
2017–2018 ANNUAL REPORT ON
**SEXUAL
MISCONDUCT
PREVENTION
AND RESPONSE**

Accurate as of December 5, 2018



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Introduction

The University of Rochester is committed to providing a safe environment for the University community to work, learn, live, and socialize together without fear of sexual assault, harassment, or discrimination. The purpose of this report is to educate the University community about what the University does to prevent sexual misconduct and how the University detects and responds to reports of it. The Title IX Office is a resource for all members of the University community; however, this report primarily focuses on students' experiences with the office.



1. Overview of Title IX at the University of Rochester

The Title IX Office at the University of Rochester is responsible for educating the University community on University policies and procedures related to sexual misconduct and ensuring that allegations of sex-based harassment are attended to in accordance with University policy and federal and state laws.

The staff within the Title IX Office includes the University Title IX coordinator, an assistant director for educational outreach, and a conduct coordinator. In addition to these full-time staff positions, the Title IX Office works with seven deputy Title IX coordinators. These individuals hold academic and administrative positions at the University and, as such, are an important in-house Title IX resource at each of the academic units, graduate and professional schools, and the Department of Athletics and Recreation.

The Title IX coordinator and deputy coordinators ensure that the process for addressing complaints of sex-based harassment and misconduct are handled promptly and equitably, with fairness to everyone involved. They make certain that everyone who comes to them understands their rights and has the information they need to determine how they want to proceed. However, Title IX staff do not investigate or adjudicate claims.

The assistant director for educational outreach is responsible for providing students with access to educational activities on the topic of sexual misconduct and the conduct coordinator supports the work of the Sexual Misconduct Hearing Board.

Information regarding the Title IX Office, deputy Title IX coordinators, policies, and resources related to sexual misconduct can be found online at www.rochester.edu/sexualmisconduct.

1.1 Relevant Policies

The University has two policies that address issues of sex-based misconduct: the [Student Sexual Misconduct Policy](#), which applies if the accused party is a student, and [University Policy 106](#), which applies if the accused is an employee or University vendor.

Both policies require thorough, reliable, and impartial investigations and adjudications of formal complaints of sex-based harassment as well as opportunities to resolve complaints informally.

1.2 Education and Awareness Programs

The Title IX Office, in conjunction with partners both on campus and in the Rochester community, regularly provides in-person training to faculty, staff, and students regarding how to identify and respond to inappropriate sex-based behaviors as well as information about sexual misconduct resources, supportive services, grievance processes, and reporting options. During the 2017–2018 academic year over 3,400 students, faculty, and staff participated in in-person training on topics related to sexual misconduct.

As in-person training isn't always possible for all community members, the Title IX Office also provides online training. All new and transfer students at the University are required to participate in both online and in-person training regarding sexual misconduct during their orientation to the University. In addition to requirements for new students, all student leaders and athletes must participate in supplementary training pursuant to obligations under the New York State Education Law and National Collegiate Athletic Association requirements. All employees are also required to take online training on a regular basis.

Additional information regarding available training on these topics can be found online [here](#).

In addition to our educational prevention measures, University Department of Public Safety (DPS) provides prevention-related security services for all of the University's campuses. These include regular security patrols by DPS officers, the utilization of residence hall access restriction systems and protocols, the use of security cameras, and the provision of emergency phones throughout the campuses. DPS also provides transportation services to students concerned about their safety and utilizes "UR Alert," an emergency notification system that all members of the community can sign up for to receive information about health or safety issues. More detailed information regarding prevention-related security measures as well as data regarding reported crimes are described in the University's "[Think Safe](#)" document, which is published annually.

In 2018–2019, a new position, assistant director for educational outreach, was created in the Title IX Office. This individual is leading a committee of faculty, students, and staff to assess our current training initiatives and develop a strategic plan that will ensure that all students at the University have regular access to training materials on this topic that are relevant and appropriate for their maturity level and tied to their academic interests.

1.3 Connection to Title IX Office

Information about potential incidents of sexual misconduct comes to the Title IX Office through several channels. The majority of incidents involving undergraduate students are referred by Residential Life student and professional staff after students disclose information to a resident or community advisor. Graduate students are more commonly referred through the [CARE Network](#) or a student's direct outreach to a Title IX coordinator or other faculty or staff member who subsequently refers the student to the Title IX Office.

Prior to meeting with students, the Title IX Office provides materials for the students to review with information about their rights and options for accessing supportive resources as well as how to make a complaint about the incident either formally or informally. When students arrive for their meetings, this information is reviewed and the [University's Reporting Options and Resources flowchart](#) is provided to assist the students in identifying how they wish to move forward.

Students' decisions regarding what resources and/or reporting mechanism they want to use is given tremendous deference. In most cases, the University respects students' wishes regarding whether they wish to make a formal or informal complaint or decline to report the incident at all.

1.4 Accommodations

During a student's first meeting with the Title IX Office, options for accommodations are discussed at length. All students who come forward to complain about a sexual misconduct incident are entitled to accommodations regardless of whether they ultimately decide to file a formal report. The most common accommodation requests are academically related (requests for extended due dates, changes to exam schedules, or movement to a different section of a course to avoid interacting with a particular party). Other accommodation requests include changes to housing or parking assignments, requests for transportation assistance, connection to counseling and other health services, and the issuance of Active Avoidance Orders. An Active Avoidance Order (AAO) is a document issued to limit contact between two or more students who are engaged in an interpersonal conflict. An AAO is only valid on the University of Rochester campuses and is not considered formal disciplinary action by the University when issued as an accommodation.

In addition to connecting students to University resources, students are informed of their right to make a report about the incident to state or local police as well as seek care through outside agencies such as [RESTORE Sexual Assault Services](#), [Willow Domestic Violence Center](#), and [The Legal Aid Society of Rochester](#).

1.5 Complaint Process

If a student wishes to make a formal complaint of sexual misconduct to the University, an investigator is assigned to gather the relevant materials and prepare an investigative report for the individual(s) who decide if a policy violation occurred and what, if any, discipline should result. Complaints made against students are investigated by specially trained DPS investigators. Individuals assigned by the Office of Counsel investigate complaints against employees and vendors.

All investigators at the University have undergone extensive training to ensure their resulting report reflects a thorough, fair, and reliable investigation that is sensitive and respectful to all parties. More detailed information regarding the processes for reporting is included in the Reporting Options and Resources guides located on the University's [sexual misconduct website](#).

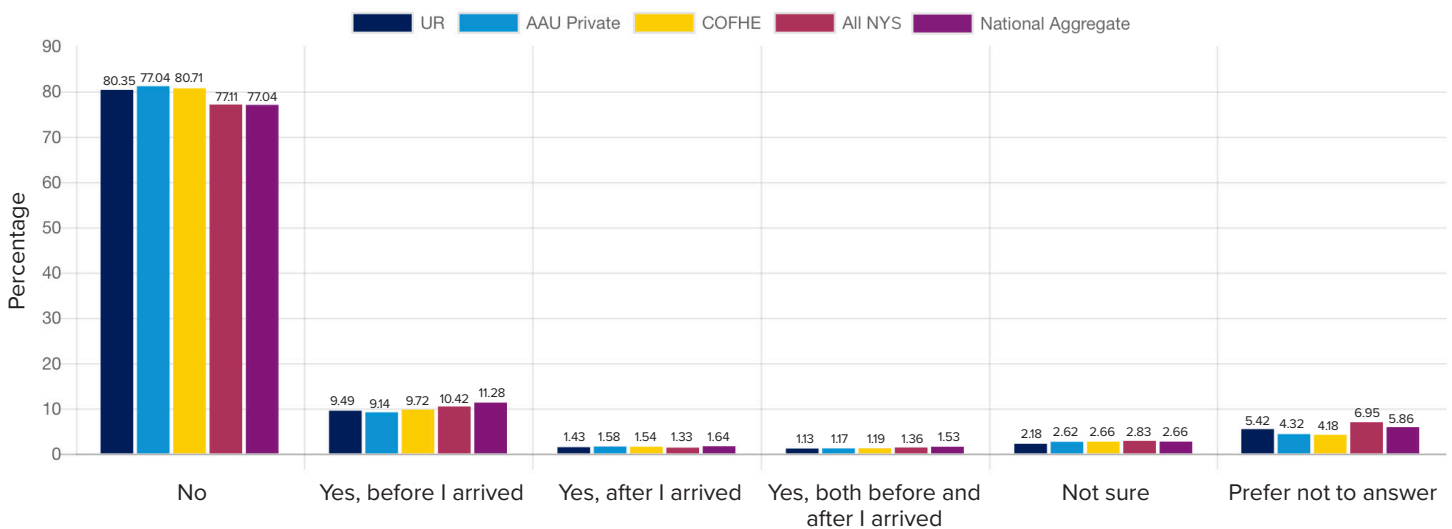
2. Campus Climate

The University annually surveys all new students regarding their perception of the University of Rochester’s climate related to sexual misconduct and their experiences with this behavior on our campuses during their first semester. Information gathered from these surveys helps the University to prepare for the needs of our new students, understand any barriers to reporting, and address perceptions regarding the safety of our school.

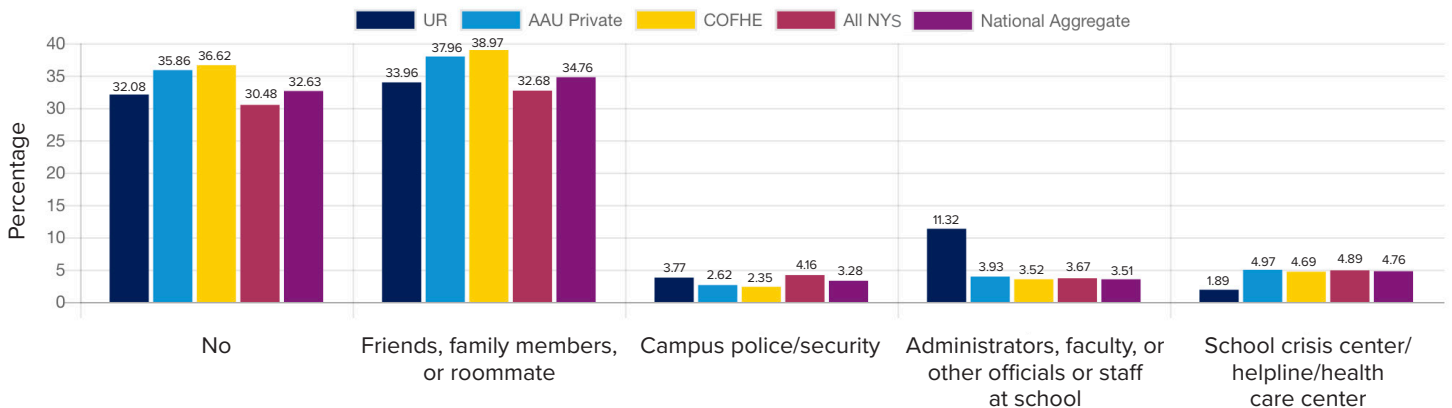
2.1 New Student Survey

Analysis of data collected during the most recent new student survey during the 2017–2018 academic year indicated that while new University of Rochester students experience similar rates of sexual misconduct as our peers and other schools in New York State, University of Rochester students are more likely to tell our campus police, administrators, and faculty about their experience, as illustrated by the charts below.

Has someone ever had unwanted sexual contact with you?

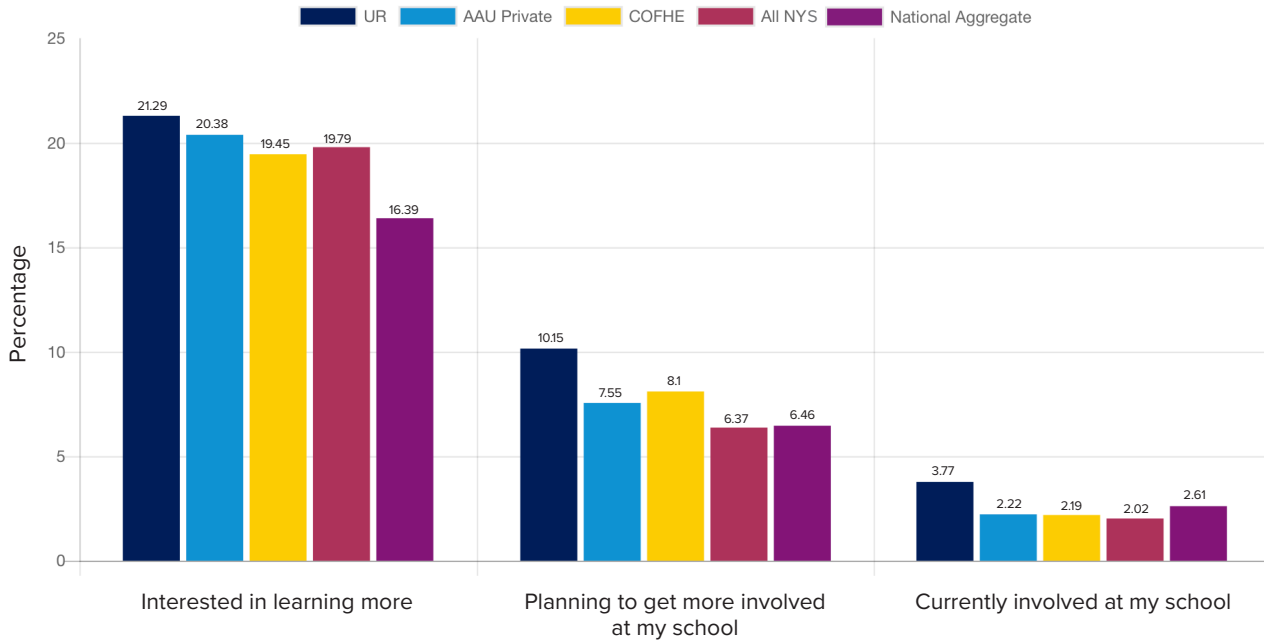


Did you seek help from anyone about unwanted sexual contact at school?



This survey of new students also indicated that University of Rochester students are more interested and engaged in learning about and becoming involved in sexual assault prevention than the national aggregate or students at peer universities or New York State schools.

Engagement in Sexual Assault Prevention



2.2 Association of American Universities Survey (2019)

In addition to our annual survey for new students to the University, a climate survey focusing on sexual misconduct is delivered to all students at the University biannually. Our next iteration of this survey will launch in February of 2019 and is being conducted in partnership with the Association of American Universities (AAU). The 2019 survey instrument includes a set of standardized questions that are used for all participating universities, as well as questions that have been customized to gather information specific to the University of Rochester. Students' responses and input are anonymous. The data will be analyzed by the research firm Westat. A committee of students and staff from across the University has been gathering since the summer of 2018 to discuss how to best capture and analyze the resulting data, which will be released in the fall of 2019.

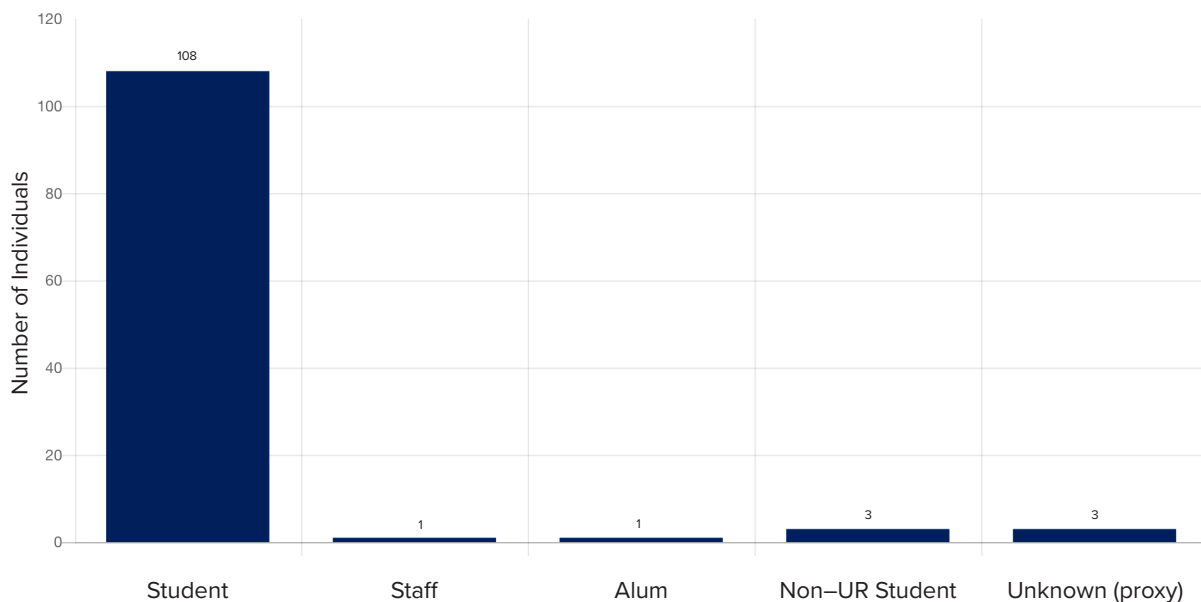
3. Data on Reports, Investigations, and Outcomes

This report contains data regarding complaints of sexual misconduct received by the Title IX Office between June 1, 2017, and May 30, 2018. The data included in this report reflects all allegations of sex-based misconduct that were either directly disclosed to the Title IX Office or that the Title IX Office became aware of, regardless of whether the complaint resulted in an investigation and/or a finding of responsibility. It is critical to report data in this fashion, sharing the number of complaints received, rather than the number of findings made as a result of complaints, as individuals often come to the Title IX Office to get connected to supportive resources rather than make a formal report of the incident.

As of May 31, 2018, the Title IX Office received 116 complaints of sex-based harassment. The vast majority (95 percent) of complainants were University of Rochester students.

However, there were also complaints made by students attending other local colleges (3) and a complaint from an alumna and a staff member. Three “[proxy reports](#),” which described an incident of sexual misconduct but did not include any information regarding the identity of the reporter were also received. These eight were reporting inappropriate behavior by University of Rochester students.

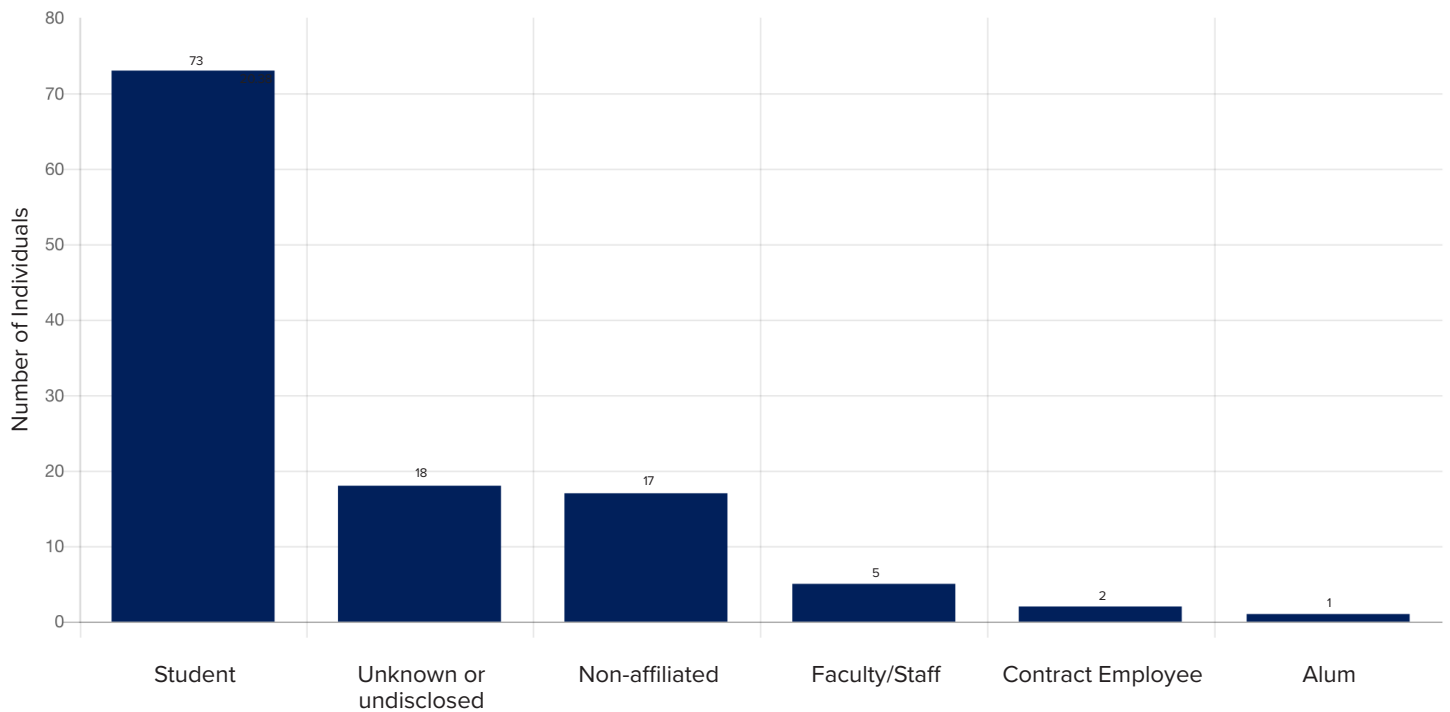
Affiliation of Complainants



3.1 Accused Individuals

The majority of the complaints (63 percent) reported inappropriate behavior by the University of Rochester students. The remaining (37 percent) were complaints about the behavior of individuals either unknown to the student or undisclosed by the student, individuals not affiliated with the University, faculty/staff members, contract employees, and alumni. All complaints against non-students affiliated with the University were resolved pursuant to the Policy 106 process.

Affiliation of Accused Individuals



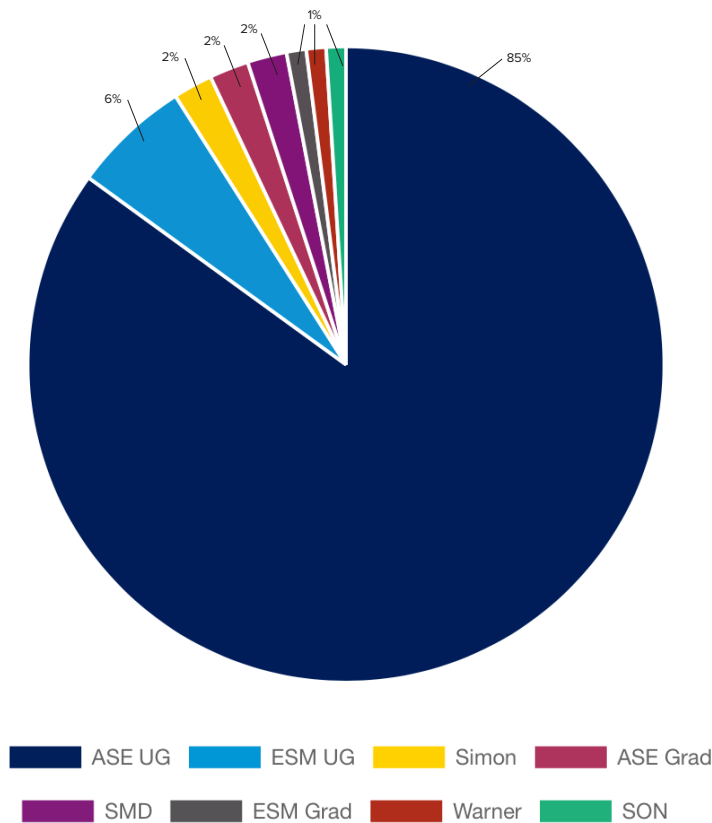
3.2 Demographics of Student Complainants

The vast majority of the student complainants (85 percent) were undergraduate students in AS&E, followed by ESM undergraduate students (6 percent). All of the graduate schools combined make up the remaining cases with each graduate school having only one or two complaints.

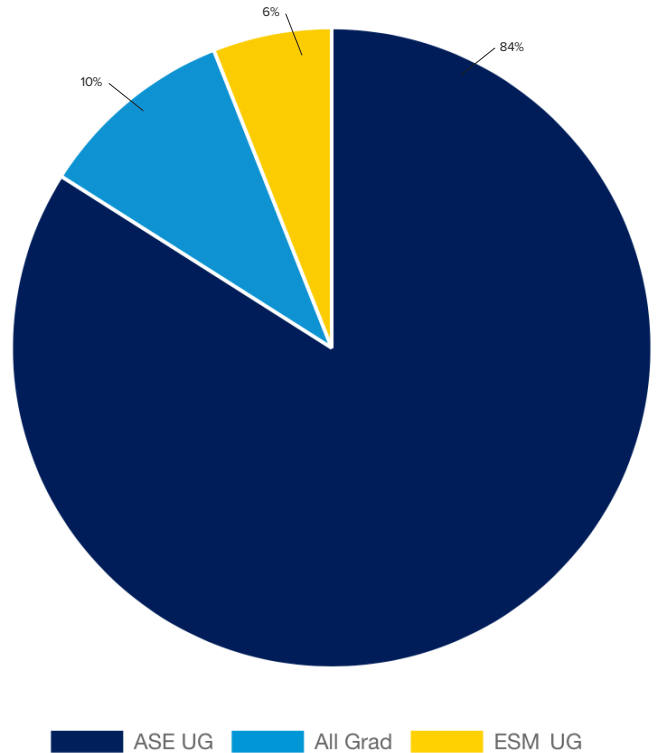
3.3 Demographics of Accused Students

The vast majority of students complained about were undergraduate students in AS&E.

Student Complainants by School



Accused Students by School



3.4 Allegations against Students

The information below describes the type of behaviors the University of Rochester students were alleged to have engaged in as described by complaints made to the Title IX Office. It is important to note that complaints often involve more than one allegation of inappropriate behavior; for example, it is quite common for an individual to have been alleged to have engaged in both sexual assault and unwanted touching in the course of one reported incident. (See chart in section 5.)

3.4.1 Sexual Assault/Rape

In 2017–2018 the Title IX Office received 17 complaints of actual or attempted unwanted sexual penetration (rape) by students. This is up from 10 complaints of this behavior in 2016–2017 and 14 complaints of this behavior in 2015–2016.

3.4.2 Unwanted Sexual Touching

Unwanted sexual touching complaints were made against 14 students during this time period, up significantly from eight complaints in the 2016–2017 academic year and five complaints in 2015–2016.

3.4.3 Dating/Domestic Violence

There were 24 complaints of students engaging in dating/domestic violence, up slightly from 20 complaints in 2016–2017 and 13 complaints in 2015–2016. It is important to note, however, that in nine of the 24 cases, the complaints were made by concerned third parties. When the concern was then shared with the alleged victims of the behavior, they denied it occurred.

3.4.4 Stalking

Fifteen complaints of students engaging in stalking behaviors were made to the Title IX Office, up significantly from six complaints in 2016–2017 and one complaint in 2015–2016.

3.4.5 Verbal or Written Sexual Harassment

There were 16 complaints of verbal or written harassment this year, up from 10 complaints in 2016–2017, the first year the University began to collect this data.

4. Complaint Outcomes

4.1 Connection to Support without Referral to Conduct

The majority of students who disclose a sexual misconduct incident to the Title IX Office do not request an investigation of the incident nor do they provide sufficient details for the University to pursue an investigation without the complaining students' participation. These students request to receive connections to supportive resources and accommodations but do not wish to move forward with formal reporting. While every student who is connected to the Title IX Office is aware of the University's desire to investigate and respond, the University is required (both ethically and pursuant to New York State's "Enough Is Enough" Education Law obligations) to respect their decisions not to formally report the incident unless one or more of the aggravating factors outlined in the student sexual misconduct policy is present.

4.2 Withdrawing

This year, three students withdrew from the University once they became aware that an investigation was being conducted into allegations that they engaged in sexual misconduct and that the matter would be referred to the conduct system. Accused students may make this choice due to the strict New York State Education Law requirements that obligate the University to put a notation on the academic transcripts of students found responsible for sexual misconduct and issue a sanction of suspension or expulsion. Students who withdraw from the University after a referral to the judicial system is made will have a notation placed on their transcript indicating that they withdrew from the University pending non-academic disciplinary action.

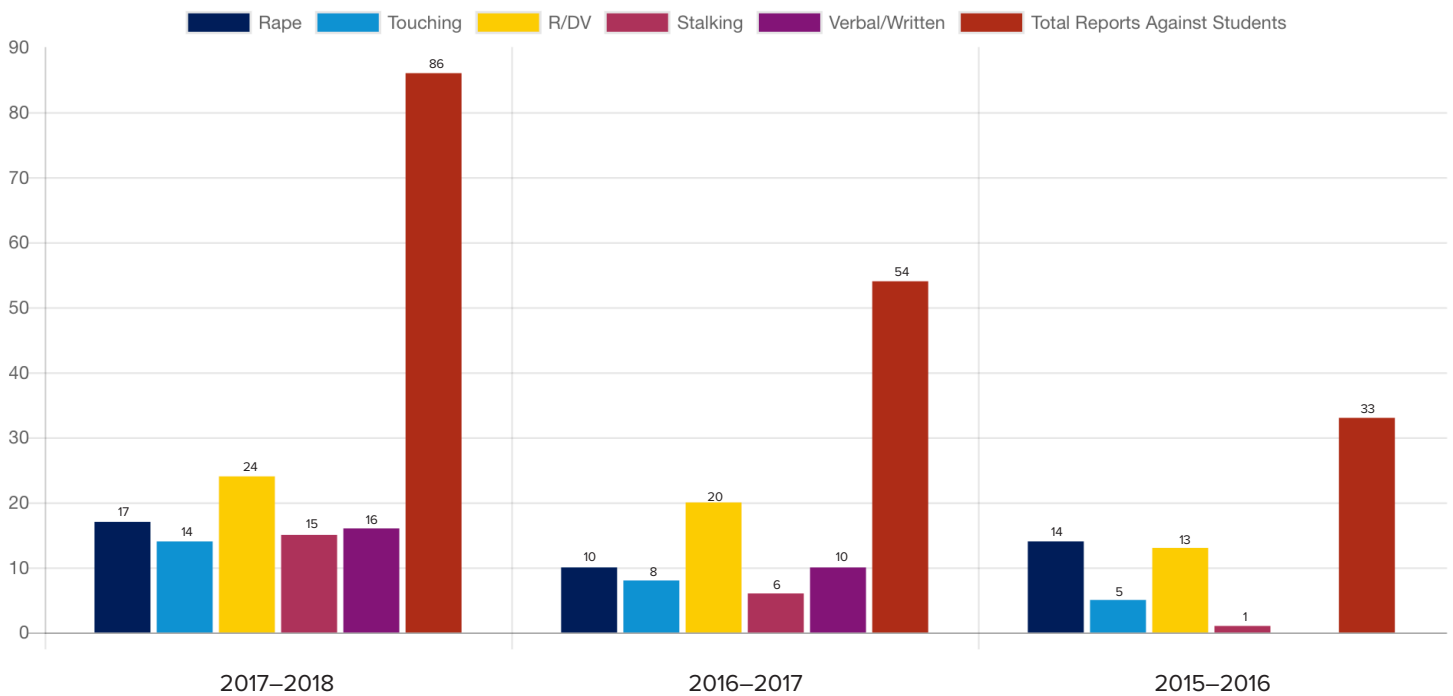
4.3 Referrals to Conduct System

Of those sexual misconduct cases that were referred to the conduct system, two complaints resulted in a not responsible finding, and seven resulted in finding the accused students responsible for their alleged behavior. Of those found responsible for their behavior, one student was expelled from the University, five students received a suspension, and one remaining student withdrew from the University and agreed never to return. In addition, disciplinary consequences can also include a ban from University housing or other property and an ongoing, active avoidance order.

5. Trends

The University has seen a steady increase in complaints of sexual misconduct committed by students over the past five years. This increase in reporting is consistent with national trends as higher education institutions have placed greater emphasis on developing educational programs designed to help students identify inappropriate behavior and seek support to address it. Similarly, as the University dedicated more resources to educational efforts regarding these topics, students have been better prepared to seek out resources when needed.

Complaints Against Students



6. Conclusion

We currently have strong engagement on this issue with our faculty, staff, and students as is reflected in the robust memberships of the Commission on Women and Gender Equity in Academia and the Title IX Office's Education Assessment Committee, which currently has over 35 student, staff, and employee members from across the University.

The addition of a new assistant director for educational outreach and a conduct coordinator as well as a dedicated budget has greatly improved the office's ability to provide proactive, preventive programming and ensure that critical administrative tasks are accomplished with the necessary attention to detail. The University's partnership with the law firm Harter Secrest and Emory, LLP to provide training and support to sexual misconduct investigators and sexual misconduct hearing board members has also significantly improved the Title IX Office's work. Investigators and hearing board members often grapple with complex issues of policy and law as they investigate and adjudicate sexual misconduct cases; having just-in-time guidance from this firm has proven to be extremely beneficial.

or not they are a "Responsible Employee," as defined in the University's Student Sexual Misconduct Policy. Currently, obligations to report sexual misconduct depend upon on one's own role at the University, who discloses an incident to them, and the identity of the party they are complaining about.

Confusion is compounded by the fact that there are different reporting obligations under Title VII (also known as the Civil Rights Act of 1964) and the Jeanne Clery Act when an employee is made aware of an alleged incident of discrimination or harassment by a University employee.

Conversations about who is considered to be a Responsible Employee and their obligation to report incidents of sexual misconduct, discrimination, and harassment actively continue at the University. New guidelines will be shared broadly and clearly with the entire University community so they can be easily understood by our faculty, students, and staff.

6.1 Opportunities for Improvement

While the additional resources provided to the Title IX Office have significantly improved the University's work in this area, there are several critical challenges that must be addressed in the coming year; the most important of which is rebuilding lost trust in the University's methods and tools to investigate and respond to allegations. We will continue to work with our community to listen to their concerns and make necessary changes to address them.

Another challenge facing the University is to clarify the role of faculty and staff regarding their responsibility to disclose reports of sexual misconduct to the Title IX Office or other appropriate offices. It is unclear to many whether