

## 600.1 Non-Discrimination/Equal Employment Opportunity Statement

**Purpose** To emphasize Rensselaer's commitment to a working, living and learning environment that is free from discrimination and discriminatory harassment, and provides equal opportunity to faculty, staff and students.

**Policy** Rensselaer Polytechnic Institute complies with all federal, state and local non-discrimination laws and is committed to providing a working, living and learning environment free from discrimination and discriminatory harassment based on actual or perceived race, color, religion, sex, gender, pregnancy, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status<sup>1</sup>, relationship with or association with member(s) of a protected class, legal off-premises use of tobacco products or any other basis prohibited by law.

Rensselaer Polytechnic Institute is also committed to providing equal employment opportunities for all persons regardless of actual or perceived race, color, religion, sex, gender, pregnancy, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status, reproductive health decision-making, relationship with or association with member(s) of a protected class, legal off-premises use of tobacco products or any other basis prohibited by law.

Personnel actions will not be influenced by an individual's actual or perceived race, color, religion, sex, gender, pregnancy, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status, reproductive health decision-making, relationship with or association with member(s) of a protected class, legal off-premises use of tobacco products or any other basis prohibited by law. Personnel actions will not be based on the arbitrary preferences of co-workers, management, clients, or customers or influenced by discrimination, discriminatory harassment or any other basis prohibited by law.

Wages and salaries will be based on job content, market factors and other relevant job-related factors.

Employee benefits will be administered in accordance with the Plan Document for each benefit plan, and not on any other basis prohibited by law.

Equal opportunity extends to all aspects of the employment relationship, including but not limited to hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

Rensselaer Polytechnic Institute shall not terminate or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is:

- (a) in response to a formal complaint or charge,
- (b) in furtherance of an investigation, proceeding, hearing, or action, including an

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<sup>1</sup> In accordance with the New York State Human Rights Law, familial status is defined to protect (a) any person who is pregnant or has a child or is in the process of securing legal custody of any individual who has not attained the age of 18 years, or (b) one or more individuals (who have not attained the age of 18 years) being domiciled with: (1) a parent or another person having legal custody of such individual or individuals, or (2) the designee of such parent.

investigation conducted by the Institute, or

(c) consistent with the Institute's legal duty to furnish information.

This policy applies to: all employees, including members of the President's Cabinet, faculty, research professionals, staff, student workers, graduate student teaching, learning and research assistants; contractors; vendors; visitors; and guests.

Any person who violates this policy will be subject to discipline, up to and including termination.

**Procedure** Official functions of Rensselaer will not be held in clubs or other facilities that maintain restrictive membership requirements relating to race, color, religion, sex, gender, pregnancy, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status, relationship with or association with member(s) of a protected class, legal off-premises use of tobacco products or any other basis prohibited by law. In addition, Rensselaer will not pay for membership in such clubs, or any bills for expenses incurred at such clubs.

#### Title IX Coordinator

Rensselaer designates the Director of Employee Relations, the Senior Human Resources Specialist/Title IX Coordinator and the Deputy to the Vice President for Human Resources as Title IX Coordinators for the Institute. The Title IX Coordinators' responsibilities include:

- Providing oversight for the Institute's non-discrimination, harassment, equal opportunity and non-retaliation compliance;
- Coordinating the Institute's compliance with Title IX;
- Overseeing the Institute's response to reports of alleged violations of Rensselaer's policies regarding discrimination and Sexual Misconduct by students, staff, faculty, and third parties;
- Coordinating training, prevention and education efforts with regard to discrimination, discriminatory harassment, Sexual Misconduct and retaliation;
- Coordinating periodic reviews of climate and culture with regard to discrimination, discriminatory harassment, Sexual Misconduct and retaliation;
- Identifying and addressing any patterns or systemic problems;
- Being knowledgeable of and trained in Institute policies and procedures and relevant state and federal laws regarding discrimination, discriminatory harassment, Sexual Misconduct and retaliation;
- Advising individuals, including a Complainant, a Respondent, a witness or a third party, about the courses of action available for reporting and responding to discrimination, discriminatory harassment, Sexual Misconduct and retaliation at the Institute, both informally and formally, and in the community;
- Coordinating the effective implementation of Supportive Measures;
- When appropriate, preparing and filing a formal complaint;
- Investigating complaints of discrimination, discriminatory harassment, Sexual Misconduct and/or retaliation as part of applicable Institute Policies and Procedures; and.
- Coordinating and supervising the work of all designated Title IX Liaison Officers.

The Title IX Coordinators can be contacted by telephone at (518) 276-3065, (518) 276-4093 or (518) 276-3980; by e-mail at [HRMAIL@rpi.edu](mailto:HRMAIL@rpi.edu); or by visiting the Division of Human Resources at 21 Union Street, 2<sup>nd</sup> Floor, Gurley Building, Troy, New York.

### Reporting Procedures

Any applicant, employee or student<sup>2</sup> who believes that there has been a violation of Rensselaer's policy or any applicable law relating to equal employment opportunities, non-discrimination, discriminatory harassment or retaliation<sup>3</sup> should immediately contact a Title IX Coordinator. All reports are promptly reviewed and appropriately investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, Rensselaer's ability to review, investigate and respond to the conduct may be limited. Recognizing that Rensselaer has a legal obligation to review all reports, the Institute will weigh the Complainant's request for no action against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the Institute's commitment to provide a reasonably safe and non-discriminatory environment, and the rights of the Respondent to receive notice and relevant information before disciplinary action is taken. If Rensselaer determines that it is necessary to proceed with the complaint process or implement other appropriate remedies notwithstanding a Complainant's request for no action or not to participate in an investigation, the Complainant will be notified by a Title IX Coordinator of the Institute's chosen course of action.

The Institute is required to consider any additional allegations that emerge during the investigation.

The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

### Employee Responsibilities

If an employee believes that they have been subject to discrimination, prohibited harassment, retaliation or unethical action, they should immediately:

- Consider making his/her unease and/or disapproval directly and immediately known to the person(s) responsible for such discrimination, harassment, retaliation or unethical action. However, an employee is not required to take this step before reporting to their supervisor or Rensselaer's Division of Human Resources.
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses.
- Report the incident to his/her supervisor or a Title IX Coordinator.

All incidents of discrimination and discriminatory harassment, sexual misconduct, retaliation or unethical actions are encouraged to be reported, regardless of the severity, in accordance with this policy. If the alleged subject of the discrimination, discriminatory harassment, sexual misconduct, retaliation or unethical actions is a current Rensselaer student, all employees of Rensselaer are required to report the allegation to a Title IX Coordinator. The only exception to this requirement is for staff assigned to the Student Health Center, Student Counseling Center, and Office of Religious Affairs. See Human Resources Policy Section 600.8, *Sexual Misconduct Policy*.

Making a report of discrimination, discriminatory harassment, retaliation or unethical actions that is malicious, demonstrably false, or filed in bad faith may be grounds for disciplinary action up to and including termination.

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<sup>2</sup> Students can also contact the Dean of Students Office at (518) 276-6266; the Office of Undergraduate Education at (518) 276-2244; or the Office of Graduate Education at (518) 276-8433.

<sup>3</sup> Faculty, staff and students alleging violations of Sexual Misconduct must follow the procedures and processes in Section 600.8, ***Sexual Misconduct Policy***. Sexual Misconduct is intended to include Dating Violence, Domestic Violence, Intimate Partner Violence, Non-Consensual Sexual Contact, Sexual Assault, Sexual Exploitation, Sexual Violence, and Stalking, as defined by Title IX and Rensselaer policy.

### **Supervisor Responsibilities**

Supervisors must deal expeditiously and fairly with allegations of discrimination, discriminatory harassment, retaliation or unethical actions whether or not there has been a written or formal complaint. Supervisors must:

- Immediately contact a Title IX Coordinator, who will be responsible for investigating and responding to allegations of prohibited conduct.
- In consultation with the Division of Human Resources, take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate discrimination, discriminatory harassment, retaliation or unethical actions are in violation of this policy and are subject to disciplinary action, up to and including termination.

All employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.7, *Reporting, Investigation and Resolution Procedures for Complaints Involving Discrimination, Harassment, Retaliation, or Unethical Actions*.

### **Training Requirements**

The Division of Human Resources is responsible for distributing to employees, including faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders, the Institute's Discrimination and Discriminatory Harassment Policies and Procedures, and providing information and education about these policies.

All faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders are required to complete Discrimination and Harassment Prevention training:

- As part of new employee on-boarding;
- At least once every year thereafter; and
- At other times as may be deemed appropriate by the Institute.

## 600.2 Sex/Gender Discrimination

**Purpose** To emphasize Rensselaer's commitment to the principles of non-discrimination, harassment prevention and equal opportunity on the basis of sex or gender, sexual orientation, transgender status, gender dysphoria, gender identity or gender expression, marital status or pregnancy status within the Institute's working, living and learning environments.

**Policy** Rensselaer Polytechnic Institute's personnel actions and practices will not be based on stereotypical characterizations of men and women, or on the arbitrary preferences of co-workers, management, clients, or customers. Rensselaer prohibits discrimination and discriminatory harassment on the basis of actual or perceived sex, gender, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, marital status, pregnancy status, or reproductive health decision-making in the working, living and learning environments.

Sex/gender discrimination and discriminatory harassment are prohibited by federal and state law and Institute policy.

Employment policies and practices will be applied to pregnant employees on the same basis as they are applied to all other employees.

Any person who violates this policy will be subject to disciplinary action, up to and including termination.

This policy applies to: all employees, including members of the President's Cabinet, faculty, research professionals, staff, student workers, graduate student teaching, learning and research assistants; contractors; vendors; visitors; and guests.

The full details of Rensselaer's expectations of faculty and staff conduct and procedures for receiving, responding to, and adjudicating reports of sex or gender discrimination, sexual harassment, and sexual misconduct are contained in Rensselaer's Sexual Misconduct Policy. That Policy can be accessed at: [SexualViolence.rpi.edu](https://SexualViolence.rpi.edu).

**Procedure** Personnel actions will not be influenced by an individual's actual or perceived sex, gender, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, marital status, pregnancy status, or reproductive health decision-making. Wages and salaries will be based on job content, market factors and other relevant job-related factors.

Employee benefits will be provided without regard to sex/gender in accordance with the Plan Document for each benefit plan.

### Reporting Procedures

Any applicant, employee or student<sup>4</sup> who believes that there has been a violation of Rensselaer's sex/gender discrimination policy or any applicable law relating to such discrimination or discriminatory harassment<sup>5</sup> should immediately contact a Title IX Coordinator. All reports are promptly reviewed and appropriately investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate,

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<sup>4</sup> Students may also contact the Dean of Students Office at (518) 276-6266; or the Office of Undergraduate Education at (518) 276-2244; or the Office of Graduate Education at (518) 276-8433.

<sup>5</sup> Faculty, staff and students alleging violations of Sexual Misconduct must follow the procedures and processes in Section 600.8, **Sexual Misconduct Policy**. Sexual Misconduct is intended to include Dating Violence, Domestic Violence, Intimate Partner Violence, Non-Consensual Sexual Contact, Sexual Assault, Sexual Exploitation, Sexual Violence, and Stalking, as defined by Title IX and Rensselaer policy.

Rensselaer's ability to review, investigate and respond to the conduct may be limited. Recognizing that Rensselaer has a legal obligation to review all reports, the Institute will weigh the Complainant's request for no action against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the Institute's commitment to provide a reasonably safe and non-discriminatory environment, and the rights of the Respondent to receive notice and relevant information before disciplinary action is taken. If Rensselaer determines that it is necessary to proceed with the complaint process or implement other appropriate remedies, notwithstanding a Complainant's request for no action or not to participate in an investigation, the Complainant will be notified by a Title IX Coordinator of the Institute's chosen course of action.

The Institute is required to consider any additional allegations that emerge during the investigation.

The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

Employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.7, *Reporting, Investigation and Resolution Procedures for Complaints Involving Discrimination, Harassment, Retaliation, or Unethical Actions*.

#### **Employee Responsibilities**

If an employee believes that they have been subject to discrimination, discriminatory harassment, retaliation or unethical action, they should immediately:

- Consider making his/her unease and/or disapproval directly and immediately known to the person(s) responsible for such discrimination, discriminatory harassment, retaliation or unethical action. However, an employee is not required to take this step before reporting to their supervisor or Rensselaer's Division of Human Resources.
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses.
- Report the incident to his/her supervisor or Rensselaer's Division of Human Resources' Director of Employee Relations.

All incidents of discrimination, discriminatory harassment, retaliation or unethical actions are encouraged to be reported, regardless of the severity, in accordance with this policy.

Making a report of discrimination, discriminatory harassment, retaliation or unethical actions that is malicious, demonstrably false, or filed in bad faith may be grounds for disciplinary action up to and including termination.

#### **Supervisor Responsibilities**

Supervisors must deal expeditiously and fairly with allegations of discrimination, discriminatory harassment, retaliation or unethical actions whether or not there has been a written or formal complaint. Supervisors must:

- Immediately contact Rensselaer's Division of Human Resources' Director of Employee Relations, who will be responsible for investigating and responding to allegations of prohibited conduct.
- In consultation with the Division of Human Resources, take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate discrimination, discriminatory harassment, retaliation or unethical actions are in violation of this policy and are subject to disciplinary action, up to and including termination.

All employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.7, *Reporting, Investigation and Resolution Procedures for Complaints Involving Discrimination, Harassment, Retaliation, or Unethical Actions*.

**Training Requirements**

The Division of Human Resources is responsible for distributing to employees, including faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders, the Institute's Discrimination and Discriminatory Harassment Policies and Procedures, and providing information and education about these policies.

All faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders are required to complete Discrimination and Harassment Prevention training:

- As part of new employee on-boarding;
- At least once every year thereafter; and
- At other times as may be deemed appropriate by the Institute.

## 600.3 Discriminatory Workplace Harassment Prevention

**Purpose** To emphasize Rensselaer's commitment to creating a working, living and learning environment that is free from all forms of discriminatory harassment.

**Definitions** **Discriminatory Harassment** is defined as unwanted physical, verbal, or other conduct directed at another person(s) based on that person's actual or perceived race, color, religion, sex, gender, pregnancy, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, age, military status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status, reproductive health decision-making, relationship with or association with member(s) of a protected class, legal off-premises use of tobacco products or any other basis prohibited by law.

Examples of prohibited conduct include but are not limited to:

- Verbal conduct including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's protected status, and hate speech;
- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages or gestures based on an individual's protected status;
- Physical conduct including assault, unwanted touching or blocking normal movement because of an individual's protected status;
- Retaliation for reporting, threatening to report, disclosing or participating in an investigation of discrimination or discriminatory harassment.<sup>7</sup>

**Policy** Rensselaer Polytechnic Institute is committed to providing a working, living and learning environment free of discriminatory harassment based on actual or perceived race, color, religion, sex, gender, pregnancy, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status, reproductive health decision-making, relationship with or association with member(s) of a protected class, legal off-premises use of tobacco products or any other basis prohibited by law. Rensselaer prohibits discriminatory harassment in all of its working, living and learning environments. Such harassment violates an individual's fundamental rights and personal dignity. Rensselaer considers such discriminatory harassment in all its forms to be a serious offense.

Employees are prohibited from harassing other individuals whether or not the incidents of discriminatory harassment occur on Rensselaer premises and whether or not the incidents occur during working hours.

Vendors, visitors and guests are prohibited from harassing other individuals while on Rensselaer property.

Any person who violates this policy will be subject to disciplinary action, up to and including termination. Vendors, visitors and guests who violate this policy will be barred from Rensselaer property.

This policy applies to: all employees, including members of the President's Cabinet, faculty, research professionals, staff, student workers, graduate student teaching, learning and research assistants; contractors; vendors; visitors; and guests.

The full details of Rensselaer's expectations of faculty and staff conduct and procedures for receiving, responding to, and adjudicating reports of sex or gender discrimination, sexual harassment, and sexual misconduct are contained in Rensselaer's Sexual Misconduct Policy. That Policy can be accessed at: [SexualViolence.rpi.edu](https://www.rensselaer.edu/SexualViolence.rpi.edu).



## **Procedure** Reporting Procedure

Any applicant, employee or student<sup>6</sup> who believes that there has been a violation of Rensselaer's discrimination and/or discriminatory harassment policy or any applicable law relating to such discrimination or discriminatory harassment<sup>7</sup> should immediately contact Rensselaer's Division of Human Resources' Director of Employee Relations.

Reports may be made verbally or in writing. If the reporting person chooses to do so, they may use Rensselaer's Complaint Form, which can be found at the end of Human Resources Policy #600.7.

All reports are promptly reviewed and appropriately investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, Rensselaer's ability to review, investigate and respond to the conduct may be limited. Recognizing that Rensselaer has a legal obligation to review all reports, the Institute will weigh the Complainant's request for no action or not to participate in an investigation against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the Institute's commitment to provide a reasonably safe and non-discriminatory environment, and the rights of the Respondent to receive notice and relevant information before disciplinary action is taken. If Rensselaer determines that it is necessary to proceed with the complaint process or implement other appropriate remedies, notwithstanding a Complainant's request for no action or not to participate in an investigation, the Complainant will be notified by the Director of Employee Relations of the Institute's chosen course of action.

The Institute is required to consider any additional allegations that emerge during the investigation.

The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

All employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.7, *Reporting, Investigation and Resolution Procedures for Complaints Involving Discrimination, Harassment, Retaliation, or Unethical Actions*.

### **Employee Responsibilities**

If an employee believes that they have been subject to discrimination, discriminatory harassment, retaliation or unethical action, they should immediately:

- Consider making his/her unease and/or disapproval directly and immediately known to the person(s) responsible for such discrimination, discriminatory harassment, retaliation or unethical action. However, an employee is not required to take this step before reporting to their supervisor or Rensselaer's Division of Human Resources.
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses.
- Report the incident to his/her supervisor or a Title IX Coordinator.

All incidents of discrimination, discriminatory harassment, retaliation or unethical actions are encouraged to be reported, regardless of the severity, in accordance with this policy.

Making a report of discrimination, discriminatory harassment, retaliation or unethical actions that is malicious, demonstrably false, or filed in bad faith may be grounds for disciplinary action up to and including termination.

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<sup>6</sup> Students may also contact the Dean of Students Office at (518) 276-6266; or the Office of Undergraduate Education at (518) 276-2244; or the Office of Graduate Education at (518) 276-8433.

<sup>7</sup> Faculty, staff and students alleging violations of Sexual Misconduct should follow the procedures and processes in Section 600.8, ***Sexual Misconduct Policy***. Sexual Misconduct is intended to include Dating Violence, Domestic Violence, Intimate Partner Violence, Non-Consensual Sexual Contact, Sexual Assault, Sexual Exploitation, Sexual Violence, and Stalking, as defined by Title IX and Rensselaer policy.

### **Supervisor Responsibilities**

Supervisors must deal expeditiously and fairly with allegations of discrimination, discriminatory harassment, retaliation or unethical actions whether or not there has been a written or formal complaint. Supervisors must:

- Immediately contact a Title IX Coordinator, who will be responsible for investigating and responding to allegations of prohibited conduct.
- In consultation with the Division of Human Resources, take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate discrimination, discriminatory harassment, retaliation or unethical actions are in violation of this policy and are subject to disciplinary action, up to and including termination.

All employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.8, *Reporting, Investigation and Resolution Procedures for Complaints Involving Discrimination, Harassment, Retaliation, or Unethical Actions*.

### **Training Requirements**

The Division of Human Resources is responsible for distributing to employees, including faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders, the Institute's Discrimination and Discriminatory Harassment Policies and Procedures, and providing information and education about these policies.

All faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders are required to complete Discrimination and Harassment Prevention training:

- As part of new employee on-boarding;
- At least once every year thereafter; and
- At other times as may be deemed appropriate by the Institute.

### **Legal Protections and External Remedies**

#### **Legal Protections And External Remedies**

Discriminatory Harassment is not only prohibited by Rensselaer but is also prohibited by New York State Human Rights Law, Title VII of the federal Civil Rights Act of 1964 and some municipal laws. Employees may file a complaint with the federal Equal Employment Opportunity Commission, the New York State Division of Human Rights or another enforcement agency, if applicable, or in a court of law. Agencies accept and investigate charges of sexual harassment.

The U.S. Department of Education has interpreted Title IX of the Education Amendments of 1972 to apply to faculty and staff, as well as students, of higher education institutions receiving federal funding, including Rensselaer.

The Equal Employment Opportunity Commission has district, area and regional offices and may be contacted by visiting [www.eeoc.gov](http://www.eeoc.gov), emailing [info@eeoc.gov](mailto:info@eeoc.gov) or by telephone at 1-800-669-4000 (TTY 1-800-669-6820).

The U.S. Department of Education Office for Civil Rights New York Office may be contacted by visiting, by telephone at (646) 428-3800 or TDD: 800-877-8339, by facsimile at (646) 428-3843, by email at [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov), or by mail to U.S. Department of Education, 32 Old Slip, 26<sup>th</sup> Floor, New York, NY 10005-2500.

The New York State Division of Human Rights may be contacted by visiting [www.dhr.ny.gov](http://www.dhr.ny.gov), by telephone at (518) 474-2705, or by mail to Agency Building 1, 2<sup>nd</sup> Floor, Empire State Plaza, Albany, New York 12220. Information regarding federal, state and city courts is also available online.

Employees subjected to unlawful harassment may be entitled to certain remedies, including monetary damages, civil penalties, and injunctive relief (such as an order that certain action be taken or that certain behavior stop).

## 600.4 Accommodating Individuals with Disabilities

**Purpose** To emphasize Rensselaer's commitment to a working, living and learning environment that is free from discrimination and discriminatory harassment on the basis of actual or perceived disability.

**Definitions** Disability is defined as a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevent the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques.

Disabled Individual is defined as any person who:

- 1) has a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function; or
- 2) has a record of such an impairment or a condition regarded by others as such an impairment that is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or
- 3) is regarded as having such an impairment.

Qualified Individual with a Disability is defined as:

- 1) an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position; or
- 2) an individual with a disability who, with the provision of reasonable accommodations, can perform the essential functions of the position that is occupied or sought in a satisfactory and safe manner.

A Pregnancy-Related Condition<sup>8</sup> is defined as a medical condition related to pregnancy or childbirth.

**Policy** In all hiring and employment practices, Rensselaer Polytechnic Institute prohibits any and all discrimination, discriminatory harassment and retaliation against qualified individuals with disabilities. This includes, but is not limited to, discrimination and discriminatory harassment with respect to hiring, promotion, termination, compensation, benefits, training, and all other aspects of employment.

Rensselaer also prohibits any discrimination and discriminatory harassment against an employee because they have a family member with a disability. In general, benefits are made available to employees on an equal basis without regard to whether any individual has a disability.

Rensselaer also prohibits retaliation against any individual who reports, files a complaint, testifies and/or participates in any manner in an investigation of, or proceedings involving allegations of discrimination, discriminatory harassment and retaliation on the basis of disability.

Rensselaer will provide reasonable accommodations to qualified individuals with disabilities, and to individuals with a pregnancy-related condition, after engaging in an interactive

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<sup>8</sup> In accordance with the New York State Human Rights Law, a pregnancy-related condition is considered a temporary disability.

process to determine the individual's limitations and possible accommodations that will allow the individual to perform the essential functions of the position in a satisfactory and safe manner.

Any faculty member, staff member, applicant for employment or other third party who wishes to request an accommodation based on a disability or who believes they have been subject to discrimination, discriminatory harassment or retaliation on the basis of a disability may file a report or complaint using the procedure outlined below.

This policy applies to: all employees, including members of the President's Cabinet, faculty, research professionals, staff, student workers, graduate student teaching, learning and research assistants; contractors; vendors; visitors; and guests.

**Procedure** Requests for an accommodation based on a disability may be submitted to either to Rensselaer's ADA Coordinator by e-mail to HRMail@rpi.edu (for faculty, staff or third parties), or to the Disability Services for Students Office (DSS) (for students) by e-mail to dss@rpi.edu.

Requests for an accommodation based on a disability is preferred, but not required, to be submitted in writing and should contain as much of the following information as possible:

- The name, address, and phone number of the person making the request or filing the report;
- The name of the person or persons allegedly subjected to the need for the accommodation, if different from the individual above;
- The name of the person or persons allegedly refusing to provide the accommodation, if applicable;
- A description of the issue(s) or incident(s), including the date(s), location(s), and the presence of any witnesses;
- The alleged effect of the issue(s) or incident(s) on the complainant's employment or academic status, if any;
- The names of other employees and/or students who might have been subject to the same or similar issue(s) or incident(s) (optional);
- Any steps taken to try to address the issue(s) or incident(s);
- The remedy, relief or accommodation sought; and
- Any other information the reporting person believes to be relevant to the accommodation request.

The ADA Coordinator (or her/his designee) will attempt to resolve the matter, and where warranted, investigate the matter.

#### **Employee Responsibilities**

An employee who believes that they have a need for an accommodation based on a disability can contact their immediate supervisor, the Division of Human Resources or the Institute's ADA Coordinator.

#### **Supervisor Responsibilities**

Supervisors who receive a request for an accommodation based on a disability are expected to consult with the Division of Human Resources or the Institute ADA Coordinator.

Supervisors who fail to report a request for an accommodation based on a disability to the Division of Human Resources or the Institute ADA Coordinator are in violation of this policy and are subject to disciplinary action, up to and including termination.

### **Training Requirements**

The Division of Human Resources is responsible for distributing to employees, including faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders, the Institute's Discrimination and Discriminatory Harassment Policies and Procedures, and providing information and education about these policies.

All faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders are required to complete Discrimination and Harassment Prevention training:

- As part of new employee on-boarding;
- At least once every year thereafter; and
- At other times as may be deemed appropriate by the Institute.

### **Reporting Procedure**

Any applicant, employee, student<sup>9</sup> or third party who believes that there has been a violation of Rensselaer's policy or any applicable law relating to unlawful discrimination, discriminatory harassment or retaliation on the basis of disability, including providing reasonable accommodations to people with disabilities, should immediately contact Rensselaer's Division of Human Resources or ADA<sup>10</sup> Coordinator (Director of Employee Relations) and refer to Human Resources Policies 600.1, *Non-Discrimination, Non-Retaliation and EEO*; 600.3, *Discriminatory Workplace Harassment Prevention*; and 600.7, *Reporting, Investigation and Resolution Procedures*.

The information obtained during the course of providing an accommodation based on a disability is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

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<sup>9</sup> Students should contact the Disability Services for Students Office at (518) 276-8197/DSS@rpi.edu.

<sup>10</sup> ADA refers to the Americans with Disabilities Act and the ADA Coordinator role is intended to comply requires under Section 504 of the 1973 Rehabilitation Act.

## 600.5 Religious Accommodations

**Purpose** To emphasize Rensselaer's commitment to a working, living and learning environment that is free from religious discrimination and discriminatory harassment.

**Policy** Rensselaer Polytechnic Institute prohibits discrimination and discriminatory harassment on the basis of religious beliefs.

Rensselaer Polytechnic Institute values and respects the diversity of its faculty, staff and students. As such, Rensselaer seeks to accommodate the religious beliefs and needs of its faculty and staff in its hiring and employment practices.

Rensselaer is a nondenominational university that welcomes all faiths. Therefore, Rensselaer will make reasonable efforts to assure that religious participation is not unreasonably restricted for any employee or student who wishes to be absent from the workplace or classroom on religious observances and holidays. In the case of conflicts between the university calendar and an individual's religious beliefs, Institute Leaders are expected to make arrangements to assure that religious participation of our students, faculty and staff is not unreasonably restricted.

This policy applies to: all employees, including members of the President's Cabinet, faculty, research professionals, staff, student workers, graduate student teaching, learning and research assistants; contractors; vendors; visitors; and guests.

**Procedure** The Division of Human Resources provides oversight for religious accommodation issues at an Institute-wide level. An employee who thinks that his/her religious beliefs affect their work schedule, assignment, dress code, or other work-related matters should promptly contact the Division of Human Resources and his/her supervisor to evaluate possible accommodations. Requests for a religious accommodation may be submitted by e-mail to [HRMail@rpi.edu](mailto:HRMail@rpi.edu) (for faculty, staff or third parties), or to the Dean of Students Office by e-mail to [DOSO@rpi.edu](mailto:DOSO@rpi.edu) (for students).

Staff may request Paid Time Off (PTO) and faculty may request scheduled time off for a religious holiday or observance by contacting their immediate supervisor for approval using established departmental procedures.

Requests for a religious accommodation are preferred, but not required, to be submitted in writing and should contain as much of the following information as possible:

- The name, address, and phone number of the person making the request or filing the request;
- The name of the person or persons allegedly subjected to the need for the accommodation, if different from the individual above;
- The name of the person or persons allegedly refusing to provide the accommodation, if applicable;
- A description of the issue(s) or incident(s), including the date(s), location(s), and the presence of any witnesses;
- The alleged effect of the issue(s) or incident(s) on the complainant's employment or academic status, if any;
- The names of other employees and/or students who might have been subject to the same or similar issue(s) or incident(s) (optional);
- Any steps taken to try to address the issue(s) or incident(s);
- The remedy, relief or accommodation sought; and
- Any other information the reporting person believes to be relevant to the accommodation request.

The Division of Human Resources will attempt to resolve the matter, and where warranted, investigate the matter.

#### **Employee Responsibilities**

An employee who believes that they have a need for a religious accommodation can contact their immediate supervisor or the Division of Human Resources.

#### **Supervisor Responsibilities**

Supervisors who receive a request for a religious accommodation are expected to consult with the Division of Human Resources.

Supervisors who fail to report a request for a religious accommodation to the Division of Human Resources are in violation of this policy and are subject to disciplinary action, up to and including termination.

#### **Training Requirements**

The Division of Human Resources is responsible for distributing to employees, including faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders, the Institute's Discrimination and Discriminatory Harassment Policies and Procedures, and providing information and education about these policies.

All faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders are required to complete Discrimination and Harassment Prevention training:

- As part of new employee on-boarding;
- At least once every year thereafter; and
- At other times as may be deemed appropriate by the Institute.

#### **Reporting Procedure**

Any applicant, employee, student or third party who believes that there has been a violation of Rensselaer's policy or any applicable law relating to unlawful discrimination, discriminatory harassment or retaliation, including providing reasonable religious accommodations, should immediately contact Rensselaer's Division of Human Resources and refer to Human Resources Policies 600.1, *Non-Discrimination, Non-Retaliation and EEO*; 600.3, *Discriminatory Workplace Harassment Prevention*; and 600.7, *Reporting, Investigation and Resolution Procedures*.

The information obtained during the course of considering and/or providing a religious accommodation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

Employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.7, *Reporting, Investigation and Resolution Procedures for Complaints Involving Discrimination, Harassment, Retaliation, or Unethical Actions*.

#### **Training Requirements**

The Division of Human Resources is responsible for distributing to employees, including faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders, the Institute's Discrimination and Harassment Policies and Procedures, and providing information and education about these policies.

All faculty, staff, graduate teaching, research and learning assistants, and Institute Leaders are required to complete Discrimination and Harassment Prevention training:

- As part of new employee on-boarding;
- At least once every year thereafter; and
- At other times as may be deemed appropriate by the Institute.

## 600.6 Prohibition Against Retaliation

**Purpose** To emphasize Rensselaer's commitment to a working, living and learning environment that is free from retaliation.

**Definition** The definition of Retaliation/Retribution includes, but is not limited to any action(s) that result in punishing, injuring or harming a co-worker, subordinate or manager for the reporting of an incident, filing a complaint, testifying and/or participating in any manner of an investigation of, or proceedings involving allegations of discrimination, discriminatory harassment, retaliation, or perceived illegal or unethical actions.

**Policy** Rensselaer recognizes the need for open, honest communication among management, faculty, staff, students and other constituencies in our community. Rensselaer encourages the reporting of concerns of discrimination, discriminatory harassment, retaliation, or other improper conduct.

The Institute will not retaliate, nor will it tolerate any retaliation, against any individual for reporting or disclosing, in good faith, alleged illegal or improper behavior, instance of non-compliance, safety hazards, quality issues, privacy/confidentiality breaches and/or any other types of occurrences to Rensselaer's Division of Human Resources or to federal, state or local agencies. Similarly, Rensselaer prohibits retaliation against any staff, student, faculty member or other member of the community for reporting an incident, filing a complaint, testifying and/or participating in any manner of an investigation of, or proceedings involving allegations of improper conduct, discrimination, discriminatory harassment and retaliation. Retaliation is unlawful and will not be tolerated.

Any person who violates this policy will be subject to disciplinary action, up to and including immediate termination.

This policy applies to: all employees, including members of the President's Cabinet, faculty, research professionals, staff, student workers, graduate student teaching, learning and research assistants; contractors; vendors; visitors; and guests.

**Procedure** Reporting Procedure

Any applicant, employee or student<sup>11</sup> who believes that there has been a violation of Rensselaer's Prohibition Against Retaliation policy<sup>12</sup>, or who alleges illegal or improper behavior, non-compliance, safety hazards, quality issues, privacy/confidentiality breaches and/or any other types of occurrences any applicable law relating to equal employment opportunities, non-discrimination or discriminatory harassment should immediately contact the Division of Human Resources; the General Counsel; the Office of the Vice President for Student Life; the Vice Provost and Dean, Graduate Education; Vice Provost and Dean, Undergraduate Education; the Dean of Students; or the Department of Public Safety.

All reports are promptly reviewed and appropriately investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, Rensselaer's ability to review, investigate and respond to the conduct may be limited. Recognizing that Rensselaer has a legal obligation to review all reports, the Institute will

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<sup>11</sup> Students may also contact the Dean of Students Office at (518) 276-6266; or the Office of Undergraduate Education at (518) 276-2244; or the Office of Graduate Education at (518) 276-8433.

<sup>12</sup> Faculty, staff and students alleging Retaliation involving reports of alleged violations of Sexual Misconduct must follow the procedures and processes in Section 600.8, Sexual Misconduct Policy. Sexual Misconduct is intended to include Dating Violence, Domestic Violence, Intimate Partner Violence, Non-Consensual Sexual Contact, Sexual Assault, Sexual Exploitation, Sexual Violence, and Stalking, as defined by Title IX and Rensselaer policy.



weigh the Complainant's request for no action or not to participate in an investigation against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the Institute's commitment to provide a reasonably safe and non-discriminatory environment, and the rights of the Respondent to receive notice and relevant information before disciplinary action is taken. If Rensselaer determines that it is necessary to proceed with the complaint process or implement other appropriate remedies, notwithstanding the Complainant's request for no action, the Complainant will be notified by a Title IX Coordinator of the Institute's chosen course of action.

The Institute is required to consider any additional allegations that emerge during the investigation.

The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

#### **Employee Responsibilities**

If an employee believes that they have been subject to discrimination, discriminatory harassment, retaliation or unethical action, they should immediately:

- Consider making his/her unease and/or disapproval directly and immediately known to the person(s) responsible for such discrimination, discriminatory harassment, retaliation or unethical action. However, an employee is not required to take this step before reporting to their supervisor or Rensselaer's Division of Human Resources.
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses.
- Report the incident to his/her supervisor or a Title IX Coordinator.

All incidents of discrimination, discriminatory harassment, retaliation or unethical actions are encouraged to be reported, regardless of the seriousness, in accordance with this policy.

Making a report of discrimination, discriminatory harassment, retaliation or unethical actions that is malicious, demonstrably false, or filed in bad faith may be grounds for disciplinary action up to and including termination.

#### **Supervisor Responsibilities**

Supervisors must deal expeditiously and fairly with allegations of discrimination, discriminatory harassment, retaliation or unethical actions whether or not there has been a written or formal complaint. Supervisors must:

- Immediately contact a Title IX Coordinator, who will be responsible for investigating and responding to allegations of prohibited conduct.
- In consultation with the Division of Human Resources, take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate discrimination, discriminatory harassment, retaliation or unethical actions are in violation of this policy and are subject to disciplinary action, up to and including termination.

Employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.7, *Reporting, Investigation and Resolution Procedures for Complaints Involving Discrimination, Harassment, Retaliation, or Unethical Actions*.

## 600.7 Reporting, Investigation and Resolution Procedures for Complaints of Discrimination, Discriminatory Harassment, Retaliation or Unethical Actions

**Purpose** To establish procedures for reporting, investigating and seeking resolutions to complaints of discrimination, discriminatory harassment, retaliation, or perceived illegal or unethical actions.

**Definition** **Whistle Blowing** refers to a report to the Institute that includes but is not limited to information about activities that: could harm the public's health or safety; involve financial accountability or mismanagement of Institute funds; violate ethical or professional standards; involve fraudulent claims for federal government reimbursement; impinge on employees' rights, including the right to organize and the right to testify in proceedings under labor laws or anti-discrimination statutes; or involve violations of any applicable law or Institute Policy.

**Preponderance of the Evidence** is a burden of proof that means that the evidence, considered in its entirety, indicates that, more likely than not, the accused has committed the alleged behavior and violated Institute policy.

**Policy** Rensselaer Polytechnic Institute's complaint, investigation and resolution procedures provide for prompt, thorough, and objective investigation of all claims of discrimination, discriminatory harassment, retaliation, and unethical actions. If discrimination, discriminatory harassment, retaliation, or an unethical action has occurred, Rensselaer will take appropriate remedial action that is, in its sole discretion, commensurate with the severity of the offense.

All complaints of discrimination, discriminatory harassment, retaliation or unethical actions should be brought to the attention of a Title IX Coordinator promptly after the incident or action that is the subject of the complaint.<sup>13</sup> Any member of the Rensselaer's community may initiate a complaint against a faculty, staff, student or outside third party.<sup>14</sup>

Rensselaer Polytechnic Institute strictly prohibits retaliation against any person for using this reporting procedure, or for filing and/or participating in any manner of an investigation of, or proceedings involving allegations of discrimination, discriminatory harassment, retaliation or an unethical action.

The Institute is required to consider any additional allegations that emerge during the investigation.

This policy applies to: all employees, including members of the President's Cabinet, faculty, research professionals, staff, student workers, graduate student teaching, learning and research assistants; contractors; vendors; visitors; and guests.

### Confidentiality

Rensselaer will make every reasonable effort to ensure confidentiality of the complaint process, and to protect and maintain the privacy of those individuals involved in the complaint, investigation, and resolution process; and the disclosure of any disciplinary actions imposed, except where such efforts are permitted by law. Even Rensselaer offices

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<sup>13</sup> Complaints of discrimination, discriminatory harassment and retaliation can also be filed with the U.S. Department of Education Office for Civil Rights (OCR) <https://www2.ed.gov/about/offices/list/ocr/index.html>, U.S. Equal Employment Opportunity Commission (EEOC) <https://www.eeoc.gov/>, the U.S. Department of Labor Office of Federal Contract Compliance Programs (OFCCP) <https://www.dol.gov/ofccp/>, the New York State Division of Human Rights <https://dhr.ny.gov/>, and for faculty and staff working on the Hartford Campus, the Connecticut Commission on Human Rights and Opportunities <http://www.ct.gov/chro>.

<sup>14</sup> Faculty, staff and students alleging violations of Sexual Misconduct must follow the procedures and processes in Section 600.8, Sexual Misconduct Policy. Sexual Misconduct is intended to include Dating Violence, Domestic Violence, Intimate Partner Violence, Non-Consensual Sexual Contact, Sexual Assault, Sexual Exploitation, Sexual Violence, and Stalking, as defined by Title IX and Rensselaer policy.

and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for a Title IX Coordinator or designee to investigate and/or seek a resolution. The investigation process, however, often necessitates the disclosure of the identity of parties and witnesses, and the content of the information they have provided in order to permit an appropriate and robust investigation. Rensselaer expects participants in an internal investigation to respect and maintain confidentiality of an on-going investigation in order to maintain the integrity of the process.

#### Privacy

Rensselaer is precluded from sharing information related to a complaint investigation with any person who does not have a legitimate business interest in the investigation and/or resolution process.

The full details of Rensselaer's expectations of faculty and staff conduct and procedures for receiving, responding to, and adjudicating reports of sex or gender discrimination, sexual harassment, and sexual misconduct are contained in Rensselaer's Sexual Misconduct Policy. That Policy can be accessed at: [SexualViolence.rpi.edu](https://sexualviolence.rpi.edu).

### **Procedure Employee Responsibilities**

If an employee believes that they have been subject to discrimination, discriminatory harassment, retaliation or unethical action, they should immediately:

- Consider making his/her unease and/or disapproval directly and immediately known to the person(s) responsible for such discrimination, discriminatory harassment, retaliation or unethical action. However, an employee is not required to take this step before reporting to their supervisor or Rensselaer's Division of Human Resources.
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses.
- Report the incident to his/her supervisor or a Title IX Coordinator.

All incidents of discrimination, discriminatory harassment, retaliation or unethical actions are encouraged to be reported, regardless of the severity, in accordance with this policy.

Reports may be made verbally or in writing. If the reporting person chooses to do so, they may use Rensselaer's Complaint Form, which can be found at the end of Human Resources Policy #600.7.

Making a report of discrimination, discriminatory harassment, retaliation or unethical actions that is malicious, demonstrably false, or filed in bad faith may be grounds for disciplinary action up to and including termination.

#### **Supervisor Responsibilities**

Supervisors must deal expeditiously and fairly with allegations of discrimination, discriminatory harassment, retaliation or unethical actions whether or not there has been a written or formal complaint. Supervisors must:

- Immediately contact a Title IX Coordinator, who will be responsible for investigating and responding to allegations of prohibited conduct.
- In consultation with the Division of Human Resources, take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate discrimination, discriminatory harassment, retaliation or unethical actions are in violation of this policy and are subject to disciplinary action, up to and including termination.

## **Division of Human Resources Responsibilities**

Responsibilities include:

- Ensuring that both the individual filing the complaint and the individual accused of discrimination, discriminatory harassment, retaliation or unethical actions are made aware of the allegations along with the investigation and complaint resolution procedures in writing.
- Explaining Rensselaer's discrimination, discriminatory harassment, retaliation and standards of conduct policies and investigation procedures.
- Exploring informal means of resolving the complaint (if applicable).
- Providing information about and/or making referrals for confidential care and support services for students (such as the Student Health Center and/or the Student Counseling Center), and for faculty and staff (such as the Employee Assistance Program).
- Providing information about and assistance in reporting alleged criminal activities to local or state law enforcement agencies.
- Conducting or arranging for an investigation of the alleged prohibited conduct.
- Preparing or overseeing any reports, recommendations, or remedial action(s) that are needed or warranted to resolve any prohibited conduct.
- Ensuring that both the individual filing the complaint and the individual accused of discrimination, discriminatory harassment, retaliation or unethical actions are made aware of the investigative determination in writing.
- Ensuring that steps are taken to prevent the recurrence of any discrimination, discriminatory harassment, retaliation or unethical actions, and correct its discriminatory effects on the complainant and others, if appropriate.

Each complaint will be assessed and resolved on a case by case basis guided by the processes outlined below.

### **Early Resolution Procedures**

Employees often can stop or prevent discrimination, harassment, retaliation, unethical actions by immediately and directly expressing his/her disapproval of the conduct. In any case, employees should report all incidents of discrimination, harassment, retaliation or unethical actions to his/her supervisor or the Division of Human Resources.

Some complaints can be resolved through early mediation between the two parties. The Division of Human Resources may arrange for or facilitate mediation between the parties and coordinate other informal problem resolution measures. Such early resolution may resolve the situation before moving to the formal complaint procedure, provided both parties agree on remedial action. **However, if the complaint involves a possible violation of Title IX by a member of the faculty or staff against a student, informal resolution is not allowed.**

### **Formal Resolution Procedures**

All incidents of discrimination, harassment, retaliation or unethical actions should be reported. An employee may report an alleged incident of a Policy violation to a Title IX Coordinator immediately, skipping efforts to informally resolve the situation, or at any time during or following informal resolution procedures.

Complaints should be reported as soon as possible after an incident of alleged discrimination, discriminatory harassment, retaliation or unethical action occurs and/or when the informal resolution either fails or the complainant elects to initiate the formal complaint resolution procedure. To facilitate a prompt and thorough investigation, the complainant or reporting individual should provide as much of the following information as is possible:

- The name, address, and phone number of the person making or filing the report;
- The name of the person or persons allegedly subjected to the discrimination,

discriminatory harassment, retaliation or unethical, if different from the individual above;

- The name, department, and position of the person or persons allegedly causing the discrimination, discriminatory harassment, retaliation or unethical action.
- A description of the issue(s) or incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the issue(s) or incident(s) on the complainant's employment or academic status, if any.
- The names of other employees and/or students who might have been subject to the same or similar issue(s) or incident(s) (optional).
- Any steps the complainant has taken to try to address the issue(s) or incident(s).
- The remedy sought; and
- Any other information the complainant believes to be relevant to the complaint.

All investigative determinations of Discrimination, Discriminatory Harassment Retaliation or Unethical Actions will use the *preponderance of the evidence* standard.

Rensselaer will make all reasonable efforts to conclude the investigative process in a timely manner<sup>15</sup>.

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<sup>15</sup> Generally within 120 calendar days.



# Rensselaer

## Complaint Form

### Discrimination, Discriminatory Harassment, Retaliation and/or Unethical Conduct against Faculty/Staff

Please provide the requested information so that the Rensselaer may investigate and resolve your complaint. You are not limited to the space provided and may attach additional pages. Once you have completed this form, you may provide the form to your Portfolio Leader and provide a copy of the form to the Division of Human Resources at [hmail@rpi.edu](mailto:hmail@rpi.edu).

Name \_\_\_\_\_ Title \_\_\_\_\_

Department/Location \_\_\_\_\_ Supervisor \_\_\_\_\_

A. Complaint(s) – Please describe your complaint(s), including the name of the person(s) about whom you are complaining. If your complaint involves specific comments, please include a description of the comments.

B. Related Material – Please list, and if possible, provide copies of, any emails, text messages, letters, notes, memos, diary entries, calendars, reports, or other items that relate to your complaint(s):

C. Persons with Information – Please list any individuals who you believe may have information about your complaint(s):

D. Prior Report(s) – Have you reported your concerns to anyone else at the Institute? If so, please provide the name and position of the person to whom you reported the concerns, and the date of the report.

**I understand that if I become aware of additional information that relates to my complaint, I must promptly provide such information to the Rensselaer Division of Human Resources. I also am aware that Rensselaer prohibits retaliation against me for filing this complaint, and I agree that I will immediately report any incident I believe is retaliatory using the procedures for reporting retaliation of the Institute.**

\_\_\_\_\_  
Reporter's Signature

\_\_\_\_\_  
Date completed

### Rensselaer Acknowledgment of Receipt of the Complaint Form

\_\_\_\_\_  
Portfolio Leader's Signature

\_\_\_\_\_  
Date Form Received

\_\_\_\_\_  
Division of HR Representative's Signature

\_\_\_\_\_  
Date Form Received

600 - 22  
August 14, 2020

Division of Human Resources at Rensselaer Polytechnic Institute

## 600.8 Sexual Misconduct

**Purpose** To emphasize Rensselaer's commitment to creating a working, living and learning environment that is free from Sexual Harassment and Misconduct.

**Definitions** **Sexual Harassment under Title IX** is defined as unwelcome conduct of a sexual nature, including any conduct or act of a sexual nature perpetrated against an individual without their Consent. Sexual Harassment can occur between strangers or acquaintances, as well as people involved in an intimate or sexual relationship. Sexual Harassment can be committed by any person, and it can occur between people of the same or different sex or gender. Rensselaer encourages reporting of all Sexual Harassment. Sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- (a) Quid pro quo – an individual conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct.
- (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to an education program or activity.
- (c) Sexual assault, dating violence, domestic violence and stalking.

Sexual Harassment can occur in person, by phone, text message, e-mail or other electronic, written or social medium.

Sexual Harassment can be physical, verbal and/or psychological in nature. An aggregation of a series of incidents can constitute Sexual Harassment even if one of the incidents considered on its own would not be considered harassing conduct.

Sexual Harassment can occur against any person by any person regardless of that individual's sex, gender, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, marital status, pregnancy status, or reproductive health decision-making. Although Sexual Harassment may involve a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

**Sexual Harassment under Rensselaer Policy** is defined as any unwelcome conduct of a sexual nature, or which is directed at an individual because of that individual's sex, including any conduct or act of a sexual nature perpetrated against an individual without their Consent. The harassment need not be severe or pervasive, but must only rise above petty slights or trivial inconveniences. Sexual Harassment can occur between strangers or acquaintances, as well as people involved in an intimate or sexual relationship. Sexual Harassment can be committed by any person, and it can occur between people of the same or different sex or gender. Rensselaer encourages reporting of all Sexual Harassment. Sexual Harassment includes but is not limited to:

- Intimate Partner Violence,
- Sexual Violence,
- Sexual Assault, and
- Stalking.

Intentionally aiding or assisting another person(s) in the commission of Intimate Partner Violence, Sexual Violence, Sexual Misconduct, Stalking, or other unwelcome conduct of a sexual nature also constitutes Sexual Harassment.

While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment, academic, or other benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying, storing, or transmitting pornographic or sexually suggestive images, objects, pictures, cartoons, graffiti, posters or websites on computers, emails, cell phones, bulletin boards, etc.;
- Verbal conduct: making or using sexist remarks or derogatory comments based on gender, innuendos, epithets, slurs, sexually explicit jokes, or lewd or sexual comments about an individual's appearance, body or dress, whistling or making suggestive or insulting sounds;
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct: unwelcome or inappropriate touching of employees or customers, indecent exposure, physical violence, intimidation, assault, or impeding or blocking normal movements;
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work; and
  - Bullying, yelling, name-calling.
- Retaliation for reporting, threatening to report, disclosing or participating in an investigation of discrimination or discriminatory harassment.

**Sexual Coercion** is the act of using pressure or force to have sexual contact with someone.

**Sexual Violence** refers to conduct that involves sexual acts perpetrated against a person's will forcibly or not forcibly, or where a person has not, or is incapable of, giving consent. Examples of Sexual Violence include, but are not limited to sexual assault, rape, intimate partner violence, dating violence, relationship violence, domestic violence, sexual battery and sexual coercion.

**Sexual Assault** is defined as any physical contact of a sexual nature, however slight, by a person(s) upon someone else (other person(s)), regardless of gender, that is without their consent, and/or by force. Sexual Assault includes non-consensual sexual intercourse.

**Sexual Exploitation** is defined as behavior that is designed to take advantage of another individual in a sexual way without their consent. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Non-consensual video- or audio-taping of a sexual nature;
- Sharing or publically posting, including electronically, any photo or video of a sexual nature without an individual's consent;



- Engaging in voyeurism; and
- Exposing one's genitals, or inducing someone to expose his/her genitals in non-consensual circumstances.

**Policy** Rensselaer Polytechnic Institute is committed to providing a working, living and learning environment free of sexual harassment, which includes sexual violence. Sexual violence includes, but is not limited to, sexual assault, rape, intimate partner violence, dating violence, relationship violence, domestic violence, sexual battery, sexual coercion and sexual exploitation. Rensselaer prohibits Sexual Harassment and sexual violence in all of its working, living and learning environments. Sexual Harassment violates an individual's fundamental rights and personal dignity. Rensselaer considers Sexual Harassment in all its forms to be a serious offense.

The U.S. Department of Education has interpreted Title IX of the Education Amendments of 1972 to apply to faculty and staff, as well as students, of higher education institutions receiving federal funding, including Rensselaer.

Employees are prohibited from sexually harassing other individuals whether or not the incidents of harassment occur on Rensselaer premises and whether or not the incidents occur during working hours. In a supervisor/subordinate relationship, consensual sexual or romantic relationships between employees are prohibited. (See Human Resources Policy #200.9, *Nepotism and the Employment of Relatives*.)

Employees, including faculty, contingent faculty, research professionals, staff, graduate student teaching, learning or research assistants, and members of the President's Cabinet, are prohibited from having sexual or romantic relationships with students.

Vendors, visitors and guests are prohibited from sexually harassing other individuals while on Rensselaer property.

Any person who violates this policy will be subject to disciplinary action, up to and including termination and/or will be prohibited from entering and/or remaining on any property or facilities owned or leased by Rensselaer.

This policy applies to: all employees, including members of the President's Cabinet, faculty, research professionals, staff, student workers, graduate student teaching, learning and research assistants; contractors; vendors; visitors; and guests.

The full details of Rensselaer's expectations of faculty and staff conduct and procedures for receiving, responding to, and adjudicating reports of sex or gender discrimination, sexual harassment, and sexual misconduct are contained in Rensselaer's Sexual Misconduct Policy. That Policy can be accessed at: [SexualViolence.rpi.edu](https://sexualviolence.rpi.edu).

#### **Procedure** Reporting Procedures

Any applicant, employee or student<sup>16</sup> who believes that there has been a violation of Rensselaer's policy or any applicable law relating to sexual harassment, including sexual violence<sup>17</sup>, should immediately contact the Division of Human Resources or a Title IX Coordinator.

Reports may be made verbally or in writing. If the reporting person chooses to do so, they

<sup>16</sup> Students may also contact the Dean of Students Office at (518) 276-6266; or the Office of Under-graduate Education at (518) 276-2244; or the Office of Graduate Education at (518) 276-8433.

<sup>17</sup> Victims of alleged sexual assaults will be provided with information about making a report to a law enforcement agency. However, the Institute's emphasis will be the victim's physical and emotional needs over criminal justice considerations. Nevertheless, Rensselaer will make every effort to facilitate both treatment and evidence collection (if the victim agrees) regardless of whether or not a decision has been made to report the incident to a law enforcement agency.

may use Rensselaer's Complaint Form, which can be found at the end of Policy 600.7 as well as Policy 600.8, or the online reporting form found at: [SexualViolence.rpi.edu](https://sexualviolence.rpi.edu).

All reports are promptly reviewed and appropriately investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, Rensselaer's ability to review, investigate and respond to the conduct may be limited. Recognizing that Rensselaer has a legal obligation to review all reports, the Institute will weigh the Complainant's request for no action against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the Institute's commitment to provide a reasonably safe and non-discriminatory environment, and the rights of the Respondent to receive notice and relevant information before disciplinary action is taken. If Rensselaer determines that it is necessary to proceed with the complaint process or implement other appropriate remedies, notwithstanding a Complainant's request for no action, the Complainant will be notified by a Title IX Coordinator of the Institute's chosen course of action.

The Institute is required to consider any additional allegations that emerge during the investigation.

The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

The full details of Rensselaer's expectations of faculty and staff conduct and procedures for receiving, responding to, and adjudicating reports of sex or gender discrimination, sexual harassment, and sexual misconduct are contained in Rensselaer's Sexual Misconduct Policy. That Policy can be accessed at: [SexualViolence.rpi.edu](https://sexualviolence.rpi.edu)

#### **Employee Responsibilities**

If an employee believes that they have been subject to discrimination, discriminatory harassment, including Sexual Harassment, retaliation or unethical action, they should immediately:

- Consider making his/her unease and/or disapproval directly and immediately known to the person(s) responsible for such discrimination, harassment, retaliation or unethical action. However, an employee is not required to take this step before reporting to their supervisor or Rensselaer's Division of Human Resources.
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses.
- Report the incident to his/her supervisor, or Rensselaer's Division of Human Resources or Title IX Coordinator.

All incidents of discrimination, discriminatory harassment, including sexual harassment, retaliation or unethical actions are encouraged to be reported, regardless of the severity, in accordance with this policy. . If the alleged subject of the discrimination, discriminatory harassment, sexual misconduct, retaliation or unethical actions is a current Rensselaer student, all employees of Rensselaer are required to report the allegation to a Title IX Coordinator. The only exception to this requirement is for staff assigned to the Student Health Center, Student Counseling Center, and Office of Religious Affairs.

Making a report of discrimination, discriminatory harassment, including sexual harassment, retaliation or unethical actions that is malicious, demonstrably false, or filed in bad faith may be grounds for disciplinary action up to and including termination.

#### **Supervisor Responsibilities**

Supervisors must deal expeditiously and fairly with allegations of discrimination, discriminatory harassment, including Sexual Harassment, retaliation or unethical actions whether or not there has been a written or formal complaint. Supervisors must:

- Immediately contact the Division of Human Resources or a Title IX Coordinator, who will be responsible for investigating and responding to allegations of prohibited

conduct.

- In consultation with the Division of Human Resources, take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate discrimination, discriminatory harassment, including Sexual Harassment, retaliation or unethical actions are in violation of this policy and are subject to disciplinary action, up to and including termination.

Employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.8, *Reporting, Investigation and Resolution Procedures for Complaints Involving Discrimination, Harassment, Retaliation, or Unethical Actions*.

#### **Training Requirements**

The Division of Human Resources is responsible for distributing to employees, including faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders, the Institute's Discrimination and Discriminatory Harassment Policies and Procedures, and providing information and education about these policies.

All faculty, staff, student workers, graduate teaching, research and learning assistants, and Institute Leaders are required to complete Discrimination and Harassment Prevention training:

- As part of new employee on-boarding;
- At least once every year thereafter; and
- At other times as may be deemed appropriate by the Institute.

#### **Legal Protections and External Remedies**

##### **Legal Protections And External Remedies**

Sexual Harassment is not only prohibited by Rensselaer but is also prohibited by New York State Human Rights Law, Title VII of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972, and some municipal laws. Employees may file a complaint with the federal Equal Employment Opportunity Commission, the U.S. Department of Education Office for Civil Rights, the New York State Division of Human Rights or another enforcement agency, if applicable, or in a court of law. Agencies accept and investigate charges of sexual harassment.

The Equal Employment Opportunity Commission has district, area and regional offices and may be contacted by visiting [www.eeoc.gov](http://www.eeoc.gov), emailing [info@eeoc.gov](mailto:info@eeoc.gov) or by telephone at 1-800-669-4000 (TTY 1-800-669-6820).

The U.S. Department of Education Office for Civil Rights New York Office may be contacted by visiting , by telephone at (646) 428-3800 or TDD: 800-877-8339, by facsimile at (646) 428-3843, by email at [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov), or by mail to U.S. Department of Education, 32 Old Slip, 26<sup>th</sup> Floor, New York, NY 10005-2500.

The New York State Division of Human Rights may be contacted by visiting [www.dhr.ny.gov](http://www.dhr.ny.gov), by telephone at (518) 474-2705, or by mail to Agency Building 1, 2<sup>nd</sup> Floor, Empire State Plaza, Albany, New York 12220. Information regarding federal, state and city courts is also available online.

Employees subjected to unlawful harassment may be entitled to certain remedies, including monetary damages, civil penalties, and injunctive relief (such as an order that certain action be taken or that certain behavior stop).



# Rensselaer

## Complaint Form

### Discrimination, Discriminatory Harassment, Retaliation and/or Unethical Conduct against Faculty/Staff

Please provide the requested information so that the Rensselaer may investigate and resolve your complaint. You are not limited to the space provided and may attach additional pages. Once you have completed this form, you may provide the form to your Portfolio Leader and provide a copy of the form to the Division of Human Resources at [hmail@rpi.edu](mailto:hmail@rpi.edu).

Name \_\_\_\_\_ Title \_\_\_\_\_

Department/Location \_\_\_\_\_ Supervisor \_\_\_\_\_

- A. Complaint(s) – Please describe your complaint(s), including the name of the person(s) about whom you are complaining. If your complaint involves specific comments, please include a description of the comments.
- B. Related Material – Please list, and if possible, provide copies of, any emails, text messages, letters, notes, memos, diary entries, calendars, reports, or other items that relate to your complaint(s):
- C. Persons with Information – Please list any individuals who you believe may have information about your complaint(s):
- D. Prior Report(s) – Have you reported your concerns to anyone else at the Institute? If so, please provide the name and position of the person to whom you reported the concerns, and the date of the report.

**I understand that if I become aware of additional information that relates to my complaint, I must promptly provide such information to the Rensselaer Division of Human Resources. I also am aware that Rensselaer prohibits retaliation against me for filing this complaint, and I agree that I will immediately report any incident I believe is retaliatory using the procedures for reporting retaliation of the Institute.**

\_\_\_\_\_  
Reporter's Signature

\_\_\_\_\_  
Date completed

### Rensselaer Acknowledgment of Receipt of the Complaint Form

\_\_\_\_\_  
Portfolio Leader's Signature

\_\_\_\_\_  
Date Form Received

\_\_\_\_\_  
Division of HR Representative's Signature

\_\_\_\_\_  
Date Form Received