A Guide for Faculty and Staff
Reporting Options and Resources for Complaints about Discrimination, Sexual Misconduct, and Sexual Violence

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

If You are a Victim of Sexual Violence

Get to a safe place and seek help. If you need emergency assistance, call University Public Safety (585-275-3333); dial #413 on campus blue phones; or call 911 if you are off campus.

If you have experienced physical or sexual violence, it’s important to get care as soon as possible. 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, which preserves your right to decide at a later date to go forward with University judiciary or criminal justice procedures. You do not need to file a report to receive medical services.

- If you are able, avoid disturbing or discarding anything that might have your attacker’s DNA on it prior to seeking medical help. Do not use the restroom; shower, bathe or douche; brush your teeth or gargle; brush your hair; or throw away clothes worn during the attack.

- A friend may accompany you to the emergency department.

- You may request a counselor from RESTORE, a 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 Services. An appointment is not needed.

Taking these steps can be very difficult following a traumatic experience, but they will help preserve potential evidence should you decide to make a report.

For those 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.
Confidential Resources for Emotional and Medical Support

Individuals at the following University offices and local organizations offer 24-hour, confidential support. They 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.

<table>
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<tr>
<th>Service</th>
<th>Contact Information</th>
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<tr>
<td>University Health Service</td>
<td>585-273-2662; rochester.edu/uhs</td>
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<tr>
<td>University Counseling Center</td>
<td>585-275-3113; rochester.edu/uhs/ucc</td>
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<tr>
<td>University Chaplains</td>
<td>585-275-4321; rochester.edu/chapel/faith-communities</td>
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<tr>
<td>RESTORE Sexual Assault Services</td>
<td>585-546-2777; restoresas.org</td>
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<td></td>
<td>RESTORE holds office hours on campus every Tuesday and Wednesday from 9 a.m. to 2 p.m. in Taylor Hall, Room 01.</td>
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<tr>
<td>Willow Domestic Violence Center</td>
<td>585-222-7233 (222-SAFE); willowcenterny.org</td>
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Reporting Discrimination or Harassment

Sexual misconduct and violence are forms of sex discrimination under University policy. In addition, discrimination or harassment based on any protected class will not be tolerated at the University. If you have been discriminated against or harassed because of your age, color, disability, domestic violence status, ethnicity, gender identity or expression, genetic information, marital status, military/veteran status, national origin, race, religion/creed, sex, sexual orientation, or any other status protected by law, you may submit a complaint under the University’s Policy Against Discrimination and Harassment, also known as Policy 106 (rochester.edu/working/hr/policies/pdfpolicies/106.pdf).

Complaints arising under Policy 106 may be made to:

- Your department chair, dean, director, or immediate supervisor
- Office of Human Resources: rochester.edu/working/hr
  - River Campus: 585-275-8747; Medical Center: 585-276-6817
  - Equal Opportunity Compliance Office: 585-275-2200; rochester.edu/eoc
- Office of the Intercessor: 585-275-9125; rochester.edu/intercessor
- Office of Counsel: 585-273-2167; rochester.edu/counsel
- Public Safety: 585-275-3333; publicsafety.rochester.edu

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

Please note that if your complaint involves sexual assault, stalking, or dating or intimate partner violence, you have the right to have a support person present when speaking with anyone at the University regarding your complaint.

You have several options for reporting a complaint. A verbal complaint can be made with any of the offices listed above. Alternatively, a written report may be made. A hard copy of the report form is available from any contact listed in Policy 106, Appendix A, or online at: rochester.edu/working/hr/policies/pdfpolicies/106_request_formal_resolution.pdf.

A report can also be made anonymously or through a third party.

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) 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 there is a threat to a complainant’s health or safety, the University may take temporary protective measures to protect individuals. 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. 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. 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 every effort will be made to protect the privacy of all parties, 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 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 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.

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 the proof need only show that it is more likely than not that the alleged behavior occurred, and also violates Policy 106, when determining whether a person accused of something is responsible.

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 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 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 that 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 do its best to keep information about persons reporting and persons against whom reports are made as private as possible, 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, 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 to an incident, or indirect, such as something you overheard or were made aware of 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 expects and encourages you to participate in this process and to be truthful and forthcoming with the investigator.

Witness Confidentiality

Any statement that you provide to an investigator will be kept private to the greatest extent possible, but confidentiality cannot be 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. 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.

Retaliation

All witnesses are afforded the same protections against retaliation as complainants.
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 intimate partner violence, a respondent has the right to bring a support person with him or her to the meeting with the investigator. Respondents should also separately consider making use of the Employee Assistance Program (EAP): 585-475-0432; urmc.rochester.edu/eap.aspx if they 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 to the greatest extent possible, but confidentiality cannot be guaranteed. 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, and 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 includes 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.

Questions?

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

This document highlights aspects of Policy 106. However, the policy itself provides greater detail and can be read in full online as a PDF and can be printed.

The full text of Policy 106 can be found here: rochester.edu/working/hr/policies/pdfpolicies/106.pdf

Published April 9, 2018