
2018 Annual Report on
**DISCRIMINATION
AND HARASSMENT
PREVENTION AND
RESPONSE**

Accurate as of July 15, 2019



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1. Discrimination and Harassment: Prevention and Response across the University

The University of Rochester is committed to providing a safe environment for the campus 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 discrimination and harassment in the academic environment and in the workplace and how the University responds to reports of it.

The information in this report focuses on the University's Policy against Discrimination and Harassment, which prohibits all types of discrimination and harassment based on membership in a protected class. Student behavior is separately governed by the Standards of Student Conduct, which also prohibits discrimination or harassment based on membership in a protected class, and by the Student Sexual Misconduct Policy.

The University's Title IX Office issues an annual report on information regarding sexual misconduct prevention and response, which focuses on educating the University community about what the University does to prevent sexual misconduct and to respond to reports of sexual misconduct. That report discusses the work of the Title IX Office and includes data on reports received by that office. The University's annual report on diversity and inclusion identifies areas of progress and the resources that exist across the University to support diversity and inclusion efforts.

1.1 The University's Policy against Discrimination and Harassment

The University's Policy against Discrimination and Harassment (Policy 106) specifically prohibits discrimination or harassment because of an individual or a group's personal traits, characteristics, and/or beliefs, referred to in the Policy as protected status or protected class. What qualifies as a protected class is determined by applicable federal, state, and local laws. Protected statuses include age, color, disability, domestic violence status, ethnicity, gender identity, gender expression, genetic information, marital status, military/veteran status, national origin, race, religion/creed, sex, sexual orientation, and "any other status protected by law" (for example, citizenship, transgender status, and criminal conviction status). The Policy against Discrimination and Harassment also specifically prohibits retaliation against anyone who complains of or opposes perceived discrimination or harassment as defined in the Policy.

The Policy applies to faculty, staff, residents, fellows, postdoctoral appointees, student employees, students, volunteers, and to all visitors (including patients, contractors, and vendors) to any University campus, facility, and/or property and to University-sponsored activities and events, whether on University premises or not.

Student complaints against faculty, staff, or vendors are handled under this Policy. However, the University's Policy against Discrimination and Harassment is not intended to be used for complaints against students. For these complaints, the Standards of Student Conduct or the Student Sexual Misconduct Policy and related procedures apply.

The University's Policy against Discrimination and Harassment mirrors the legal definitions of discrimination and harassment in the workplace and academic environment. This does not mean that all conduct that falls short of meeting this legal standard is acceptable or appropriate. Conduct that may not violate this Policy may still fall short of the values expressed in our vision and values statement: *Meliora*, Equity, Leadership, Integrity, Openness, Respect, and Accountability.

The University can and does take steps to address conduct that could, if continued, meet the legal definition of discrimination or harassment. The University also can and does take action to address conduct that does not violate the Policy against Discrimination and Harassment but is otherwise significant enough to merit disciplinary action.

1.2 Education and Awareness Programs

Diversity, inclusion, and equity education and training are an essential part of building awareness and a cohesive work environment and are offered throughout the calendar year. These skill-building opportunities are designed to inspire sensitivity and increase awareness.

The University developed a Diversity Learning Series, which launched in the summer of 2018. This series includes mandatory training and focuses on unconscious bias, sexual harassment and discrimination, and Title IX.

In addition to this mandatory training, the University offers online curriculum for self-study through MyPath and ongoing in-person training opportunities.

Education and awareness programs are further outlined in the annual Report on Sexual Misconduct Prevention and Response and the annual Report on Diversity and Inclusion.

1.3 Reporting and Response

Incidents of potential harassment, discrimination, or retaliation can be reported to an employee's department chair, dean, director, or immediate supervisor; the Office of Human Resources; the Office of Staff Diversity, Equity, and Inclusion; the Office of the University Intercessor; the Office of Counsel; or the Department of Public Safety.

Reports of potential sexual misconduct against faculty or staff made to the Title IX Office will be addressed under the Policy against Discrimination and Harassment (Policy 106), as will reports of potential discrimination or harassment against faculty or staff made through Bias-Related Incident Reports.

The University is also developing a new online reporting form for complaints of potential violations of the Policy against Discrimination and Harassment. This online report form will launch in 2019.

All members of the University community are encouraged to report discrimination, harassment, or retaliation. Management and supervisory personnel and Human Resources Business Partners who see or learn of perceived discrimination, harassment, or retaliation in the workplace must report these concerns.

In the student context, Responsible University Officials and Responsible Employees have separate reporting obligations outlined in the Standards of Student Conduct and the Student Sexual Misconduct Policy.

1.4 Accommodations and Interim Measures

In addressing incidents of potential harassment, discrimination, or retaliation, the University may take temporary protective measures to protect individuals where the working, learning, patient care, or living environment appears to require it. Temporary protective measures can include placing persons on temporary leaves of absences; 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 (AAO), which limit contact between two or more individuals. An AAO is not considered disciplinary action and may be imposed prior to a formal investigation.

1.5 Complaint Process

Complaints about discrimination, harassment, or retaliation can be resolved either informally or through a formal investigation.

The process for formal investigations is outlined in the Policy against Discrimination and Harassment and includes interviews with the complainant, the respondent, and witnesses with knowledge of the conduct alleged. When the investigation is complete, a written report is prepared by the investigator and sent to the decision maker. A list of these decision makers can be found in Appendix B of the Policy.

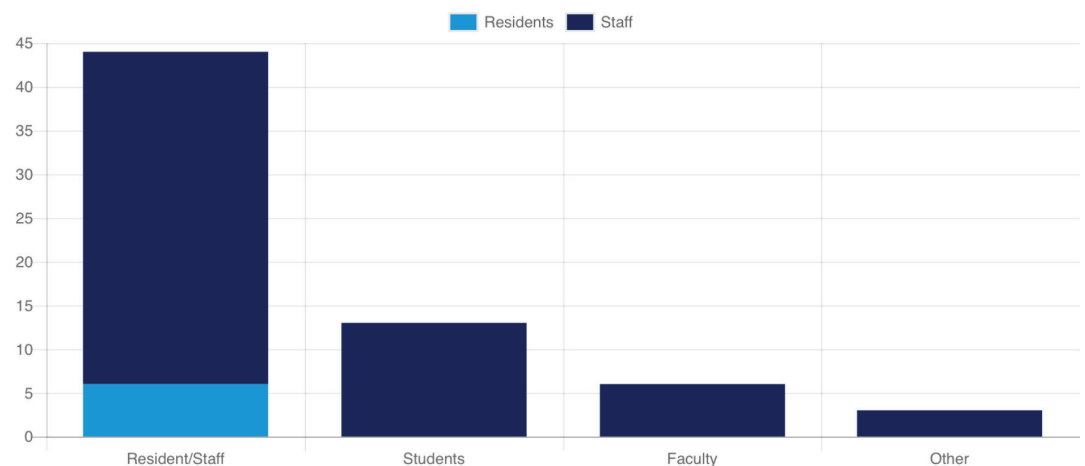
Guides and resources for students, faculty, and staff are available electronically at <https://www.rochester.edu/respect/policies-guides/>.

2. Data on Reports, Investigations, and Outcomes

This report contains data regarding complaints of discrimination, harassment, or retaliation received by the Office of Counsel between January 1, 2018, and December 31, 2018. The data included in this report contain all complaints of discrimination, harassment, or retaliation received by the Office of Counsel, regardless of whether the complaint was resolved informally or resulted in a formal investigation. The data also include any written complaints made under the Policy, even if those complaints did not allege any discrimination or harassment based on membership in a protected class or did not allege any retaliation because a person complained of or opposed perceived discrimination or harassment as defined in the Policy. In addition, the data include any complaint forwarded to the Office of Counsel, even if the complaint could not be investigated because the complaint or the complainant did not provide sufficient information to either identify the respondent or investigate the complaint.

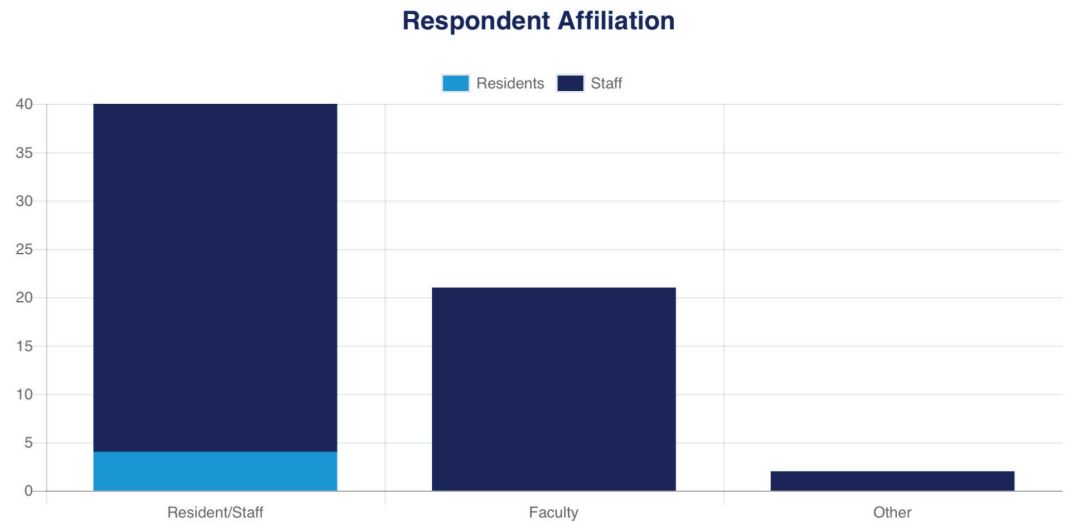
As of December 31, 2018, the Office of Counsel received a total of 66 complaints for the calendar year 2018. The vast majority of these complaints were made by staff members.

Affiliation of Complainants



2.1 Accused Individuals

Of the complaints where a respondent could be identified, the majority of respondents (61%) were staff (including residents). A total of 21 faculty respondents were identified, and two respondents were identified as vendors.

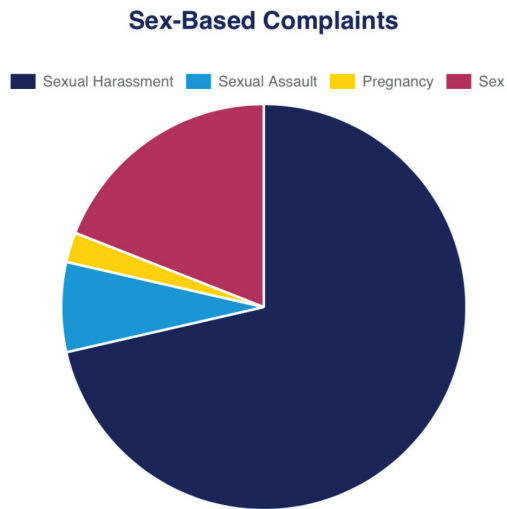
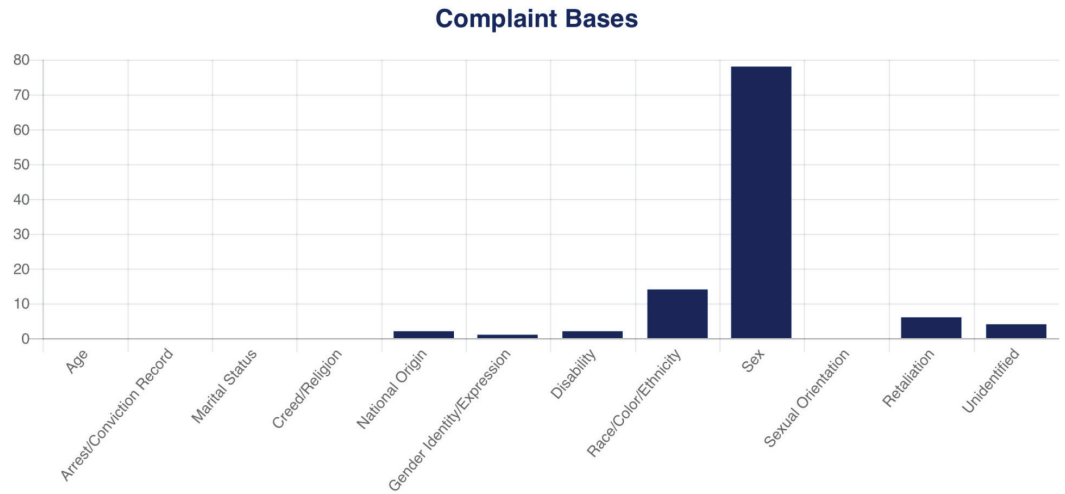


2.2 Nature of Allegations

Complainants at times identify membership in more than one protected class as part of their complaint or may also include a complaint of retaliation. Other complainants do not identify any protected class as part of their complaint.

Claims of sex-based discrimination can include complaints of sexual harassment, sexual assault, and pregnancy discrimination. Not all complainants alleging sex-based discrimination are brought by complainants who identify as female.

Where a complainant indicates more than one basis for the complaint, all of those bases are separately reported here. The bases identified by complainants are also reported regardless of whether the allegations or the investigation support it.



2.3 Complaint Outcomes

Of the 66 complaints received in 2018, 13 formal investigations were conducted. Regardless of whether a complaint was resolved formally or informally, in 25 cases, the respondent received additional training or education regarding appropriate conduct in the workplace and/or academic environment.

In 14 cases, a respondent received some formal discipline. Formal discipline can range from a written warning to termination of employment.

Finally, following a formal investigation, one respondent was found responsible for violating the University's Policy against Discrimination and Harassment.



3. Trends

The University has seen a slight overall increase in complaints of discrimination or harassment (66 complaints, up from 59 complaints submitted in 2017). The University saw a roughly 20 percent increase in complaints that raised either sex or race as a basis for discrimination, and sex-based complaints continue to constitute the majority of bases identified by complainants.

This increase in complaints may be influenced by the dialogue regarding sex-based discrimination and harassment at the state and national levels as well as the important dialogue occurring within the University about all types of discrimination and harassment. Continued growth in the willingness of our community to raise concerns and take advantage of the University's internal process is a positive sign.



Conclusion and Goals

The University is committed to preventing and addressing discrimination and harassment in the workplace and academic environment. In furtherance of that goal, a committee formed to review the University's Policy against Discrimination and Harassment examined the University's policy, sought community input, and recommended changes, which were adopted as part of the revised policy.

The University has created a new important senior leadership position, Vice President for Equity and Inclusion and Chief Diversity Officer, and has hired an internal investigator who is part of this new Office of Equity and Inclusion. Complaints under our Policy against Discrimination and Harassment will now be handled by this office.

The University also published several guides for students, faculty, and staff outlining the reporting and resolution process and describing resources available to our community members.

The University remains committed to revising and creating materials geared toward understanding our policies and procedures and highlighting how to access important resources. This includes creating additional materials explaining the reporting obligations of faculty and staff found in different policies and procedures, including the Policy against Discrimination and Harassment, the Standards of Student Conduct, and the Student Sexual Misconduct Policy.