

# RIT | University Council

## Meeting Minutes: October 14, 2020

The meeting was called to order at 3:02 p.m.

### **Approval of Minutes from September 30, 2020 Meeting**

The minutes were approved by 30-0-7.

### **President's Report**

I will focus my remarks on the campus battle against COVID-19. I want to thank everyone for your efforts. Students have been fantastic as have many staff and others involved keeping everything on the rails and it's been working out really well. Last 2 weeks, we've had 4 new student cases and zero new employee cases. Since the beginning of class on August 19, we have a total of 13 student cases which is a really small number for a campus of our size. We moved to yellow status because of a slight uptick in student cases – mostly due to an out-of-town visit by a student who brought the virus back and we saw uptick in the wastewater testing which is very sensitive to the virus. All of the tests we ran as a result of the wastewater testing were negative, but we went to yellow before we had these results and also because of spike at Nazareth and Keuka colleges. Nazareth cases resulted from ~30 students at an outdoor BBQ, which is a reminder that even outdoors you can transmit the virus. Keuka has more than 30 cases. If our testing continues to reveal negative results, we hope to be back to green next week.

Another thing I should mention is that we have a very serious effort underway now to develop a new type of testing methodology that would be employed on our campus. Ryne Raffaele has headed up a group for the last month or so looking at all different kinds of testing methodology and strategies. I believe it may be more difficult for us to get a clean start to the spring semester than it was for us to this fall semester and I think we're going to have to take extra precautions. We do expect that when students, faculty and staff come back after the break, we will once again require testing, but I also think we're going to need a testing scheme that we can employ to test our entire student body, perhaps even multiple times. If we need to do that, it's really going to call for saliva based testing and that is what Ryne and his committee have recommended. So we are hard at work now and getting a lot of help from Andre Hudson and some other faculty members on bringing a lab online on our campus that would be able to process saliva samples. We are looking for tests that are accurate, fast (about 45 minutes) and inexpensive.

Our current individual testing is done at the Broad Institute in the Boston area. The cost of that test is \$25/student and that is actually a very low price. But we want to be able to conduct the saliva based testing at an even lower price. There is one hitch with the saliva based testing however; our on-campus lab is not Clinical Laboratory Improvement Amendments (CLIA) certified. CLIA certification is necessary in order to use the test for a diagnostic purposes and so Ryne and his team are still investigating just how far we can go with this in terms of maybe not using the saliva based test for a diagnostic purpose, but as a trigger to administer Broad testing for the handful of cases where it might be needed. Or, we may be able to partner with organizations in our area that do have CLIA certified labs. So, there are a number of possibilities being investigated.

The last thing I want to mention is that Ellen Greenberg and Chris Licata are converging on what will become our calendar for the spring. I don't want to say anything for certain yet. We're not in a position to do that. I will say that it appears that we will probably start in sometime in the last week of January. Although we have eliminated spring break, there's a very good chance that we will have three break days during the semester in addition to a Reading Day before final exams. I think within a week or so we'll be able to make a campus announcement.

**Title IX Sexual Misconduct Climate Survey Overview & Title IX Annual Report** (*presentation file available on [RIT Digital Archive](#)*)

Stacy DeRooy, Director of Title IX & Cleary Compliance

The 2020 Title IX Annual Report on Sex Discrimination was released today via Message Center and can be found [here](#). Today, I am going to talk about significant updates to Title IX that have taken place between May and August of this year and will also share some quite positive results from our bi-annual Climate Survey of students that took place in February 2020. I will also share the student and employee case data and our objectives for continuous improvement.

The Title IX changes were released on May 6, 2020. A group of us convened and worked collaboratively and quickly to arrive at some solutions by August 14<sup>th</sup>, the date the changes went into effect.

The most important thing to point out about the new regulations is the significant change in the definition of sexual harassment. It now has to be severe and pervasive and objectively offensive. This is considerably different from the NY state definition which basically indicates an offense that is more than a petty slight or trivial inconvenience. Title IX does also include dating violence, domestic violence, sexual assault or stalking (as defined in [VAWA](#)). We'll get in to how these things go together and also conflict a little bit.

Another scope of the new regulations is the definition of Educational Program or Activity. It is now very specific. The incident has to have occurred on campus, or if off campus, it has to have occurred in the United States. We now need to take into consideration a formal complaint. Anybody can file a report on behalf of somebody else or if they were told about a situation, but in order to proceed with a formal complaint, it must be signed by complainants themselves. Now, implementation of non-punitive, non-disciplinary supportive measures can't be applied until after formal resolution. This is a bit of a diversion from the NYS Enough Is Enough law which allows us to place some punitive measures or restrictions on the accused before formal resolution. The emergency removal processes are now very specific to physical threats to health or safety. This means we can no longer remove someone for emotional threats.

Another significant change is we now need to have hearing panels for not just student, but also employee cases and this requires additional staff resources. We have been pretty much aligned with providing access to evidence and investigative reports, but this is now spelled out in the regulations. The informal resolution process for certain cases does allow for grounds for appeal, so we're taking a closer look at that. There are enhanced training requirements which are pretty specific in terms of who needs to be trained and the extent to which they need to be trained in the topics for Title IX personnel, including investigators, decision makers, and advisors. There is significant intersection between Title IX and other laws including some conflict with NYS laws. We are working to be sure we are addressing all complaints that come forward, even if they don't reach the more narrow definition of Title IX.

Anybody can file a complaint, but we take a pause when we receive the report to make sure that we have reached the complainant and to assess if we are going to be handling it under Title IX which is the new [C27.0.0 Policy on Title IX Sexual Harassment for Faculty, Staff and Students](#) or [D19.0.0 Policy on Student Gender-Based and Sexual Misconduct](#) or [C6.0.0 Policy Prohibiting Discrimination, Harassment and Retaliation](#) for the entire campus. If the complaint doesn't fall under the criteria for Title IX, perhaps the geography requirement isn't met, we must dismiss it but will go ahead and process the case under D19.0.0 or C6.0.0. So we are still permitted to rely on those other policies and that is why as a group, we selected to create one policy for Title IX - C27.0.0 which applies to faculty, staff and students. If the strict definition of sexual harassment is met, as well as the geographic requirement, the case will be processed under that policy.

One thing to point out about policy C27.0.0 is it was approved at interim status so that we could have it on the books on campus by August 14<sup>th</sup>. We are continuing to assess it for effectiveness and compliance. Another point to note about it is if a complaint were to come in today, but the incident happened prior to August 14, 2020, we would not use C27.0.0. The date the incident happened determines which policy applies.

## **Title IX Program**

As a refresher, our objectives and requirements as a university are to stop the discrimination, prevent it from happening and remedy the effects. Sex Discrimination is the umbrella and these categories fall under that umbrella.

- Sexual harassment
- Sexual assault and violence
- Domestic violence
- Dating violence
- Stalking

All of these behaviors or allegations will still be addressed. For sexual harassment, if it does not meet the new Title IX definition of sexual harassment, we will address it in the other appropriate policies.

Having a Title IX Coordinator designated for the university who is accessible to the community is one measure that we take to fulfill those obligations along with policies that strictly prohibit sex discrimination and retaliation and having multiple avenues to report violations and providing prompt, impartial and thorough investigations. And we have put interim measures and accommodations in place when necessary making sure that folks have supportive measures and resources while maintaining equity for both parties involved in a case.

## **How does RIT fulfill Its Obligations?**

- Grievance procedures provide prompt and equitable resolution of claims
  - Corrective action that is prompt and proportionate to the behavior and severity of the violation
  - Notice of outcome to the all parties involved
  - We worked diligently over the summer to ensure that our C27.0 policy, along with the procedures give equitable resolution every step of the way, and that both parties have access to an advisor of choice.
- Training and education for the RIT Community
- Resources available to the RIT Community, constantly connecting dots and making sure those resources are widely published and available to all.

I've mentioned C27.0, C6.0 and D19.0 a couple of times, but just to recap, the strict harassment definition of quid pro quo, severe and pervasive and objectively offensive, dating violence, domestic violence, sexual assault and stalking for faculty, staff, and students falls under C27.0 depending on where the incident happened. All other claims of sexual harassment or any of those other categories, we can look to C6.0 or D19.0. We've been working hard particularly with Human Resources over the past couple years to really emphasize that not everything may rise to a policy violation. And word is really getting around, we see it quite often, where people report instances, they're not quite sure where it falls and that's okay. These processes are there to assess the behaviors. And at the end of an investigation, it might be that harassment and discrimination wasn't the case but there might have been some other inappropriate behavior that just does not fall within our core values at the university. So we do look to see if there are other policies that maybe have been violated or other areas where we can help bring some of the behaviors along to be in compliance with our values.

## **2020 Student Climate Survey**

New York State Education Law 129, requires us to provide a student climate survey every other year to our student body. We have been doing this climate survey since 2016 and this is our third iteration of it. Fortunately, we launched it in February prior to the COVID-19 outbreak and so we received significant results. The survey instrument that we use is from the Educational Advisory Board (EAB) and this year because of COVID there was a much smaller cohort of 15 universities across the country. In the respondent demographics from 2018 and 2020, I want to point out where you see NA in the columns for 2018 it's because those classifications or identifiers were not used in 2018. So that's why you see some additional categories in 2020.

“I feel safe at this school” question continues to be good news. This has been consistent since 2016. We've had 96% and 97% across the board for all student respondents feeling safe at the university. So I think that's a fantastic testament to the work of so many on campus. As you can see, it breaks out the demographics of our population of respondents and it lowers a little bit depending on the group, but still pretty high.

**Students Received Prevention Information Chart:** This is an exciting slide because the first year that we launched the survey, the numbers weren't so good. They definitely demonstrated a lack of students feeling they receive prevention information, particularly beyond the first year. So this year across the board, we see quite an improvement. All years together went from 54% to 74%. First year, we've always been pretty, pretty good. Because that's where a lot of effort goes to the first year students but that jump from for our second, third, fourth and fifth year students is just really phenomenal and I attribute that to all of the work that folks do across the campus with raising awareness from Student Affairs folks, Wellness, formerly the Center for Women & Gender, our connections with Advance RIT and the Title IX Office connecting those dots across campus and really stressing the prevention and awareness efforts.

On the Survey Results Comparison slide, the **Sexual Harassment-Made sexist remarks or jokes in your presence** question shows another pretty nice change. It dipped quite a bit from 54% to 46%. The rest of the numbers on this slide are a slight change, but still in the right direction, which I think is a very positive story to tell particularly the increase of feeling that the school would take my report seriously.

### **Student Data 2019**

This chart looks quite a bit different from last year and the reason is we incorporated several additional charges. We used to combine sexual assault intercourse and sexual assault contact as one category, but we broke it out this year as people expressed an interest in having more specific detail about what the sexual assault claims were like. We also included sexual exploitation and violation of a no contact order for 2019 because we were able to incorporate violation of a no contact order into the policy D19.0 when that violation applies to a Title IX case.

### **2018-2019 Comparison Student Cases**

- Reported complaints overall were down 23.9%
- Decreases in all three categories of sexual harassment, sexual assault overall, and stalking
- Pretty significant increase in dating and domestic violence, mostly dating violence. A lot of work has been done, particularly in Athletics and NTID using the onelove.org training. The One Love organization emphasizes dating violence for college and has been used the past several years in Athletics, which is a group of 600-700 students who receive this extra training. So although it's an unfortunate increase, the additional training for these groups will help students to be able to better identify dating violence and lead to increased reporting.

### **Third Party Reporting**

For the past couple years, we pulled out this information to emphasize the third party reporting. Fantastic story with the faculty. In the 2018 reports, there were no third party reports by faculty. But this year, 11 out of the 26 reports that came in were from faculty. I think that that really speaks to so many things - the reach, the education, but also the openness of our faculty to really embrace the expectations and better understand the reporting obligations.

### **2018/2019 Comparison Employee Data**

Twenty-eight cases were reported and processed through the system - an increase of complaints by 16.6%. Although an increase, I don't look at this as bad news, but rather that folks are feeling comfortable or recognizing behaviors that they do have the opportunity to report and have addressed. Fifty-two percent of the cases had a finding of no responsibility in 2018 vs. 50% in 2019.

### Makeup of Employee Complaints

This slide shows the breakdown of the types of employee complaints in 2019. There were a lot of staff against staff cases.

### Improvements and Updates

So I briefly alluded to the significant changes in Title IX for the employee cases that are going to be C27.0 employee cases, true Title IX. Because there's going to be a requirement to have a hearing, if the case goes through the whole process. We've never before had hearings for employee cases. With that, we also have to have available *advisors of choice* for both parties which we've also never had that before for employee cases. So we looked at the student process because Student Conduct has long had a really positive Advocate Program. Still in the early stages, but we are modeling an Advocate Program for our employees based on Student Conduct's which will include developing a pool of trained faculty and staff to serve as hearing officers, advocates, and appeal panelists. We've never had this opportunity before to engage faculty and staff and really entrench them right in the process. The hearings that will be available for employees will have a three person hearing panel there will be an attorney, a representative from Human Resources and then the third seat on the hearing panel will be a person selected from the advocate pool, who will be a faculty or staff member, depending on who the accused party is.

There's going to be increased training for all employees involved in the grievance process and most certainly the folks that are in this pool will receive at least eight hours of training annually on all areas of the Title IX process.

### Process Improvements for Students

- We had already incorporated a mutual resolution option into D19.0. Though we've not yet had a mutual resolution case, it's a nice option for students as it is less formal, but is a way to satisfy both parties.
- Addition of a third hearing officer for Title IX hearing. So prior to the new changes, there were always two hearing officers for Title IX cases. For Title IX cases moving forward, there will be the inclusion of an attorney on the hearing panel along with the two trained student conduct hearing officers.
- Increased training for all employees involved with the grievance process, that's an improvement for the student cases as well.
- The process improvement for students also includes the addition of a new Title IX Deputy Coordinator, Lana Versage, the director of Women in Computing in GCCIS. We were able to identify some increased numbers and challenges in GCCIS and Dean Haake was in full support of having a Deputy Title IX cCoordinator embedded in the college, so Lana has been working with us in an add-on to her to her role at RIT. So when students in GCCIS are involved in a Title IX or D19.0 incident, we're able to call upon Lana, who was already there within the College and she's also helping us to identify opportunities for enhanced training workshops programming across the college.

**Q:** Great presentation and impressive to see that many of our students evaluate RIT as a safe place. Is this something that gets advertised in our website where students and parents go to look for colleges, because I'm sure many parents want to send their kids to a safe place. So we have proof that we are a safe university. So that's something that we can do.

**A:** I am not going to speak on behalf of what we might post for admissions, but I can speak to the annual Clery Report of crime statistics which is under my purview, as well as the data that the Title IX Office publishes for the specific instances. It definitely paints a picture, but folks might not necessarily correlate it that way. It certainly is transparent in showing families and incoming students the statuses for crimes on campus.

**Q:** If I heard you correctly with regard to the hearing panel for faculty, you said that one of the three people would be an attorney. I'm curious, is this attorney chosen by Human Resources?

**A:** No, the attorneys that are going to be utilized for that purpose were selected by Legal Affairs. We have four kind of on deck, to call on when needed.

**Q:** I'm still a little curious about that, because depending on the situation is that entirely objective with regard to perhaps a faculty member who may be involved in something if the Legal Affairs is coming from RIT?

**A:** Erika Duthiers replied that we did retain the counsel on behalf of the university. But certainly, they are there to act as an as a neutral panel member and they will be one of three panelists and so their opinion will have equal weight, but there'll be somebody from HR there as well as well as a third party which will be a faculty member who will also sit on that panel. So they're really there because the Title IX regulations are extremely complex this year. They require the panelists to essentially make relevancy determinations based on each question and to really apply the rape shield laws which I would say we don't have that expertise on campus. And so there was really no other way for us to make sure that we could adhere to the Title IX regulations.

**Q:** Not so much a question as to comment on the slide on the general feeling of safety. Maybe the absolute numbers are okay, but there is a gap that exists between AALANA population and the general population, and that gap grew between 2018 and 2020. So it caught my attention that it's not going in the right direction. And with the survey results comparisons, it struck me that approximately 50% are "hearing sexist remarks or jokes in your presence" and that to me seems pretty concerning while it may not rise to the level of action, I think it speaks to climate and maybe things that are kind of under the surface. So, I just want to at least highlight those things that jumped out for me in terms of things to be concerned about.

**A:** Yes, for sure and to your point about the numbers who've experienced sexual harassment, that data point from 2018 was from a report Margaret Bailey included in a presentation to Academic Senate last year, which also included data from other sources, and it did get everybody's attention, quite honestly. While the remarks and comments we know are not the highest level, we know that we have to address the lower level right comments and the one off issues to stop it from snowballing. So, we definitely are working on the culture and it's not something that the Title IX and Office of Compliance and Ethics can address alone. We have a framework and we're working with different constituents across the campus. I sat on the Sexual Harassment and Discrimination Task Force in recent months. Their findings and recommendations will be delivered soon. We need to come together collectively as a campus and address sexual harassment because it absolutely speaks to the climate.

**Q:** That was actually a great segue into my question with the student data, the sexual assault intercourse and contact the outcome was only suspension. That's a little concerning, especially when we talk about the culture on campus. And if we are trying to stop the culture of even, you know, sexual harassment comments and yet, if someone is raped and the only outcome is suspension for the rapist and not expulsion, so I'm kind of hoping that you can explain, the defining parameters between suspension and expulsion.

**A:** Sure. First I want to say that the instances of rape on this campus are predominantly based on consent. So we are not talking about instances of force. And I'm not trying to diminish in any way but when we use the term rape, I think it conjures up different things for different people. Most of what we see is certainly matters of consent. Oftentimes in these cases, people maybe have had a previous relationship and the victim themselves, the complainant, is what we call them, the complainant themselves are not interested necessarily in suspension. So we do take into account the severity, we take into account the pervasiveness, and we also take into account the complainant's wishes. Expulsion is really reserved for offenses where there is no turning back. The individual based on their behavior are just not ever going to be welcome here again. The conduct process in general is intended to be educational. Sometimes we do have to take punitive measures and the idea behind a suspension versus an expulsion, is that the collective decision of the decision makers who are the hearing officers believe that the offender can rebound and with some time away and with some other components because it's not ever just suspension - there's always an expectation of education or of a quality experience while they're away, so they can't just be sitting on the couch playing games and things, the expectation is that they've done some work to demonstrate that they can come back and be a member of the community.

**Q:** I'd like to echo some of the comments that have already been made. The first is the one that Ram made. If we actually have data that suggests that we are significantly safer than other top 100 schools or something along those lines, I do think it'd be worthwhile to share that. I also think it will be interesting to try to benchmark and see what the other schools are better than RIT on any of these things and what they are doing differently. But I imagine that perhaps the Task Force has done this. Another point I'd like to echo is around expulsion. I remember last year we did actually have an expulsion and I saw that as good news. It shows that we actually are serious that if you rape somebody we don't just ask you to get some training and then come back and you know hang around with the person you raped before. I would echo the sentiment that there is a certain point where this isn't just educational. This is about keeping the rest of community safe. I was asked by a number of senators to ask you about the withdrawal of charges. Several people felt that the percentage of people withdrawing charges is rather high. Can you clarify what's up with the withdrawal situation here?

**A:** So we classify it as complainant withdrew, but that often is reflective of a third party report. So it's not a situation where the complainant started the process and then decided to back out of it. Most of the time, the highest percentage of those cases came in from a third party report. So an example would be, a student shared with their faculty member that they have not been present because they were sexually assaulted. The faculty member reports it and our office reaches out immediately to the student. The student oftentimes either doesn't respond or says thank you, but I'm not reporting it. At that point, we consider that a complaint that has been withdrawn. So that's where those numbers predominantly come from. Very few cases are when a student starts the process and then pulls out of it.

**Q:** Under the Obama administration, the Title IX language in terms of an incident or series of incidents qualifying as sex discrimination, the language back then was severe or pervasive, not severe and pervasive. And the pervasive word was always thought to relate to things happening over time. So, it could be something that was sufficiently severe that would qualify. Or maybe it's not all that severe, but it just simply won't go away because the perpetrator refuses to quit. Now with a new language severe and pervasive, I'm wondering how we interpret something like sexual assault. Sexual assault is absolutely severe, but if it only happens one time is that pervasive?

**A:** It doesn't have to. So those VAWA charges, do not have to be severe and pervasive and offensive. That severe and pervasive speaks more to the sexual harassment.

**Q:** Okay, thank you. And then a second question is, are we far enough into applying the new regulations? Do we have any experience yet with a hearing where there's representation and there's cross examination?

**A:** We do not yet. Some people tell me not to say anything because I'll jinx us, but it's actually pretty disappointing, from the perspective that we need to get this experience. We need to be able to roll out these procedures and to date of the cases that have come in on the employee or the student side, they have not been C27.0 cases. We do have two student cases that qualify in fitting the definition, but the complainants have yet to file a formal complaint. So they may be handled with less formal resolution, depending on what they want. We were definitely anticipating that we will have such cases, but so far, none have met the mark of severe and pervasive and objectively offensive. And as you know, most of the cases on the employee side are in the sexual harassment category. So we're really looking at them through those lenses and they just haven't come in yet.

**Q:** Well, let me voice one fear I have and then you can tell me whether I'm off base or not, but my impression is that in years gone by, and let's just talk about students. Students would rarely file a charge with the authorities and they would more often pursue a remedy through the university, but now with the new regulations it seems like our processes within the university are forced to be much more like a legal system, something that would happen in the courts with the cross examination and what have you. So my fear is that our students may be less likely to want to pursue a remedy through the university. What's your opinion on that?

**A:** I wholeheartedly agree. I think that it definitely may have a chilling effect on reporting. That's why we're striving to coordinate our efforts and making sure all of the right people are at the table with the planning and with the

assessment. I mean, make no mistake about it, as soon as these first C27.0 hearings go through, we will be doing debriefs and we will be assessing how it was for the parties and will really reflect on what it means. We can't necessarily change anything, but there are other options too. So if a student comes in and it is a true C27.0 matter, but they aren't looking forward to the hearing, we can certainly provide other options. It might not be a punitive remedy holding somebody accountable. The only way to do that is to go through the hearing process. But we can do things like no a contact order or we can have conversations with folks. So there are options, but if it's a true C27.0 and somebody wants to hold somebody accountable, the only option will be a hearing.

**Q:** So going back a little bit if maybe I heard this wrong, but is it now harder to do the emergency removal process for physical threats to health and safety or did I hear that incorrectly?

**A:** It's not more difficult, but we need to make sure we're conducting a proper threat assessment. I'll just give an example. When the Enough Is Enough law first came out in 2015, it kind of gave us the authority to at the beginning of an investigation, with just a complaint, remove a student without having gone through hearing. Eventually the hearing would happen. But now, it really hold us accountable to ensuring that the reason we're removing someone is because there is actually a physical threat. Some folks might argue that if someone is accused of sexual assault, there is a physical threat. And again, I can't stress enough that predominantly our sexual assaults are a matter of consent, they're not a matter of somebody breaking into a room. So we assess every case. We have a threat assessment process when there is violence involved in the allegation. And then it's assessed accordingly.

**Q:** Can you tell me what consent means to you? Like there was consent because consent in my mind says Yes, let's do whatever, but then that's not rape unless they're intoxicated or they say no during the act. So what does consent means in relation to this?

**A:** There's a very specific definition of consent that we have used since 2015. It was put in place because of the New York State Enough Is Enough law. This definition is used by every university and college in the state of New York. The catchphrase that goes along with it is "yes means yes." Gone are the days of "No means no." There has to be a yes. It has to be enthusiastic consent and it has to be every step of the way. Consent can be withdrawn at any time. Certainly incapacitation does not equal consent. If either party is incapacitated or sleeping, there is no consent. The age of consent in New York is 17. You can certainly take a look at that. It's in in all of our policies and the Title IX web page as well.

**Q:** This is obviously a big challenge and I appreciate all the energy that's being put into this to help keep our community safe. Given the fact that many of our students' frontal lobes and judgment centers are not fully formed, I think they need help and guidance along the way and I appreciate everything your office is doing. I guess maybe I missed it, but I'm concerned about cases where there's been an incident, but if the person who is the victim of the case is not interested in pursuing it what is the position of the university in that case? Because clearly in our community, if there's a call with domestic violence they bring the perceived offender in and the victim is not really given much of a choice. Because certainly someone who commits what might be viewed as not really an aggressive act could certainly move in that direction, after even one initial incident. So I just wondered what is our responsibility as a university to still hold that student accountable for their behavior?

**A:** That's a great question. We have occasional cases where we know that something severe happened, we're pretty confident based on all the information, whether it be witness accounts or other evidence that had been brought forward and for whatever reason, the victim does not want to go forward. The Title IX Coordinator has the discretion and it's embedded in law in both New York State law and Federal Title IX. In rare circumstances, I can bring the case forward. We do not do that often because, there's a huge piece about the empowerment for the victim. We definitely do a treat assessment and we engage Public Safety. We don't do it in a vacuum, by any means. We really try whenever possible to follow the lead of the complainant. But there are rare instances, if there's a threat to the greater community and certainly if the person is a repeat offender. So maybe this new case the complainant doesn't



want to move forward, but we had a previous case, so we might move forward. We did have a student case last year, the complainant was hesitant, but there was a witness account and there was so much evidence we couldn't in good conscience not move forward with it because we essentially knew that it had happened. But those cases with domestic violence are pretty rare. They are a little bit more complex, especially if the people have been together for a while. And there's usually a lot of emotion involved and getting one or the other party to bring it forward is just not easy, by any means.

**Q:** You said that it was a matter of consent, rather than violence. Does that mean that there was consent and then at some point consent was withdrawn, but the perpetrator did not actually stop when they were supposed to stop or does it mean something other than that?

**A:** Not always, but sometimes, yes. Sometimes people meet online and they talk about all the things that they're going to do and when they finally get together maybe somebody decided that's not really what I meant. Or I thought I meant it, but I don't mean it now. That's one example. But certainly there are issues where there's no consent from the beginning or force isn't used, but there's constant persuasion. There might be not force or intimidation, but maybe there's a situation where somebody doesn't ask. We've had many situations where people are sleeping and things happen. So, certainly consent wasn't given at that point. So, there's a lot of variation with consent. It's really difficult for hearing officers. They have to muddle through that but that's what they're trained to do and they do a great job at it.

**Q:** Legally, can you keep track of names of people who may have done things and the complainant chose not to file a complaint, to see if there's a pattern?

**A:** Yes, we definitely keep track when a complainant doesn't move forward. Monitoring trends is part of my role. If things are happening, in a particular geography or group or certainly if one person's name has come up previously. In terms of going back to someone to say "Well now, somebody else is filing a report. Do you want to file one now?" is a little trickier. We see that sometimes on police shows that that's a tactic that's used. We shy away from it because there are privacy concerns and oftentimes what I hear from complainants is they really did not want to go through the process or that they really were not interested in reporting their sexual assault, but they did not want it to happen to somebody else. And when we talk about delays and reporting that's often one of the main reasons people arrive at deciding that they want to report it. We have to be creative if we have multiple complaints against the same person to not provide too much information because certainly if the accused person is a student, they have rights as well.

Dr. Munson commented: I think a lot of us are very inclined to meet out severe punishment, if you will, when various things happen and to really just do everything possible to keep our community safe but you should also know that if we take severe actions and we do not have sufficient evidence, then we receive lawsuits and this absolutely happens. And I want to commend Stacy and her associates for driving the car right down the middle of the road. I think we are keeping our community relatively safe. And yet not subjecting ourselves to some other negative things that that might occur at least not at great frequency. So thanks a lot, Stacey, we very much appreciate your work.

### **U.S. News Top 100 Ranking**

Joan Graham, Asst. VP, Institutional Research

For nearly four decades now, U.S. News has published rankings annually of The Best Colleges. That's what they call it, and RIT's ranking this year was 112. What I want to mention here is that there are a tightly grouped set of schools right around that 100 mark. And so what you're looking at here is RIT and the other five schools that scored 112. But what you also see are another 15 schools that scored one or two ranking spots right ahead of RIT. Very small differences in overall score can influence your overall ranking. You may recall that over the last five years, RIT has moved up or down just a little bit. I think the highest we were ever at was 97, we've been at 100 to 104, etc.

So to rank universities US News collects 17 different indicators of academic quality and they use that information to calculate a score for each university. You're looking here at the 17 indicators and sub-factors and those are grouped into 66 factors. Forty percent of a school's score is related to student outcomes and 35% of that are tied to graduation metrics so, persistence and graduation metrics. So you see the freshmen retention rate, which we call at RIT our one year persistence rate. We have our average six-year graduation rate and that's worth almost 18% on its own. Graduation rate performance is our actual six-year graduation rate compared to a predicted rate that's calculated by US News. And then two different Pell graduation metrics. So our graduation rate for students who receive Pell grants and then there's a second measure that is the difference in graduation rates between students who receive Pell Grants versus those who do not. So all together those measures account for 35% of our score.

New this year is a graduate indebtedness metric and that now accounts for 5% of our score. It refers to the percent of our graduates who graduate with federal loan debt and the average amount of that federal loan debt. To make room for graduate indebtedness, US News reduce the weighting of the student excellence factor number five down there below and alumni giving. So you see those two in red. And you will see a trend in which US News is reducing the weight on what they consider input factors such as student excellence. Other factors include faculty resources (20%), expert opinion (20%), and financial resources (10%). In the next couple of slides, I'll go into detail about a few of those.

So, US News refines its methodology each year and in the last three years, they've made a number of changes. The general trend, as I mentioned, has been to reduce the weighting given to input factors such as expert opinion or student excellence and to increase the weighting allocated to outcomes like graduation rate and Pell graduation rates and graduation rate performance. There's one methodology change that I did want to draw your attention to and that happened in the 2020 ranking year. In that year, the Carnegie classification system made an update that resulted in 85 more universities being classified as doctoral universities. So then, in turn, US News incorporated that change into their rankings and they added 85 schools into the National University category, including four that then landed in the top 100. Carnegie does make updates to its classification, but usually not quite this significant. If that had not occurred that year, RIT's rank and what have in fact been 100 instead of 104. So, it's a good example of how changes in methodology or changes and factors that are outside of the university's control can have an impact on our overall ranking. And in addition to that impact on overall ranking, you'll see how the addition of those 85 universities had an impact on some of the sub sectors.

So, this slide is a visual representation of RIT's strengths and opportunities on the ranking factors. We've mapped RIT's rank on each of the factors you see along the horizontal axis versus the ranking weight along the vertical axis. And on the factors where RIT scored above 100 those are to the right of the vertical line and the factors, where RIT's ranking weight was 15% or higher, they're shown above the horizontal line. So what we see is that RIT continues to do well on expert opinion and student excellence, expert opinion in particular is significant in that the ranking weight is 20%. You can also see at high level RIT's opportunities in both the yellow and the red. So the red represents the areas that we really will rank the lowest on, but they also hold the least amount of ranking weight. And then in yellow, you see two different graduation related factors, the graduation retention rank and also graduation rate performance. You also see faculty resources and you see financial resources. So that's a high level view of our strengths and opportunities.

Delving into a little more detail, I wanted to share with you some information about our RIT's expert opinion score, otherwise known as kind of our academic reputation score. So this is a strength for RIT. Academic reputation is measured by an annual survey that goes out to university president and provost and admissions leaders and they provide an overall evaluation of each university on a one to five scale. So this year RIT's reputation score based on that survey was 3.5. Also shows are other universities that received a reputation score of 3.5 and a couple that have a score of 3.4. And I think what's really impressive is when you look at the overall US News rank, which is to the right, you see that nearly all of the universities, who have a reputation score of 3.4, 3.5 are in the top 100 Best Colleges and

many of them are in the top 50. So this tells us that are RIT's academic reputation - that we're hanging with this group is a source of strength for us and we're definitely performing above our overall ranking in this area.

So another strength, for RIT is in student excellence. Here you're looking at RIT's US News rank for student excellence on the left and then our overall rank on the right. And the grouping of schools we're included on this slide, are some of our RIT's peer universities. A school's student excellence rank is based on standardized test scores, so SAT and ACT scores, as well as the percentage of students who are incoming to RIT who are in the top 10% of their high school class.

One thing that I meant to mention at the beginning is all the data that we're looking at is pre-COVID. And so there really was no effect of the pandemic on this data. However, there clearly is going to be a major effect on future data. And U.S. News said that they're strategizing about how to handle that and we don't have information yet. But the reason I thought about it now is when we're talking about high school data and standardized test scores. It's possible that U.S. News may even remove those for a year or make some other accommodation. We just don't know yet. But generally speaking, RIT does very well on those factors. And in fact, the student excellence rank for this year, for RIT was 79 and we consistently score or rank in the top 100 in this area. You can see that many of our peers also do very well on this measure and it shows as you'd expect that we're in a group of academically selective universities. Student excellence is another area where we're over performing relative to our overall rank.

So moving on to opportunities. One of our primary opportunities relates to undergraduate student success as measured by persistence and graduation rates. So what you're looking at here are the five ranking factors related to persistence graduation rates - their weights, RIT's scores and ranks on those factors – and then the mean values for institutions that were ranked somewhere between 90 and 99 in the best college rankings and then we included a few of our peer universities, just really examples of how they scored on these measures. So what you can see is that for one-year persistence rate, and the one-year persistence rate refers to of the students who start in a given fall, like fall 2019, the percent who returned for a second year, and our rate, for U.S. News purposes, was 89%. Those values represent an average over a number of years.

So, for RIT's one year persistence rate, our Pell graduation rates and the gap measure between Pell and non-Pell graduation rates our rank is around 100, which is around where overall rank is, so it's not a significant strength, but they're also not major opportunities. We're kind of performing where you might expect, given our overall rank. On the other hand, the six-year graduation rate which is an average rate over four years and our graduation rate performance metric, our actual rate versus what U.S. News predicts we should we should be at, those are areas of opportunity because our rank on those factors is 147 and 171 which is substantially lower than our overall rank of 112. So that's an indication of opportunity and then just looking over to the right, you see that institutions rank between 90 and 99 have graduation rate, typically a few points higher and those three peer universities have graduation rates in the mid to upper 80s.

So just one more slide on undergraduate student success and six-year graduation rate. We wanted to show you some information for other universities that have co-op programs. We do get questions a lot around the role of co-op and graduation rates because as we all know, we have many, many five year programs. And it may be more difficult for our students to graduate within six-years as compared to other universities. So here's some information about other schools. One thing I don't know off the top of my head is whether the programs at these universities are four or five year programs and certainly their incoming students have different characteristics. Drexel is probably the most similar to RIT in terms of incoming student characteristics and their retention and graduation rates. But regardless of kind of the rates for the individual universities, what we'd like to see for RIT is that our graduation and retention rank, which is 136 this year, to be equal or above our overall rank and so that is another indication that this is an opportunity for us. I would be remiss to not mention and I'm sure this group knows, that we are making continued upward progress with respect to six-year graduation rate. And in fact, RIT had its highest year ever with a 72.7% six-year graduation rate. So we certainly are making progress.

Moving on to faculty resources. There is a lot of information on this slide, but I'll try to walk you through it. So faculty resources is worth 20% of our overall score and U.S. News uses five factors to assess schools resources related to instructional faculty: a class size, average faculty salary, percent of instructional faculty who hold the highest degree in their field, percent of full time faculty, and student faculty ratio. Class size rank accounts for 8% of the score, faculty salary accounts for 7%, the percent highest degree accounts for 3%, and then the other two each account for 1%. So overall faculty resources is an opportunity for RIT because our rank was 166 which is lower than our overall rank. Again, we want to see that move higher. A couple of things to note though. So if you look at the class size rank number one here and you see that it's 173 for this year. But you can't see on this slide, but is important to know is that this rank was impacted by the addition of those 85 schools, one year ago. So, two years ago, our class size rank was 106 which actually is very close to 100. Last year, our class size rank was 161 after those 85 schools were added and our metrics related to class size have not changed very much at all. This year we're at 173. So there certainly is an opportunity with respect to class size, but it's not the magnitude that that 173 rank suggests. Another thing that I'd like to point out with respect to average faculty salary is that at 120, again that's a bit lower than 100, but two years ago we were ranked it 150, so we've really made quite a bit of progress with respect to faculty salary.

And then finally the percent of faculty who have the highest degree in their field. This is a metric that RIT does continue to improve on as well. We, continue to score lower than many of our peers, simply because our percentage is just a lot lower, but a few years ago, we weren't even at 70. So we are making progress and it's not an easy metric to move on its own.

So then we have graduate indebtedness, which is the metric or set of metrics that are new to the 2021 rankings and here you can see that RIT is ranked at 360. So certainly we would have liked to have been higher in the rankings on this measure. There are a few things that I'd like to point out. The group of schools included on this slide, our other peer universities who are also private institutions, in general we see that public universities outperform private universities on this measure. Most of the peers that you see on this list also struggled on this measure and that their rank was 250 or lower, and that there is quite a big difference between a university's rank on graduate indebtedness versus their overall rank, which is to the far right. Additionally, there is a relationship between the percentage of students who receive Pell grants, you see it's 30% for it and subsequently, the percent of graduates who have federal debt and the amount of debt. So, RIT serves the highest percentage of students in this group who receive Pell grants and its net price is one of the lowest. But it also does have one of the higher percentages for graduates who hold federal debt and the amount of that debt. It's a challenging couple of measures.

So ultimately, what are the levers that RIT can pull to make progress in the rankings? Specifically, we were asked, what would RIT's overall rank be if we were able to achieve a rank of 100 and graduation rates, financial resources, and faculty resources. So we looked in scenarios, one, two, and three. We looked at those three things independently. And what we found is that if we are able to achieve a rank of 100 on financial resources, we would estimate no change in our overall rank. If you recall financial resources is worth 10% of our overall score. If we are able to achieve a rank of 100 on the graduation and retention factor, we estimate that our rank would move from 112 to 96, everything else being equal and that represents an improvement of two ranking spots, given the number of institutions who are tied around 100. If we were to achieve a rank of 100 on faculty resources, we expect the same effect and jump from 112 to approximately 96. And then finally, if we were able to achieve a rank of 100 on all three of those factors we estimate that our rank overall rank would improve to 89, which represents three rankings spots. And so that exercise, shows where some of those levers may be, obviously, even within those factors there are multiple measures within.

**Q:** I think that this is a really exciting and interesting presentation and very helpful to understand what's going on and how we might be able to get our status up above 100. I have two related questions about graduation rates and retention. What are we doing to improve graduation rates and if our female students have higher graduation rates than male ones, how we can leverage that to improve graduation and retention rate and therefore our ranking?

**A:** You are correct in that female students tend to persist and graduate at substantially higher levels. It depends on the year, but it may be anywhere from 7% to 10% difference in six-year graduation rates. And typically we have found that that is across majors, disciplines, and colleges. So certainly enrolling more female students is also one of our strategic plan goals in terms of diversifying the campus. In terms of student success strategies, I would look to Ellen Granberg but, I do sit on the Student Success Steering Committee and there are a number of initiatives underway to promote student success. We are involved in a student success predictive modeling project where we're working with Academic Affairs to identify students early who are at risk of leaving and to incorporate that information into the existing student support systems. That's happening with pilot departments right now. I know that Chris Licata is overseeing a group of associate deans, I believe, looking at courses with high DFW rates and pinpointing strategies to increase the completion rates for those courses.

**Provost Granberg added:** The Student Success group has been working together for a long time, but in the earlier years of their work they were focused on on-time graduation rates. And you can see the progress that RIT has made in on-time graduation rate. So to give you an example, the 2010 cohort, which is five cohorts ago, the on-time graduation rate was 46%. In our most recent cohort the on-time graduation rate was 55%, so we gained almost 10 percentage points over five cohorts. It's only been in the last year or so or a couple of years that the committee has really turned their attention to six-year graduation rates but they know a lot about how to improve graduation rates. And so I think we're going to see some progress in the next few years.

**Dr. Munson commented:** And I will add that certainly part of the recipe has already been discussed and this is for us to acquire more women students because the women do very well and we do expect to do that through some new curricular offerings over time and recruitment strategies. One thing that is going to help us, and I hope people don't get tired of hearing me talk about this, but it's the Performing Arts Scholars program because half of the students in that program are women. You may think, well, that's not very many students. And yes, the first year was kind of a trial basis. We had about 150 students. This year we have I think 380 students. Next year's freshman class we're targeting something more like 500 students. And so these numbers are really going to start adding up. And one thing we saw with that first Performing Arts Scholars class, now in their second year, is the persistence rate from the first year to the second year for the student body at large that freshman class at large was only 86% and of course that was partly affected by the pandemic, but the persistence rate for the students in the Performing Arts Scholars Program was between 92% and 93%, so very different numbers there. And so I think that will give us some boost in the future. Another thing is that over time we're inevitably going to be attracting at least some students from wealthier families. I think the percentage of Pell students will go down somewhat. We're not looking to have that go down too far because we feel that's a really important segment to serve. But as we attract more students from wealthier families, and frankly, the students often have had advantages that other students haven't and also they probably gone to very fine school systems. I think that's another thing that's going to affect our six-year graduation rate in a positive direction. And so I'm predicting that something like five or six years from now, the numbers we're seeing are going to be pretty dramatically improved, but they need to be improved. We are too low compared to our peers.

**John Treirweiler commented:** First of all, Joan, great, great job. I have just a couple of bonus statistics. The U.S. News also looks at different variables within the experience that students have and they really are pretty exciting and very marketable things for us. So for example, we're ranked 50th as the most innovative school in the country or ranked 33rd for best value. On the pure metric alone that you discussed Joan, we had been 64th but the other one is the just the academic and real world experience so in terms of co-op we're ranked 11<sup>th</sup>, in terms of undergraduate research, research ranked 44<sup>th</sup>, but for both of those co-op and undergraduate research, there's only nine universities in the country that are ranked in both of those and we're one of them. The company that we're with includes Stanford,

MIT, Cornell, Carnegie Mellon, Duke, and Georgia Tech. So, I think that's something to celebrate and talk about further as part of the RIT story. So I thought, just thought I'd share that with the group.

**Bob Finnerty added:** Wonderful presentation. It might be valuable for us to also do a similar exercise for the [Wall Street Journal/Times Higher Education survey](#). The reason I say that it's a completely different metric set and if I had to take an educated guess, I think that the Wall Street Journal/Times Higher Education Survey someday will surpass U.S. News popularity because even though U.S. News is the granddaddy survey, they no longer produce an actual news publication anymore like they used and the Wall Street Journal is the Wall Street Journal. Also, the architect of the U.S. News survey, Robert Morse, has been doing this for 40 years and at some point, he's going to retire. So I think that's something to keep an eye on as well.

**David Munson commented:** Thanks for that suggestion, Bob. We can look at any of these polls and again we can disagree with the rankings methodology and what have you. But I'm always one who wants to be competitive and says that no matter who makes the rules we want to win the game. And so, you know, I would like to see us do well in all of these surveys.

#### **New Business**

- None

Meeting adjourned at 4:44 p.m.

Attendance – see next page.

**Attendance October 14, 2020**

Name	Relationship to UC	Attended		Name	Relationship to UC	Attended
Aguilar, Christian	Member-SG			Lindsay, Susan	Member-SC	x
Buckley, Gerard alt. B. Hurwitz	Member-Dean	x		Liu, Manlu	Member-AS	x
Castleberry, Phil	Non-Voting Member			Loffredo, Joe	Non-Voting Member	
Clarke, Cathy	Member-SC	x		Lutzer, Carl	Member-AS	x
Castillo, Jaime	Member-SC	x		Maggelakis, Sophia alt. Larry Buckley	Member-Dean	x
Cohen, Lindsay	Member-SC			McQuiller, Laverne	Member-Dean	x
Cuculick, Jessica	Member-AS			Miller, Heidi	Member-AS	x
Cummings, Twyla	Member-Dean	x		Mortimer, Ian	Non-Voting Member	
Custer, Jacob	Member-SG	x		Mozrall, Jacqueline	Member-Dean	
DeHarder, Shine	Member-SG	x		Munson, David	Non-Voting Member & EC	x
DeMay, Patrick	Member-SC	x		Nasr, Nabil	Member-Dean Alt	
Doolittle, Dick	Member-Dean	x		Nickisher, Heidi	Member-AS	x
Durand, Joline	Member-SG	x		Ortega, Jared	Member-SG	x
Edwards, Doreen	Member-Dean	x		Pinkham, Jo Ellen	Non-Voting Member	x
Edwards, Patrick	Member-SG	x		Prescott, Joanna	Member-SC	x
Ellis, Jacob	Member-SG	x		Provenzano, Susan	Non-Voting Member	
Esterman, Marcos	Member-AS	x		Raffaella, Ryne	Non-Voting Member	x
Engström, Tim	Member-AS			Ramkumar, S. Manian	Member-Dean	x
Fagenbaum, Barb	Member-SC			Reeder, Gina	Member-SC	x
Ferrari, Christopher	Member-SG	x		Rutenber, Daniel	CMember-SG	
Finnerty, Bob	Non-Voting Member	x		Simpson, Emi	Member-SG	x
Granberg, Ellen	Member & EC	x		Sood, Harshita	Member-SC	x
Haake, Anne	Member-Dean	x		Stendardi, Deborah	Non-Voting Member	
Hall, James	Member-Dean Alt			Stiner, Holly	Member-SC	x
Heyman, Emily	Member-SC	x		Teal, Michelle	Member-SC	x
Hull, Clyde	Member-AS	x		Thomas, Shawn	Member-SC	x
Jenkins, Keith	Non-Voting Member	x		Trierweiler, John	Non-Voting Member	x
Johnson, Sandra	Non-Voting Member			Vallone, Lindsay	Member-SC	x
Jokl, Todd	Member-Dean	x		Velamuri, Sri Chartitha	Member-SG	x
Juergens, Alyssa	Member-SG			Watters, James	Non-Voting Member	
Kiely, Becky	Member-SC			Zion, George	Member-AS	x
Krutz, Daniel	Member-AS	x				

Key: EC=Executive Committee; AS=Academic Senate; SC=Staff Council; SG=Student Government

**Interpreters:** Catherine Kiwitt and Jeneca Saeva