

Subject: **Policy against Discrimination and Harassment**

Applies to: This Policy applies to faculty, staff, residents, fellows, postdoctoral appointees, student employees, students<sup>1</sup>, interns (paid or unpaid), volunteers, and to all visitors (including patients, contractors, and vendors) to any University campus, facility and/or property and to University sponsored activities and events, whether on University premises or not.

**I. Policy and Policy Statements.**

This Policy is the basis for the University's commitment to maintaining a workplace and academic environment free from unlawful discrimination and harassment. In support of its Vision and Values and commitment to equality of opportunity (as set forth in Policy 100), the University of Rochester sets forth the following Policy Statements:

- A. Anti-Discrimination and Anti-Harassment Statement.** The University prohibits and will not engage in discrimination and harassment on the basis of 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, citizenship status, or any other status protected by law.<sup>2</sup> Discrimination or harassment (including hostile work environment harassment) based on protected status is illegal, will not be tolerated, and is considered misconduct that will be subject to discipline.
- B. Anti-Retaliation Statement.** The University prohibits retaliation against any person who complains of or opposes perceived discrimination or harassment as defined in this Policy, including those who participate in any investigation under this Policy or other proceeding involving a claim based on a protected class. Retaliation is illegal, will not be tolerated, and is considered misconduct that will be subject to discipline.
- C. Title IX Statement.** The University complies with Title IX of the Education Amendments of 1972, which prohibits sex discrimination (including sexual harassment and violence based on sex) in the University's educational programs and activities, as well as retaliation for asserting claims of sex discrimination. Discrimination based on sex is illegal, will not be tolerated, and is considered misconduct that will be subject to discipline. Inquiries concerning the application of Title IX and sex-based complaints should be referred to the University's Title IX Coordinator, Morgan Levy, 20 Taylor Hall, 585-275-7814, [Morgan.Levy@rochester.edu](mailto:Morgan.Levy@rochester.edu). Questions regarding the application of Title IX can be made to the Title IX Coordinator or the

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<sup>1</sup> This Policy is not intended to be used for complaints against students. For complaints against students, the Standards of Student Conduct apply or the Student Sexual Misconduct Policy and related process applies. See <http://www.rochester.edu/college/cscm/conduct.html>.

<sup>2</sup> Applicable laws and regulations include: Age Discrimination in Employment Act & Older Workers Benefits Protection Act; Americans with Disabilities Act & ADA Amendments Act; Equal Pay Act of 1963; Executive Order 11246 (as amended by Executive Order 11375); Genetic Information Nondiscrimination Act; Immigration and Nationality Act of 1965 (§ 1324b); Pregnancy Discrimination Act; Rehabilitation Act of 1973 (§§503-504); Section 1981 of the Civil Rights Act of 1866; Section 1983 of the Civil Rights Act of 1871; Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964, as amended (1991); Public Health Service Act; Title IX of the Education Amendments of 1972; Uniformed Services Employment and Re-employment Rights Act; Vietnam Era Veterans Readjustment Assistance Act; New York State Human Rights Law; Rochester City Code; and discrimination laws of other states or nations, as applicable.

U.S. Department of Education's Office of Civil Rights (OCR) at its New York office at (646) 428-3800 or its national headquarters at (800) 421-3481; TTY: (800)-877-8339.

## II. Definitions of Terms Referenced in Policy.

The following definitions are intended to provide a better understanding of the meaning of certain terms as used within this Policy:

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

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

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

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

Examples of protected classes are listed in Section I(A), and include 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 citizenship status.

All of these requirements must be met for certain behavior to qualify as harassment, and a finding of hostile environment must be based on a totality of the facts and circumstances.

Determinations made as to whether or not a Respondent violated Policy 106 based on allegations of behavior that could also constitute criminal acts are made solely for purposes of determining whether this Policy has been violated. The standards for assessing a violation of Policy are not the same as the distinct legal standards required for a finding of criminal liability.

### Examples of behavior that could be considered Harassment

Behaviors based on a protected class which could constitute harassment or lead to complaints of harassment include, but are not limited to:

- Physical violence, threats of physical violence, physical intimidation, or stalking.
- Display of demeaning material in the workplace, such as:
  - Images, pictures, posters, or objects; for example demeaning cartoons, dolls, or artifacts;
  - Text, graffiti, or written messages of intimidation; such as epithets, slurs or threats.
  - This includes displays on workplace computers, cell phones, or any other area visible to other members of the University community.
- Other behaviors, such as demeaning jokes, derogatory statements, verbal epithets or slurs, or stereotyping activities.
- Hostile actions either in person or through other means, 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;
  - Commenting about an individual's physical characteristics, clothing or lifestyle in a manner that demeans an individual based on their membership in a protected class;
  - Sabotaging an individual's work;
  - Bullying, yelling, or name-calling.

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

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

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

### Examples of behavior that could be considered Sexual Harassment

Behaviors which could constitute sexual harassment or lead to complaints of sexual harassment include, but are not limited to:

- Physical acts of a sexual nature, such as:
  - Sexual violence (rape, sexual battery, sexual assault, dating violence, domestic violence, molestation) or attempts to commit sexual violence;
  - Unwanted and intentional touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body or clothing.
- Sexual advances or propositions that are unwanted, such as:
  - Requests for sexual favors accompanied by implied or overt threats/promises that an individual's refusal or willingness to submit will impact the individual's status, wages, advancement, performance evaluation, promotion, or other benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities;
  - Sexual flirtations (including leering or ogling);
  - Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience.
- Display of sexual or sexually demeaning material anywhere in the workplace.
  - Examples include (but are not limited to) pictures, posters, calendars, graffiti, objects, text or other materials that are sexually demeaning or pornographic.
  - This includes displays on workplace computers, cell phones, or any other area visible to other members of the University community.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or expression, or the status of being transgender, either in person or through other means, 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;
  - Making comments about an individual's body, clothing or lifestyle that have sexual implications or demean the individual's sexuality or gender;
  - Sabotaging an individual's work;
  - Bullying, yelling, or name-calling.

Harassment can occur between any individuals, and sexual harassment can occur between individuals regardless of their sex or gender. Employees, paid or unpaid interns, and non-employees, including independent contractors and those employed by companies contracting to provide services at the University, are covered by this Policy. Harassers can be a superior, subordinate, coworker, faculty member, student, independent contractor, contract worker, vendor, client, customer, or visitor.

Unlawful harassment is not limited to University property. It can occur while traveling for University business or at University sponsored events or parties. For example, calls, texts, emails, and certain social media usage by employees can constitute unlawful workplace harassment toward another, even if they occur away from the workplace premises, on personal devices or during non-work hours.

- C. Retaliation.** Retaliation is adverse action taken against an individual by the University or by a member of the University community *because* the individual has engaged in protected activity by (1) personally complaining of or opposing perceived discrimination or harassment because of a protected class; (2) testifying, assisting, or participating in an investigation, proceeding, hearing, or legal action involving a claim of discrimination or harassment based on a protected class; or (3) exercising rights under a relevant statute which involves a protected class. Retaliation can include action taken by the University or a member of the University community that would dissuade a reasonable person from engaging in these types of protected activities.

Examples of behavior that could be considered Retaliation

Depending on the circumstances, examples of retaliation could include, but are not limited to:

- Threats of termination, transfers and changes in work location, poor performance reviews, the denial of a promotion or tenure, denial of job benefits, demotion, suspension, or termination;
- An escalation of harassing behavior in response to a complaint;
- Making false reports to governmental authorities (e.g., law enforcement, licensing agencies);
- Threats of deportation, initiating action with immigration authorities;
- Adverse academic actions against a student could include a reduced grade, negative recommendation, negative comments about the student at academic meetings or conferences, or limiting access to an academic opportunity.

- D. Other Terms:** “Gender identity or expression” refers to a person’s actual or perceived gender-related identity<sup>3</sup>, appearance, behavior, expression, or other gender-related characteristics, regardless of the sex assigned to that person at birth, including, but not limited to, the status of being transgender. “Protected status” or “protected class” refers to any of the categories listed in the Equal Opportunity and the Anti-Discrimination and Anti-Harassment Policy Statements [see Section I(A)]. “Complainant” refers to the individual who has made a complaint under this Policy, and “Respondent” refers to the person about whom the complaint is made.

### III. Complaint Procedure

Members of the University community are encouraged to report discrimination, harassment or retaliation in accordance with this Policy. This includes members of the University community who feel that they have experienced behavior that violates this Policy or who witness or become aware of conduct that they believe violates this Policy. In addition, any person who is a “Responsible Employee” under the University’s Student Sexual Misconduct Policy, who learns that a student may have been involved in an incident of “Sexual Misconduct,” must promptly report that information to the University’s Title IX Coordinator.<sup>4</sup>

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<sup>3</sup> A person’s gender-related identity can include identifying with more than one gender, or not identifying with any gender.

<sup>4</sup> See the Student Sexual Misconduct Policy for definitions and more information about this obligation.

[www.rochester.edu/sexualmisconduct/assets/pdf/StudentSexualMisconductPolicy.pdf](http://www.rochester.edu/sexualmisconduct/assets/pdf/StudentSexualMisconductPolicy.pdf)

However, management and supervisory personnel and Human Resources Business Partners who observe, receive or learn of reports or concerns of perceived discrimination, harassment, or retaliation which fall within this Policy **must** report those concerns or reports, in accordance with this procedure, upon making such observation or being informed of such a concern or report. Management and supervisory personnel and Human Resources Business Partners who fail to report and knowingly allow the continuation of behavior that constitutes discrimination, harassment, or retaliation under this Policy will be subject to discipline. Where information is disclosed to University employees while they are serving in a privileged professional capacity (mental health counselors, clergy, medical providers, and rape-crisis counselors), their professional obligations control, and they are not required to report as supervisors under this Policy.

For purposes of this Policy, management and supervisory personnel include: any employee having formal supervisory responsibility over employees; faculty in such roles as dean, department chair, director, or any position supervising other faculty and/or staff (including student employees); and Principal Investigators on a grant or contract (these employees act in a supervisory capacity over the individuals in the lab or research they lead).

All complaints or reports involving harassment or discrimination based on a protected class or related retaliation will be handled under the processes set forth in this Policy.<sup>5</sup>

Complaints arising under this Policy may be made to an individual's department chair, dean, director, immediate supervisor, the Office of Human Resources, the Office of Staff Diversity and Inclusion (formerly the Equal Opportunity Compliance Office), the Office of the Intercessor, or the Office of Counsel. Complaints may be made informally through a verbal complaint or more formally through a written report. A Report form may be obtained from any contact listed in Appendix A or on-line at:

[http://www.rochester.edu/working/hr/policies/pdfpolicies/106\\_request\\_formal\\_resolution.pdf](http://www.rochester.edu/working/hr/policies/pdfpolicies/106_request_formal_resolution.pdf).

Regardless of the manner of reporting, the University will look into and respond to all good faith concerns and complaints raised under this Policy as expeditiously as possible and take remedial measures as needed. Informal resolution of complaints is expressly encouraged whenever possible (through any of the contacts listed in Appendix A). All informal complaints and efforts to resolve complaints arising under this Policy must be reported, for compliance purposes, to the University's Office of Counsel.

If a matter cannot be resolved through informal measures, a formal written complaint should be forwarded to Human Resources or the Office of Counsel for assessment and prompt investigation. The content of the complaint should include, at a minimum, the complainant's name, a description of the offending behavior including time and place of events, the name of the alleged offender, the names of any witnesses to the offending behavior, and identification of the protected class (or classes) involved.

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<sup>5</sup> Staff and faculty may not use the Human Resources Grievance Procedure (Policy 160) and faculty may not use other grievance procedures described in the Faculty Handbook to complain about discrimination/harassment based on a protected class or related retaliation.

The University will attempt to complete any investigation within 30 to 45 days of receipt of the complaint. Temporary protective measures may be implemented, as deemed appropriate.<sup>6</sup> The investigation will include an interview with the Complainant, the Respondent, interviews of other witnesses with knowledge relevant to the complaint, and, at the investigator's discretion, the gathering of witness statements. While every effort will be made to protect the privacy of all parties, confidentiality cannot be guaranteed.

Investigations conducted under this Policy are strictly internal. However, Complainants and Respondents may have a support person of their choosing present during any part of their participation in the process. Such persons are present to provide support for the Complainant or Respondent, and not to speak on their behalf. Support persons may not intervene or interfere with an interview or any aspect of the investigatory process. At the conclusion of the investigation, the investigator will provide a written report to the appropriate decision maker (see Appendix B). Within 15 business days of receipt of the investigative report, the decision maker will send a written determination of the outcome of the investigation to the Complainant, the Respondent, and appropriate administrative personnel.

#### **IV. Determinations, remediation, and corrective measures**

The determination sent to the Complainant and to the Respondent will include a summary of the findings of the investigation and will indicate whether a Respondent is found responsible for a violation of Policy 106. Determinations regarding violations of this Policy will be made by using the preponderance of the evidence standard. Preponderance of the evidence means that an allegation is more likely true than not true. Depending on the circumstances, the determination sent to both the Complainant and the Respondent will describe any corrective action to be taken as well as other recommendations based upon the findings.<sup>7</sup>

The decision maker may consult with, or convene an advisory group of, administrative personnel or members of the Equity and Inclusion Resource Panel (see Appendix B) as necessary to review and provide guidance about the matter. Such personnel must keep any information revealed as part of that consultation confidential to the greatest extent possible.<sup>8</sup>

If a violation of this Policy is found, the decision maker should consult with a member of the Equity and Inclusion Resource Panel to assist in identifying remedial measures, if appropriate, and may also consult with an advisory group of administrative personnel.

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<sup>6</sup> The University reserves the right to take temporary protective measures to protect individuals where the working, learning, patient care, or living environment appears to require such protective measures. Temporary protective measures include such actions as placing persons on temporary leaves of absences, exclusion from programs and facilities, altering working, learning, patient care or living arrangements, or imposing other conditions in the University environment as warranted.

<sup>7</sup> In determining corrective action related to faculty, no faculty member's tenure can be revoked or contract abrogated without following the tenure revocation process outlined in the *Faculty Handbook*.

<sup>8</sup> If the Decision Maker elects to convene an advisory group, the Decision Maker shall identify the members of that group in the determination letters sent to the Complainant and the Respondent.

Neither the Complainant nor the Respondent will receive a copy of the written report. However, following the issuance of the determination, the Complainant and/or the Respondent may review the written report in person.

If the decision maker determines that a Respondent is responsible for violating this Policy, the consequences imposed are dependent upon the specific findings and details of the case. Disciplinary, remedial, or corrective measures imposed can include, but are not limited to:

Staff:

- Termination
- Demotion
- Suspension without pay
- Written warning
- Mandatory training
- Non-renewal of contract (if applicable)
- Reporting a violation of this Policy to the appropriate grant making or licensing authority, if required

Faculty:

- Termination
- Demotion
- Presentation to the University Committee on Tenure and Privileges for revocation of tenure or abrogation of contract
- Non-renewal of contract
- Reassignment/change in assignment
- Revocation or suspension of clinical privileges
- Revocation of administrative duties or assignments
- Documentation of violation and consequences in faculty/employee file
- Mandatory training
- Supervision or ongoing monitoring
- Reporting a violation of this Policy to the appropriate grant making or licensing authority, if required

A finding that conduct did not violate this Policy does not preclude the University from requiring remedial measures to prevent a violation of this Policy, including but not limited to requiring mandatory training or coaching. A finding that conduct revealed during an investigation 1) violated another University policy or rule or 2) did not violate this Policy but was otherwise significant enough to warrant disciplinary action, will still allow the University to take disciplinary, remedial or corrective measures even though there was no violation of this Policy. In addition, notwithstanding the resolution of a complaint under this Policy, if conduct is alleged or revealed that may violate another University policy or rule, the University may initiate a separate investigation or review that could result in disciplinary, remedial, or corrective measures directed to that conduct.

**V. Appeals**

Any party to a formal investigation may appeal the decision within 15 business days of the date of the letter notifying the individual of the decision. Appeals are not for the purpose of having a second investigation or review of all facts but are limited to considering (1) evidence not previously available to the Investigator or the Official (or designee); (2) material defects in the process leading



to the decision; or (3) severity or appropriateness of the imposed corrective action. Appeals must be submitted in writing to the appropriate senior officer or administrator, i.e., the Deputy to the President where the accused is a staff member, visitor or patient, the Provost where the accused is a faculty member, and the President where the accused is an officer. The senior officer has 15 business days to respond to the appeal. Decisions of the senior officer or administrator are final.

#### **VI. Confidentiality**

The University will take reasonable steps to protect the privacy of Complainants, Respondents, and witnesses. Complainants, Respondents, and witnesses will be notified that disclosing information about the complaint or investigation has the potential to compromise the integrity of the investigation and might, in certain circumstances, be construed as retaliation against a participant in the investigation. Retaliation of any kind is in itself a violation of this Policy. The parties remain free to share their own experiences, though to avoid the possibility of compromising the investigation, during the course of the investigation itself it is generally advisable to limit the number of people in whom they confide. Depending on the circumstances, the investigator may take steps to protect the integrity of the investigation or to prevent conduct that could be perceived as retaliatory.

Other than the determination letter sent to the Complainant and the Respondent, the result of an investigation will not generally be shared, including with witnesses (except to notify them that the investigation has concluded) or others, unless the University is required to do so by law or regulation. However, the decision maker may, at his or her discretion, authorize disclosure of limited information related to an investigation if circumstances so require.

These provisions do not prevent the University from engaging in aggregated, anonymized reporting relating to this Policy.

#### **VII. Recordkeeping**

The complete investigative file, including a copy of any determination or appeal decision relating to a complaint under Policy 106, along with any record of remedial action or discipline taken in response to any complaint, shall be maintained in the Office of Counsel. No documentation relating to an investigation, including the determination itself, should be placed in any individual's personnel file *unless* that individual has been counseled or disciplined as a consequence of the complaint and investigation. Records of informal complaints and any remedial action taken must be provided to the Office of Counsel.

If a violation of this Policy is not found, but the University takes other disciplinary, remedial or corrective measures based on information learned during the course of an investigation, a separate communication regarding that determination will be placed in that individual's personnel file, with a copy to that individual's supervisor, chair, and/or dean, as appropriate.

#### **VIII. Relationship to Principles of Academic Freedom and Freedom of Speech**

The success of the University of Rochester depends on an environment that fosters vigorous thought and intellectual creativity. It requires an atmosphere in which diverse ideas can be expressed and discussed. The University seeks to provide a setting that respects the contributions of all the individuals composing its community, that encourages intellectual and personal development, and that promotes the free exchange of ideas. This Policy is not intended to regulate the content of speech, discussion and debate in the classroom, on campus or in any University forum reasonably related to academic activity or political, artistic and visual arts expression. The

University will protect academic freedom and artistic expression in administering this Policy. However, using speech or expression to discriminate against those protected by this Policy or using speech that creates a hostile learning, working or campus living environment for those protected by this Policy is prohibited.

**IX. Additional Notice to Employees Required by New York State**

New York State requires that employers provide employees, applicants, contractors, and other persons conducting business with the employer with information regarding legal protections and external remedies regarding claims of sexual harassment. This information is set forth in Appendix C.

While a Complainant does not need a private attorney to file a complaint with a governmental agency or with a court, Complainants may seek the legal advice of an attorney. The Office of Human Resources, the Office of the University Intercessor, the Office of Counsel, and the Title IX Coordinator can answer questions about Policy 106, but no University employee or representative can provide legal advice to any Complainant, Respondent, or witness.

See also: #100 General Personnel Policy Statements  
#102 Affirmative Action Policy  
#133 Recruitment and Selection  
#154 Corrective Discipline  
#160 Grievance Procedure for Staff

See also: Pertinent Handbooks (Faculty, Nursing, Student, Graduate Student, Medical Student, Residents/Fellow Manual, SMD Regulations of the Faculty)

**PLEASE CONTACT ANY OF THE FOLLOWING FOR ADDITIONAL INFORMATION ON HOW TO PROCEED UNDER THIS POLICY OR TO SUBMIT A COMPLAINT.**

Office of Human Resources, River Campus	33A Wallis Hall, 585-275-3874
Office of Human Resources, Medical Center	600 Elmwood Ave. (URMC), Rm. 1-6039 585-276-6817
Office of Staff Diversity and Inclusion	910 Genesee St., Ste 100, 585-275-2200
Office of Intercessor	36 Wallis Hall, 585-275-9125
Any Department Chair's Office	
Any Dean's Office	
Office of Counsel	263 Wallis Hall, 585-273-2167
Office of Public Safety	Emergency – 13; Non-emergency 275-3333
Deputy to the President (for appeals)	240 Wallis Hall, 585-273-2284

**TITLE IX COORDINATORS**

University Wide	Morgan Levy, Title IX Coordinator 20 Taylor Hall, 585-275-7814 <a href="mailto:titleIX@rochester.edu">titleIX@rochester.edu</a>
Arts, Sciences and Engineering	Dawn Bruner, Deputy Coordinator 510 Wilson Commons, 585-275-4085 <a href="mailto:Dawn.Bruner@rochester.edu">Dawn.Bruner@rochester.edu</a>
Eastman School of Music	John Hain, Deputy Coordinator ESM Gibbs Street – Rm. 111, 585-274-1020 <a href="mailto:jhain@esm.rochester.edu">jhain@esm.rochester.edu</a>
School of Medicine and Dentistry	Dr. Linda Chaudron, Deputy Coordinator, 600 Elmwood Ave, Rm. 1-4444 585-276-3782 <a href="mailto:Linda_Chaudron@URMC.Rochester.edu">Linda_Chaudron@URMC.Rochester.edu</a>
School of Nursing	Kristin Hocker, Deputy Coordinator, 601 Elmwood Ave., Box SON, 585-275-0961 <a href="mailto:Kristin_Hocker@URMC.Rochester.edu">Kristin_Hocker@URMC.Rochester.edu</a>
Simon School of Business	Karen Platt, Deputy Coordinator 202E Schlegel Hall, 585-275-8041 <a href="mailto:Karen.platt@rochester.edu">Karen.platt@rochester.edu</a>
Warner School	Brian Brent, Deputy Coordinator 222 LeChase Hall, 585-275-3930 <a href="mailto:BBrent@Warner.Rochester.edu">BBrent@Warner.Rochester.edu</a>
Athletics	Kristine Shanley, Deputy Coordinator 1115 Goergen Athletic Center, 585-275-6277 <a href="mailto:kristine_shanley@rochester.edu">kristine_shanley@rochester.edu</a>

<b>Complaint Against:</b>	<b>Decision maker will be:</b>
A faculty member or discrimination concerns involving a faculty process	Dean of School where faculty member Respondent holds primary appointment or where the challenged process resides
Staff employee in a School or College	Dean of the Respondent's School or College
Staff employee – River Campus Libraries	Vice Provost and Dean of the Library
Staff employee -- LLE	Director of the LLE
Staff employee – MAG	Director of the MAG
Staff employee – SMH	Chief Executive Officer of SMH (or designee)
Staff employee – Central Administration	Vice President of the Respondent's division/unit (or designee)
Postdoctoral Fellow or Associate	Equivalent of the Dean of Graduate Studies of the Respondent's School
Dean of School or College	Provost
Provost, Senior Vice President for Health Sciences, and URMC CEO	President
President	Chair, Board of Trustees
Visitor or Vendor (non-hospital)	Senior Vice President for Finance & Administration (or designee)
Patient, Visitor, or Vendor in SMH	Chief Executive Officer of SMH (or designee)

\*\* In cases where the complaint is against the relevant decision maker or in cases where the decision maker was involved in the decision or matter which is the subject of the complaint, there may be a conflict of interest and an alternative administrator without a conflict may be appointed. The Complainant will be made aware of who the decision maker will be at the time of filing the complaint and may request an alternate decision maker where such conflict exists.

## EQUITY AND INCLUSION RESOURCE PANEL

Vice President for Equity and Inclusion	Mercedes Ramírez Fernandez (eff. 7/1/2019)
Office of Faculty Development & Diversity	Vice Provost for Faculty Development and Diversity Dr. Vivian Lewis 585-273-2760 <a href="mailto:vivian.lewis@rochester.edu">vivian.lewis@rochester.edu</a>
Staff Office of Diversity and Inclusion	Director, Staff Diversity, Equity, and Inclusion Associate Director, Staff Diversity, Equity, and Inclusion Kevin Beckford 585-276-4959 <a href="mailto:kevin.beckford@rochester.edu">kevin.beckford@rochester.edu</a>
University Intercessors	Dr. Frederick Jefferson 585-273-5664 <a href="mailto:fjefferson@admin.rochester.edu">fjefferson@admin.rochester.edu</a>  Lynnett Van Slyke 585-275-9125 <a href="mailto:l.vanslyke@rochester.edu">l.vanslyke@rochester.edu</a>
College of Arts, Sciences, and Engineering Dean for Diversity	Beth Olivares, Ph.D. 585-275-7531 <a href="mailto:beth.olivares@rochester.edu">beth.olivares@rochester.edu</a>
School of Medicine and Dentistry, Dean for Diversity	Dr. Linda Chaudron 585-276-3782 <a href="mailto:Linda_Chaudron@URMC.Rochester.edu">Linda_Chaudron@URMC.Rochester.edu</a>

## **ADDITIONAL NOTICE TO EMPLOYEES REQUIRED BY NEW YORK STATE**

New York State requires that employers provide employees, applicants, contractors, and other persons conducting business with the employer with information regarding legal protections and external remedies regarding claims of sexual harassment. Reprinted below is language from the New York State Model Sexual Harassment Policy for All Employers in New York State.

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

Sexual harassment is not only prohibited by the employer but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the employer, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

#### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the employer does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

### **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://www.nyc.gov/html/cchr/html/home/home.shtml).

### **Contact the Local Police Department**

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.