a Responsible Employee, or law enforcement will not be subject to RIT's Code of Conduct for violations of alcohol and/or drug policies (see [Alcohol & Other Drugs Policy, D.18.1](#)) occurring at or near the time of the commission of the Domestic Violence, Dating Violence, Stalking, or Sexual Assault.

XIII. DESIGNATION OF AUTHORITY

Any university individual authorized by this Policy to act or make a determination may designate their authority to another when necessary to avoid a conflict of interest or for any other reason.

XIV. POLICY COMPLIANCE

The Title IX Coordinator has overall responsibility to oversee the university's compliance with Title IX and related laws; its ongoing education and primary prevention efforts; its investigation, response, and resolution of all reports of sexual and related misconduct under this Policy; and its efforts to eliminate prohibited conduct, prevent its recurrence, and remedy its effects. The Title IX Coordinator is available to meet with any student, employee or third party to discuss this Policy. Any person with a concern about the university's handling of a particular matter should contact:

Stacy DeRooy
Director of Title IX and Clery Compliance
Rochester, NY 14623
(585) 475-7158
Stacy.DeRooy@rit.edu

The U.S. Department of Education, Office for Civil Rights is a federal agency responsible for ensuring compliance with Title IX. OCR may be contacted at 400 Maryland Avenue, SW, Washington, DC 20202-1100, (800) 421-3481.

XV. OPTIONS FOR ASSISTANCE (APPENDIX)

If you or someone you know may be the impacted party of any violation of this Policy, you are strongly encouraged to seek immediate assistance. Your first priority should be to get to a place of safety. You should then obtain necessary medical treatment as soon as possible.

1. Assistance from on-campus Confidential Resources can be obtained from:

RIT Counseling and Psychological Services

(CaPs)

(585) 475-2261

www.rit.edu/counseling/

Services provided at no cost.

RIT Student Health Center

(585) 475-2255

<http://www.rit.edu/studentaffairs/studenthealth/>

Services provided at no cost.

Spirituality and Religious Life

(585) 475-2137

<http://www.rit.edu/studentaffairs/religion>

Services provided at no cost.

NTID Counseling & Academic Advising

(585) 475-6400

<http://www.ntid.rit.edu/counselingdept>

Services provided at no cost.

RIT Ombuds Office

(585) 475-7357 ~~200~~ or (585) 475-6424 or

(585) 475-4677 (VP) ~~2876~~

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

Services provided at no cost.

2. In addition to the Title IX Coordinator and the Responsible Administrators, other non-Confidential Resources on campus that can provide assistance include:

RIT Public Safety

(24 hours a day, 7 days a week)

(585) 475-2853, (585) 205-8333 (text)

www.rit.edu/fa/publicsafety/

Services provided at no cost.

Office of Diversity and Inclusion

(585) 475-6546

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

Services provided at no cost.

The Center for Student Conduct and

Conflict Resolution

(585) 475-5662

www.rit.edu/studentconduct/

Services provided at no cost.

RIT Advocacy Program

(585) 475-7668

www.rit.edu/studentconduct/advocacy.php

Services provided at no cost.

RIT Human Resources

(585) 475-2424

www.rit.edu/humanresources/

Services provided at no cost.

Student Financial Services

(585) 475-6186

<http://www.rit.edu/fa/sfs/>

Services provided at no cost.

Office of Financial Aid & Scholarships
(585) 475-2186
<https://www.rit.edu/emcs/financialaid/contact.html>
Services provided at no cost.

RIT Student Government Office
(585) 475-4043
sgstaff@rit.edu
Assistance with legal services provided at no cost.

3. Assistance from non-campus community resources include:

Willow Center
24-Hour Hotline 585-222-(SAFE)7233
<http://willowcenterny.org/>
Services provided at no cost.

Lifeline
(585) 275-5151
<http://www2.monroecounty.gov/mh-emergency-resources>
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 (Hotline)
DeafIGNITE@gmail.com
(585) 286-2713 VP
<http://deafignite.org/contact-us/>
Services provided at no cost.

NYS Police Sexual Assault Hotline
(844) 845-7269
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.

National Dating Abuse Helpline
(24 hours a day, 7 days a week)
(866) 331-9474
<http://www.loveisrespect.org>
Services provided at no cost.

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.