

FACULTY AND STAFF REPORTING OPTIONS AND RESOURCES

For Complaints about Discrimination,
Harassment, Sexual Misconduct, and
Sexual Violence



UNIVERSITY of
ROCHESTER

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Introduction

The University of Rochester is committed to the health and safety of every member of our community and to creating an environment where everyone is treated with dignity and respect.

If you have experienced sexual misconduct, the decision to seek support is a personal one. Whether or not you choose to do so is entirely up to you. This guide provides information and resources available at the University of Rochester and beyond for faculty and staff who have experienced sex or gender discrimination, sexual misconduct, sexual harassment, sexual assault, stalking, and dating and domestic violence (also known as intimate partner violence). This information is also available online at rochester.edu/sexualmisconduct.

If you believe that you have been discriminated against because of your age, color, disability, ethnicity, military/veteran status, national origin, race, religion or creed, or on the basis of any other protected class, see options for reporting “Reporting Discrimination or Harassment ” at the University on page 6.

First Steps

Your safety is the number-one priority. If you have experienced physical or sexual violence, get to a safe place and seek help. You are not alone. There are many people who can provide medical and emotional support, regardless of whether you choose to pursue criminal proceedings and/or file a complaint with the University.

If You Need Emergency Assistance (24-Hour Response)

- Call the University’s Department of Public Safety (DPS) at (585) 275-3333.
- Dial #413 on campus blue phones.
- Call 911 (Police Dispatch, Monroe County Emergency Communications).

Seeking Medical Treatment

It’s important to get care as soon as possible. Even if you feel okay, you may have hidden injuries or need to explore options for preventing pregnancy or STDs. Drugs used for emergency contraception and to prevent STDs have a limited timeframe within which to work. In addition to receiving medical attention, clinicians can assist you in collecting forensic evidence. You *do not* need to file a report to receive medical services.

It’s important to know that

- A friend may accompany you to the emergency department.
- You may request a counselor from RESTORE, a local rape crisis service agency, to meet you at the emergency department to offer support. Call RESTORE at (585) 546-2777.
- Emergency contraception, also known as “Plan B” or “the morning-after pill,” is available for purchase without a prescription at University Health Service. An appointment is not needed.

In Rochester, medical treatment is available at

- **University Health Service**
www.rochester.edu/uhs
 - River Campus
(585)273-2662
UHS Building, 738 Library Rd., First Floor
 - Medical Center
(585) 275-2662
250 Crittenden Blvd., Room 1-5077
 - Eastman School of Music:
(585) 274-1230
Student Living Center, 26 Gibbs St., Room 106
- **Strong Memorial Hospital**
urmc.rochester.edu
(585) 271-2100
601 Elmwood Ave.
Sexual Assault Nurse Examiners are available.
- **Rochester General Hospital**
rochesterregional.org
(585) 922-4000
1425 Portland Ave.
Sexual Assault Nurse Examiners are available.
- **Highland Hospital**
urmc.rochester.edu/highland
(585) 473-2200
1000 South Ave.

For individuals who do not have medical insurance or may not want family to learn about an emergency room visit, the New York State Office of Victim Services may be able to assist with the cost of medical services related to sexual violence. For information, call (800) 247-8035 or visit ovs.ny.gov/help-crime-victims.

Sexual Assault Nurse Examiners (SANE)

Strong Memorial Hospital and Rochester General Hospital have certified Sexual Assault Nurse Examiners (SANE) on staff. These registered nurses have received special training and can provide comprehensive care to sexual assault patients in a sensitive, nonthreatening manner. In addition, they are able to conduct a forensic exam and may provide expert testimony if a case goes to trial.

Collecting Physical Evidence

Collecting physical forensic evidence—hairs, fluids, fibers—within 72 hours of an assault helps preserve your right to decide at a later date whether you wish to go forward with the criminal justice system and/or file a complaint under the University's process. You *do not* need to decide whether you want to make a report about the incident immediately, but you do need to have the evidence collected as quickly as possible.

The Rape, Abuse and Incest National Network (RAINN) advises that you—if you are able—try to avoid disturbing or discarding evidence that might have your attacker's DNA on it before you seek medical care. Do not urinate or defecate; shower, bathe, or douche; brush your teeth or gargle; brush your hair; or throw away clothes worn during the attack.

Taking these steps can be very difficult following a traumatic experience, but doing so will help preserve potential evidence should you decide to make a report. You can still have an exam performed even if you have done one of these activities, such as showering. You may want to bring a change of clothes when you go to the hospital or health facility for the exam.

Preserving Other Kinds of Evidence

It is also important to save other types of evidence, such as voicemails, emails, text messages, social media posts, videos, photos, letters, and computer screen shots, which can be helpful in building a case, should you decide to make a report.

Healing through Education, Advocacy, and Law (HEAL)

Headquartered within Strong Memorial Hospital, the HEAL Collaborative offers people who have experienced interpersonal violence access to physical and mental health services, as well as legal and social support, all in one place. Services include safety planning, linkages to emergency shelter, social work consultation and comprehensive needs assessment, short-term mental health support, assistance in filing petitions for temporary orders of protection and other legal matters, and referrals to community resources.

HEAL Collaborators include Willow Domestic Violence Center, RESOLVE of Greater Rochester, the Legal Aid Society of Rochester, the Rochester Police Department Victim Assistance Unit, Lifespan, and Monroe County Family Court, which can provide remote access to temporary orders of protection to clients in need.

Talk to Someone: Confidential Resources

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

University Resources

- **Employee Assistance Program (EAP)**
urmc.rochester.edu/eap
(585) 475-0432
496 White Spruce Blvd.
EAP is a free service that provides employees and family members of the University the opportunity to discuss personal or work-related problems with a professional counselor 24 hours a day. A satellite office for EAP is at UR Medicine Strong West, 156 West Ave., Brockport, NY, 14420.

Nonprofessional Counselors and Advocates

- **University Chaplains**
rochester.edu/chapel/faith-communities
(585) 275-4321
500 Wilson Blvd.

Rochester-Area Resources

- **RESTORE Sexual Assault Services**
restoresas.org
(585) 546-2777
Free and confidential crisis intervention and support to survivors of sexual assault, available 24 hours a day. RESTORE holds office hours on River Campus every Monday and Thursday from 9 a.m. to 5 p.m. in Taylor Hall, Room 01.

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

National Resource

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

For additional resources on and off campus, visit rochester.edu/sexualmisconduct/resources.

Reporting Discrimination or Harassment

Sexual harassment, sexual misconduct, and sexual violence are forms of sex discrimination under the University's Policy against Discrimination and Harassment, also known as Policy 106 rochester.edu/working/hr/policies/pdfpolicies/106.pdf. Also under Policy 106, discrimination or harassment based on one's age, color, disability, ethnicity, marital status, military/veteran status, national origin, race, religion or creed, or on the basis of any other protected class is strictly prohibited.

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

- Your department chair, dean, director, or immediate supervisor
- **Office of Human Resources**
rochester.edu/working/hr
 - **River Campus**
(585) 275-8747
33A Wallis Hall
 - **Medical Center**
(585) 276-6817
URMC 1.6039
- **Office of Staff Diversity and Inclusion**
rochester.edu/eoc
(585) 275-2200
910 Genesee St., Suite 100
- **Office of the University Intercessor**
rochester.edu/intercessor
(585) 275-9125
36 Wallis Hall
- **Office of Counsel**
rochester.edu/counsel
(585) 273-2167
236 Wallis Hall

- **University Public Safety**
publicsafety.rochester.edu
(585) 275-3333
 - **River Campus**
500 Joseph C. Wilson Blvd.
 - **Medical Center**
601 Elmwood Ave.
 - **Eastman School of Music**
26 Gibbs St.

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

Please note that if your complaint involves sexual assault, stalking, or dating or domestic violence, you have the right to have an advisor present when speaking with anyone at the University regarding your complaint. This can be a friend, family member, or anyone of your choosing.

Reporting Options

You have several options for reporting a complaint. A verbal complaint can be made with any of the offices listed above. You can also make a written report. The form is available from any of the offices listed above, or you can obtain a copy of the form online at rochester.edu/working/hr/policies/pdfpolicies/106_request_formal_resolution.pdf.

Regardless of how the report is made, the University will need sufficient information to understand the nature of the complaint, such as:

- the name of the person (or persons) making the complaint
- the name of the person (or persons) against whom allegations are being made
- identification of the protected class (or classes) involved
- a detailed description of the actions or behaviors at issue, including dates, times, and locations of events
- the names of any witnesses to the actions or behavior

The more complete the information provided, the better able the University will be to investigate and respond effectively.

Accommodations and Interim Measures

If you have experienced sexual misconduct, there are steps the University can take to accommodate you. This includes placing persons on temporary leaves of absence; exclusion from programs and facilities; altering working, learning, patient care, or living arrangements; or imposing other conditions in the University environment as warranted.

The University can also issue Active Avoidance Orders, which limits contact between two or more individuals who are engaged in an interpersonal conflict. An AAO is not considered disciplinary action and may be imposed prior to a formal investigation. In addition, the University can assist you with obtaining an order of protection or initiating family or civil court proceedings.

Formal Investigation

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

If the University initiates a formal investigation, an investigator will interview you and other witnesses with knowledge of your complaint and will attempt to complete any investigation within 30 to 45 days. While the privacy of all parties will be protected, confidentiality cannot be guaranteed.

When the investigation is complete, a written report is sent to the adjudicator of your complaint. A list of these decision makers can be found in [Policy 106, Appendix B](#). For example, if the complaint is against a faculty member, the adjudicator who determines the outcome will be the dean of the school where the faculty member holds their primary appointment.

Within 15 business days of receiving the report, the person adjudicating the complaint determines whether a violation of Policy 106 has been established and sends a written determination to you, the respondent, and any appropriate administrative personnel. The determination will include a summary of the findings of the investigation and describe any corrective action to be taken, as well as other recommendations based upon the findings. In certain cases, an investigator may determine that an informal resolution will be the most effective way to remedy a concern (see Informal Resolution on page 8).

In addition to receiving a copy of the written determination letter, the complainant and the respondent may also make an appointment to view a copy of the investigator's written report, but may not take a copy with them.

Either party can appeal this decision within 15 business days.

Burden of Proof

In deciding the outcome of a complaint, University adjudicators are guided by “a preponderance of the evidence” standard. This means that in determining whether a respondent is responsible, the proof need only show that it is more likely than not that the alleged behavior occurred and violated a provision of Policy 106.

Informal Resolution

The option to seek an informal resolution is always open to you. If an informal resolution is unsuccessful, you may still file a written report and seek a formal investigation, should the problem continue.

Informal resolutions can take many forms. You may choose to

- Directly confront the person who is the source of the unwelcome behavior. This can be done either in person or in writing, letting the individual know that the behavior is unwelcome and must stop.
- Engage a third person—such as a supervisor, department chair, dean, HR Business Partner, or the University Intercessor—to address the conduct with the source of the unwanted behavior.
- Participate in a conflict resolution process with the University Intercessor.

Whatever method of informal resolution you choose to pursue, the goal for the University is identical to the goal of a formal investigation—to stop the unwanted behavior and to take steps to address your concerns. Under Policy 106, all efforts at informal resolution need to be reported to the Office of Counsel so they have a record of the effort and any follow-up measures taken.

Privacy and Confidentiality

An allegation of harassment, discrimination, or retaliation brought to the attention of the University will be discretely addressed. The University will keep private information about persons reporting and persons against whom reports are made, but confidentiality cannot be guaranteed. The investigation of complaints may require disclosure to the respondent and to witnesses for the purposes of gathering relevant information.

Disclosure is limited to individuals involved in investigating and adjudicating complaints, those responsible for follow-up actions in response to a report or investigation (including, if appropriate, the University Committee on Tenure and Privileges), and administrative personnel who need to be informed.

If there is a proceeding outside of the University, such as a lawsuit or a complaint to a state or federal agency, the University may be required to share documents or information related to the investigation, including the identity of witnesses, with outside officials or parties to the lawsuit.

Protection from Retaliation

Retaliation is illegal and will not be tolerated. The University prohibits retaliation against any person who complains of or opposes perceived unlawful discrimination or harassment, including those who participate in any investigation or proceeding involving a claim based on a protected class. Retaliation violates Policy 106, and allegations of retaliation should be reported and will be addressed.

Witnesses in a Policy 106 Investigation

A witness in a Policy 106 investigation is anyone who has information related to the complaint. This can be direct knowledge, such as an eyewitness account of an incident, or indirect information, such as something overheard or something stated by another person.

As a witness, you may be asked to speak to an investigator. This request does not mean you have been accused of any wrongdoing but simply that you may have information that could be relevant and helpful to the investigation. The University encourages you to participate in this process and to be truthful and forthcoming.

Witness Confidentiality

Any statement that you provide to an investigator will be kept private, but confidentiality is not guaranteed. The investigator's notes or your written statement will not be shared with other witnesses, the complainant, or the respondent. The investigator may, however, use information you provide as the basis for further investigation, and it may be discussed in the investigator's report. If you wish to remain anonymous (from the complainant, the respondent, and the person adjudicating the complaint), you can discuss this with the investigator, and your identity will be protected to the extent possible.

Respondent Rights and Resources

If you are accused of discrimination, harassment, or retaliation in violation of Policy 106 (if you are the "respondent"), you will be contacted by an investigator. The investigator will arrange for an in-person meeting, where you will be informed of the nature of the complaint against you and given an opportunity to respond.

Support for Respondents

Respondents in a Policy 106 investigation have the right to be treated respectfully and will not be presumed to have engaged in any wrongdoing while the investigation is ongoing. In addition, if the complaint raises allegations of sexual assault, stalking, or dating or domestic violence, you have the right to bring an advisor with you to the meeting with the investigator. This can be a friend, family member, or anyone of your choosing. You may also make use of the Employee Assistance Program (EAP) at (585) 475-0432 or urmc.rochester.edu/eap.aspx if you are in need of personal support during the Policy 106 process.

Confidentiality for Respondents

Any statement that you provide to an investigator throughout the investigation will be kept private but is not confidential. The investigator's notes or your written statement will not be shared with other witnesses or with the complainant. If it is determined that you have violated Policy 106, a copy of the determination letter will be included in your central University personnel file, and the complainant will be notified of this finding. However, if it is determined that you have not violated Policy 106, no reference to the investigation will be included in your personnel file, unless you have been counseled or disciplined as a consequence of the complaint and the investigation. The complainant will also be notified of this finding.

Retaliation

Respondents in a Policy 106 investigation have an obligation not to take any adverse or retaliatory action against the complainant or any witnesses in the investigation. This can include making inquiries of individuals as to whether or not they have been interviewed and what statements they may have made to the investigator. Any behavior that could be perceived as intimidating to witnesses or the complainant could result in disciplinary measures for the respondent.

When an Incident Does Not Violate Policy 106

Sometimes a person's behavior, while offensive or upsetting, does not violate a provision of Policy 106. When behavior runs counter to the University's culture of respect or violates a policy other than Policy 106, the University may, for example, counsel an employee, require an employee to undergo additional training, or impose some form of corrective discipline.

Full Text of Policy 106

This document highlights aspects of the University's Policy against Discrimination and Harassment, also known as Policy 106. However, the policy itself provides greater detail and is available online as a PDF file and can be read in full, downloaded, and/or printed. The full text of Policy 106 can be found online: rochester.edu/working/hr/policies/pdfpolicies/106.pdf.

Questions?

Questions about Policy 106 can be directed to the Office of Human Resources, the Office of the University Intercessor, the Office of Counsel, or the Title IX Coordinator.

Appendices

A. Definitions

The following definitions can be found in the University's Policy against Discrimination and Harassment (Policy 106). They apply to interactions with faculty and staff. These definitions may not apply to the investigation of complaints under Title IX.

Discrimination involves an adverse action or decision or harassing treatment of a person or class of persons *because* of a legally protected status (e.g., age, gender, race, etc.) or because of perceived or actual affiliation/association with other individuals in a protected class. Discrimination under Policy 106 does not include unfair or inappropriate behavior not based on a protected class; for instance, complaints involving profanity or name calling not related to a protected class or issues of nepotism must be addressed through other avenues (e.g., Human Resources, your supervisor, the Intercessor).

Gender expression refers to external characteristics and behaviors that are socially defined as masculine or feminine (manner of dress, grooming, mannerisms, etc.).

Gender identity refers to a person's innate, deeply felt psychological identification as male or female.

Harassment is a form of discrimination which involves (1) unwelcome verbal, written, physical or electronic conduct, (2) that is intended to cause or which could reasonably be expected to cause an individual or group to feel intimidated, demeaned, abused, or fearful or to have concern for their personal safety, (3) because of a protected class when the conduct is

(a) sufficiently severe or pervasive (meaning that the conduct is either of an extraordinarily severe or egregious nature or has been repeated with sufficient frequency and/or continuity); in other words, typically, a single offense or occasional, episodic instances of offensive behavior will not qualify as sufficiently severe or pervasive, but a single instance of severe egregiousness (e.g., sexual assault) would, and

(b) objectively *and* subjectively has the effect of (1) unreasonably interfering with an individual's work or equal access to education or (2) creating an intimidating, hostile, or offensive work or academic environment.

All of these requirements must be met for certain behavior to qualify as harassment, and a finding of hostile environment must be based on a totality of the facts and circumstances. Types of behaviors based on a protected class which can lead to claims of harassment include degrading and derogatory words, graffiti, pictures, jokes, epithets, statements, or stereotyping activities as well as other forms of verbal, visual, or written messages of intimidation as well as unwanted physical contact or comments or threats about physical contact and stalking.

Protected status or protected class refers to any of the categories listed in the Equal Opportunity and the Anti-Discrimination and Anti-Harassment Policy Statements.

Retaliation is adverse action taken against an individual by the University because the individual has (1) personally complained of or opposed perceived discrimination or harassment because of a protected class; (2) testified, assisted, or participated in an investigation, proceeding, hearing, or legal action involving a claim of discrimination or harassment based on a protected class; (3) exercised rights under a relevant statute which involves a protected class and/or action taken by the University which would dissuade a reasonable person from engaging in these types of protected activities.

Sexual harassment is a form of prohibited harassment as defined above in Harassment. The requirements of parts (a) and (b) listed therein apply. Sexual harassment involves unwelcome sexual advances or requests for sexual favors or other verbal or physical acts/conduct of a sexual or sex-based nature when

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic success;
2. submission to or rejection of such conduct by an individual is used as the basis for an employment or academic decision affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment.

Sexual assault is sexual harassment which includes any physical sexual act perpetrated against a person's will, where that person does not give clear and voluntary consent or where that person is incapable of giving consent due to drug or alcohol use or due to intellectual or other disability. Sexual assault includes but is not limited to rape, sexual battery, sexual coercion (the act of using pressure or force to have sexual contact with someone who has already refused), and any other act of sexual violence.

Depending upon the severity or pervasiveness of the conduct, the following behaviors may lead to complaints of sexual harassment or constitute sexual harassment (some of which constitute criminal acts) and should be avoided:

- unwanted comments about an individual's body, clothing, or lifestyle that have sexual implications or demean the individual's sexuality or gender
- unwanted sexual flirtations (including leering or ogling)
- unwanted sexual advances and propositions
- unwanted display of sexual or sexually demeaning objects, pictures, or cartoons in areas visible to other members of the University community (including but not limited to computer screens and bulletin boards)
- threats or insinuations that an individual's refusal or willingness to submit to sexual advances will affect the individual's status, evaluation, grades, wages, advancement, duties, or career development
- unwanted and intentional sexual touching, patting, pinching of, or brushing against another's body or clothing
- stalking, whether in person, telephonic, or electronic in nature; domestic violence; dating violence; sexual assault; or rape

B. Other Important Policies

Conflicting Relationships Policy (Nepotism) (Policy 121)

rochester.edu/working/hr/policies/pdfpolicies/121.pdf

Faculty and Student Handbooks

Student Sexual Misconduct Policy
rochester.edu/sexualmisconduct/assets/pdf/StudentSexualMisconductPolicy.pdf

Standards of Student Conduct (2017–2018)
rochester.edu/college/cscm/assets/pdf/standards_studentconduct.pdf

Faculty Handbook (May 2017)
rochester.edu/provost/assets/PDFs/Faculty_handbook.pdf
The University's Faculty Intimate Relations Policy can be found on page 11.

School of Medicine and Dentistry Regulations of the Faculty (October 2017)
urmc.rochester.edu/MediaLibraries/URMCMedia/smd/academic-affairs/documents/faculty-regulations/faculty-regulations.pdf

Graduate Student Regulations and University Policies (August 2018)
rochester.edu/GradBulletin/PDFbulletin/Regulations.pdf

School of Nursing Student Handbook (2017)
son.rochester.edu/assets/pdf/studenthandbook.pdf

School of Medicine and Dentistry Student Handbook
urmc.rochester.edu/medialibraries/urmcmedia/education/md/documents/student-handbook.pdf

Graduate Resident Handbook (July 2017)
rochester.edu/gradstudies/grad-life/GraduateResidentHandbook.pdf

