

# STUDENT

## REPORTING OPTIONS AND RESOURCES

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For Complaints about Sexual Misconduct,  
Sexual Discrimination, Sexual Harassment,  
and Sexual Violence



UNIVERSITY of  
ROCHESTER

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# Contents

Introduction	3
First Steps	3
Talk to Someone: Confidential and Private University Resources	5
Resources for Students Studying and Working Abroad	8
LGBTQ-Focused Resources	8
Reporting Options and Complaint Process Against Another Student	10
Reporting Options and Complaint Process Against a Nonstudent Member of the University Community	14
Non-Sex-Based Harassment and Discrimination	17
Title IX Explained	17
Questions?	18
Appendices	19

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# Introduction

The University of Rochester is committed to the health and safety of every student and to creating an environment where all members of our community are treated with dignity and respect.

If you have experienced sexual misconduct, the decision to seek support is a personal one. Whether or not you choose to do so is entirely up to you. This guide provides information and resources available at the University of Rochester and beyond for students who have experienced sex or gender discrimination, sexual misconduct, sexual harassment, sexual assault, stalking, and dating and domestic violence (also known as intimate partner violence). This information is also available online at [rochester.edu/sexualmisconduct](https://rochester.edu/sexualmisconduct).

If you believe that you have been discriminated against because of your age, color, disability, ethnicity, military/veteran status, national origin, race, religion or creed, or on the basis of any other protected class, see options for reporting “Non-sex-based Harassment and Discrimination” at the University in this guide (page 17).

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# First Steps

**Your safety is the number-one priority.** If you have experienced physical or sexual violence, get to a safe place and seek help. You are not alone. There are many people who can provide medical and emotional support, regardless of whether you choose to pursue disciplinary or criminal proceedings.

## If You Need Emergency Assistance (24-Hour Response)

- Call the University’s Department of Public Safety (DPS) at (585) 275-3333.
- Dial #413 on campus blue phones.
- Call 911 (Police Dispatch, Monroe County Emergency Communications).

## Seeking Medical Treatment

It’s important to get care as soon as possible. Even if you feel okay, you may have hidden injuries or need to explore options for preventing pregnancy or STDs. Drugs used for emergency contraception and to prevent STDs have a limited timeframe within which to work. In addition to receiving medical attention, clinicians can assist you in collecting forensic evidence. You do not need to file a report to receive medical services.

### It’s important to know that

- A friend may accompany you to the emergency department.
- You may request a counselor from RESTORE, a local rape crisis service agency, to meet you at the emergency department to offer support. Call RESTORE at (585) 546-2777.
- Emergency contraception, also known as “Plan B” or “the morning-after pill,” is available for purchase without a prescription for anyone age 17 and older at University Health Service and area hospitals and pharmacies. An appointment is not needed.

## In Rochester, students can seek medical treatment at

- **University Health Service**  
[rochester.edu/uhs](http://rochester.edu/uhs)  
(585) 273-2662  
*Locations on River Campus, at the Medical Center, and at the Eastman School of Music*
- **Strong Memorial Hospital**  
[urmc.rochester.edu](http://urmc.rochester.edu)  
(585) 271-2100  
601 Elmwood Ave.  
*Sexual Assault Nurse Examiners are available.*
- **Rochester General Hospital**  
[rochesterregional.org](http://rochesterregional.org)  
(585) 922-4000  
1425 Portland Ave.  
*Sexual Assault Nurse Examiners are available.*
- **Highland Hospital**  
[urmc.rochester.edu/highland](http://urmc.rochester.edu/highland)  
(585) 473-2200  
1000 South Ave.

For students who do not have medical insurance or may not want family to learn about an emergency room visit, the New York State Office of Victim Services may be able to assist with the cost of medical services related to physical or sexual violence. For information, call (800) 247-8035 or visit [ovs.ny.gov/help-crime-victims](http://ovs.ny.gov/help-crime-victims).

## Sexual Assault Nurse Examiners (SANE)

Strong Memorial Hospital and Rochester General Hospital have certified Sexual Assault Nurse Examiners (SANE) on staff. These registered nurses have received special training and can provide comprehensive care to sexual assault patients in a sensitive, nonthreatening manner. In addition, they are able to conduct a forensic exam and may provide expert testimony if a case goes to trial.

## Collecting Physical Evidence

Collecting physical forensic evidence—hairs, fluids, fibers—within 72 hours of an assault helps preserve your right to decide at a later date whether you wish to go forward with the criminal justice system or the University’s judicial process. You do not need to decide whether you want to make a report about the incident immediately, but you do need to have the evidence collected as quickly as possible.

The Rape, Abuse and Incest National Network (RAINN) advises that you—if you are able—try to avoid disturbing or discarding evidence that might have your attacker’s DNA on it before you seek medical care. Do not urinate or defecate; shower, bathe, or douche; brush your teeth or gargle; brush your hair; or throw away clothes worn during the attack.

Taking these steps can be very difficult following a traumatic experience, but doing so will help preserve potential evidence should you decide to make a report. You can still have an exam performed even if you have done one of these activities, such as showering. You may want to bring a change of clothes when you go to the hospital or health facility for the exam.

## Preserving Other Kinds of Evidence

It is also important to save other types of evidence, such as voicemails, emails, text messages, social media posts, videos, photos, letters, and computer screen shots, which can be helpful in building a case, should you decide to make a report.

## Healing through Education, Advocacy, and Law (HEAL)

Headquartered within Strong Memorial Hospital, the HEAL Collaborative offers people who have experienced interpersonal violence access to physical and mental health services, as well as legal and social support, all in one place. Services include safety planning, linkages to emergency shelter, social work consultation and comprehensive needs assessment, short-term mental health support, assistance in filing petitions for temporary orders of protection and other legal matters, and referrals to community resources.

HEAL Collaborators include [Willow Domestic Violence Center](#), [RESOLVE of Greater Rochester](#), the [Legal Aid Society of Rochester](#), the [Rochester Police Department Victim Assistance Unit](#), [Lifespan](#), and [Monroe County Family Court](#), which can provide remote access to temporary orders of protection to clients in need.

## Getting Emotional Support

Whether or not an incident requires medical attention, you may want to seek emotional support. The next section of this guide includes information on private and confidential resources available to students, both on and off campus. If you need immediate emotional support, *the following resources offer 24-hour, confidential assistance:*

- **University Counseling Center**  
[rochester.edu/uhs/ucc](http://rochester.edu/uhs/ucc)  
(585) 275-3113
- **RESTORE Sexual Assault Services**  
[restoresas.org](http://restoresas.org)  
(585) 546-2777  
RESTORE is not affiliated with the University of Rochester and reports made to RESTORE will not be shared with the University. In addition, RESTORE holds office hours on campus every Monday and Thursday from 9 a.m. to 5 p.m. in Taylor Hall, Room 01.
- **University Chaplains**  
[rochester.edu/chapel/faith-communities](http://rochester.edu/chapel/faith-communities)  
(585) 275-4321  
500 Wilson Blvd.

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## Talk to Someone: Confidential and Private University Resources

Students have both confidential and private options for seeking help. You may choose any of the following resources at any time. In order to make the best decision about where to go, it is important to understand whom you can speak to with *full confidentiality* and those who offer *privacy*, as well as the difference between the two.

If you have any questions or need clarification about resources or confidentiality, please contact the Title IX Office at (585) 275-7814.

### Confidential University Resources

Confidential resources will not report crimes to law enforcement or other University officials without your permission except under extreme circumstances, such as a health or safety emergency. There will be no formal report, investigation, or disciplinary action.

- **University Health Service (UHS)**  
[rochester.edu/uhs](http://rochester.edu/uhs)
  - River Campus  
(585) 273-2662  
UHS Building, 738 Library Rd., First Floor
  - Medical Center  
(585) 275-2662  
250 Crittenden Blvd., Room 1-5077
  - Eastman School of Music  
(585) 274-1230  
Student Living Center, 26 Gibbs St., Room 106
- **University Counseling Center (UCC)**  
[rochester.edu/uhs/ucc](http://rochester.edu/uhs/ucc)
  - River Campus  
(585) 275-3113  
UHS Building, 738 Library Rd., Third Floor
  - Eastman School of Music  
(585) 275-3113  
Student Living Center, 26 Gibbs St., Room 107  
(Appointment availability is limited: please call to schedule.)

## Nonprofessional counselors and advocates

- University Chaplains  
[rochester.edu/chapel/faith-communities](http://rochester.edu/chapel/faith-communities)  
(585) 275-4321  
500 Wilson Blvd.

## Private University Resources

These resources will maintain your privacy but are not confidential resources. If they are made aware of an incident of sexual misconduct, they are required by the University to report it to the Title IX Office or Office of Human Resources. Information will be relayed only as necessary to investigate and/or seek a resolution.

- **University Title IX Coordinator**  
[rochester.edu/sexualmisconduct](http://rochester.edu/sexualmisconduct)  
(585) 275-7814  
River Campus: 20 Taylor Hall

The University has a designated Title IX Coordinator and seven Deputy Title IX Coordinators who can help with reporting options and resources. They do not investigate or adjudicate claims. You can contact any of the coordinators at any point, even if the Coordinator is in a different school or unit than you. Names and contact details for Coordinators can be found at [rochester.edu/sexualmisconduct](http://rochester.edu/sexualmisconduct).

The Title IX Coordinator is a full-time member of staff. Deputy Coordinators hold academic and administrative positions at the University and, as such, are an important in-house Title IX resource at each of the academic units, graduate and professional schools, and Athletics. Deputy Coordinators will provide students with the same information, support, and resources as the Title IX Coordinator.

- **University Public Safety**  
[publicsafety.rochester.edu](http://publicsafety.rochester.edu)  
(585) 275-3333  
River Campus: 612 Wilson Blvd.
- **Center for Student Conflict Management**  
[rochester.edu/college/cscm](http://rochester.edu/college/cscm)  
(585) 275-4085  
River Campus, Wilson Commons, Room 510
- **CARE Network**  
[rochester.edu/care](http://rochester.edu/care)  
(585) 275-9490  
River Campus, Wilson Commons, Room 510

## Responsible Employees: Who Has Mandatory Reporting Responsibilities at the University?

In addition to the above resources, there are many people at the University, such as teachers, coaches, deans, or residential or academic advisors, whom you can turn to if you have experienced or witnessed sexual misconduct. It is important to note that some of these individuals are mandatory reporters, known as “Responsible Employees” at the University, which means that if they are made aware of an incident they are required by the University to promptly report it to the Title IX Office or Office of Human Resources.

Responsible Employees are not considered confidential resources, though they will maintain your privacy. If you wish to keep your conversation confidential—meaning that no one will report or investigate the incident without your permission, except in a health or safety emergency—talk to one of the individuals specified as a confidential resource in this guide.

University of Rochester Responsible Employees include professional and student staff members in the following offices: University Public Safety; Office of Residential Life, including resident advisors (RAs), community assistants (CAs), graduate head residents (GHRs), graduate community assistants (GCAs), and graduate housing assistants (GHAs); academic advisors at the College Center for Advising Services; student life offices in each of the University’s graduate and professional schools; Title IX Office, including the Title IX Coordinator and the Deputy Title IX Coordinators at each school and within the Department of Athletics.

No employees other than those listed above have the role and authority to report or respond to sexual misconduct. If you are a faculty or staff member and are unsure if you have reporting responsibilities, please contact the Title IX Coordinator at (585) 275-7814 to learn more.

## Seeking Help off Campus: Rochester-area Resources

- **RESTORE Sexual Assault Services**  
[restoresas.org](http://restoresas.org)  
(585) 546-2777  
RESTORE is not affiliated with the University of Rochester and reports made to RESTORE will not be shared with the University. In addition, RESTORE holds office hours on campus every Monday and Thursday from 9 a.m. to 5 p.m. in Taylor Hall, Room 01.
- **Willow Domestic Violence Center**  
[willowcenterny.org](http://willowcenterny.org)  
(585) 222-7233 (222-SAFE)  
Confidential help for women and men of all ages. Assistance with emergency shelter, safety planning, counseling, court advocacy, transitional support services, and prevention education.
- **Out Alliance**  
[gayalliance.org](http://gayalliance.org)  
(585) 244-8640  
An agency working to affirm LGBTQ identities and to create an atmosphere where the diversity of our community can thrive both collectively and separately. The Alliance also offers support groups for members of the LGBTQ community as well as educational and social programming.
- **Rochester Police Department Victim Assistance Unit**  
[cityofrochester.gov/VictimAssistanceUnit](http://cityofrochester.gov/VictimAssistanceUnit)  
(585) 428-6630  
Short-term crisis counseling, referrals, advocacy, court accompaniment, and assistance in filing for New York State victim's compensation.
- **Monroe County Health Department**  
[www2.monroecounty.gov/health-nursing-services](http://www2.monroecounty.gov/health-nursing-services)  
(585) 733-5375  
The STD Clinic offers free and confidential screening.
- **Monroe Mobile Crises Team**  
[urmc.rochester.edu/psychiatry/clinical/acute/mobile](http://urmc.rochester.edu/psychiatry/clinical/acute/mobile)  
(585) 275-5151 or 211  
A mobile team of mental health professionals provides 24-hour crisis and suicide intervention.

## Seeking Help off Campus: National Resource

- **RAINN (Rape, Abuse and Incest National Network)**  
[rainn.org](http://rainn.org)  
24-hour hotline: (800) 656-4673

For additional resources on and off campus, visit [rochester.edu/sexualmisconduct/resources](http://rochester.edu/sexualmisconduct/resources).

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# Resources for Students Studying and Working Abroad

## 24-Hour University Support Services for Students Abroad

If you experience sexual misconduct while studying or working abroad, you can contact University Public Safety at (585) 275-3333 or the manager for International Travel and Security at (585) 857-1168, who can put you in touch with support resources 24 hours a day. Additional information can be found on the University's Global Engagement Travel and Security site ([rochester.edu/global/travel](http://rochester.edu/global/travel)).

You can download the University's emergency numbers directly to your phone's contacts by texting URGlobalTravel to 444-999 or by visiting the KeynectUp site from your phone ([keynect.us/company/URglobaltravel](http://keynect.us/company/URglobaltravel)).

In addition, you may have access to support from local third-party providers in your host country, including local health care and law enforcement agencies and support services at the institutions where you are studying or working.

The process for reporting sexual misconduct depends to a great extent on which program you are traveling under (exchange program, internship program, independent enrollment, faculty-led seminar). If you have questions about resources and reporting options before your planned travel to study or work abroad, please contact the manager for International Travel and Security for information.

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# LGBTQ-Focused Resources

Sexual misconduct, harassment, and violence affects every demographic and community, regardless of race, color, disability, socio-economic class, sex, gender identity or expression, or sexual orientation. Members of the LGBTQ community face the same barriers to seeking help as everyone but may also encounter a range of additional obstacles.

## Everyone may

- feel self-blame, shame, fear, anger, and depression
- feel confused and unsure of what happened
- be concerned about how others will react to a disclosure
- need help and access to available resources.

## Members of the LGBTQ community may also

- not be "out" to family and friends, which could represent a significant barrier to reporting if the perpetrator is of the same gender
- question whether the incident is a hate crime (i.e., directed against them because of their sexual orientation or gender identity or expression)
- be reluctant to seek help from medical providers, police, or the courts due to past experiences of discrimination or abuse. They may fear revictimization through transphobia, homophobia, biphobia, degradation, hostility, or accusations from service providers and public safety workers
- be concerned that reporting will only reinforce negative stereotypes about their community
- feel that they are being punished for not acting in accordance with society's prescribed gender roles, increasing the amount of shame that they feel as a result of a sexual assault

There are a number of LGBTQ-focused resources at the University and beyond that can provide medical and emotional support with sensitivity and respect. Some are confidential resources—meaning they will not report or investigate an incident without your permission, except in a health or safety emergency—while others are private and will share information necessary to investigate an incident or seek a resolution. This is noted under each resource's name and contact information.

## LGBTQ-Focused University Resources

- **University Health Service**

(585) 273-2662

[rochester.edu/uhs](http://rochester.edu/uhs)

*Confidential Resource*

The no-discrimination policy at the University Health Service precludes discrimination based on sex, gender identity or expression, and sexual orientation. Many members of the UHS staff have undergone Safe Zone training to better enable them to provide the best care possible for lesbian, gay, bisexual, transgender, gender-non-conforming, and queer patients. UHS providers will frequently pair with counselors at the University Counseling Center in order to provide comprehensive care. A primary care provider at UHS can help to provide appropriate resources both at the University and in the wider community.

- **University Counseling Center**

(585) 275-3113

[rochester.edu/uhs/ucc](http://rochester.edu/uhs/ucc)

*Confidential Resource*

All University undergraduate, graduate, and professional students as well as faculty and staff are welcome to consult with the UCC staff about resources for LGBTQ people on campus and in the community. Several therapists have specific experience providing support for individuals who are exploring their sexual orientation or gender transition or who are transitioning during college. The UCC also offers personalized referral to community practitioners for long-term counseling needs.

- **Interfaith Chapel**

(585) 275-4321

[rochester.edu/chapel](http://rochester.edu/chapel)

*Confidential Resource*

Several of the chaplains have been trained to assist—in a nonjudgmental and affirming way—students, faculty, and staff who identify as LGBTQ. They can provide spiritual support for anyone who is working through issues of gender identity, sexual orientation, or sexuality in general. Anyone who has experienced sexual misconduct can also find spiritual support at the Interfaith Chapel. Contact the Rev. Dr. C. Denise Yarbrough, Director, Religious and Spiritual Life at [dyarbrough@admin.rochester.edu](mailto:dyarbrough@admin.rochester.edu).

- **Paul J. Burgett Intercultural Center**

(585) 275-5678

[rochester.edu/college/bic](http://rochester.edu/college/bic)

*Private Resource*

The Burgett Intercultural Center (BIC) works to create a safe and inclusive campus with the goal of making our community one in which all members can identify, comprehend, and avoid bias, stereotypes, or prejudices. BIC offers and/or supports

- LGBTQ Safe Zone Training
- Bias-Related Incident Reporting
- Workshops, including “Creating an Inclusive Community”
- Discussion groups, such as Queer Students of Color and
- TINT (Transgender, Intersex, Non-Binary, and Two Spirit)

## LGBTQ-Focused Rochester Community Resources

- **Strong Memorial Hospital**

(585) 271-2100

[urmc.rochester.edu](http://urmc.rochester.edu)

*Confidential Resource*

Strong has been recognized as a national Leader in LGBTQ Healthcare Equality by the Human Rights Campaign Foundation, the educational arm of the nation’s largest lesbian, gay, bisexual, transgender, and queer civil rights organization. Strong has patient and employment nondiscrimination policies and provides training in LGBTQ patient-centered care for key staff members. For information, visit their [web page for LGBTQ patients](#).

- **Trillium Health**

(585) 545-7200

[trilliumhealth.org](http://trilliumhealth.org)

*Confidential Resource*

Trillium Health has also been recognized by the Human Rights Campaign as a leading provider of LGBTQ-centered patient care, offering comprehensive primary care, supportive services, and community outreach and education. Trillium Health has an on-site pharmacy, STD/HIV testing, and lab services.

- **Out Alliance**  
[gayalliance.org](http://gayalliance.org)  
(585) 244-8640

*Private Resource*

An agency working to affirm LGBTQ identities and to create an atmosphere where the diversity of our community can thrive both collectively and separately. The Alliance also offers support groups for members of the LGBTQ community as well as educational and social programming.

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# Reporting Options and Complaint Process Against Another Student

*Please note: If you have been harassed or assaulted by a nonstudent member of the University community or a visitor, you have the option of making a formal complaint under the University's Policy against Discrimination and Harassment, also known as Policy 106. This process is covered in the next section, Reporting Options and Complaint Process Against a Nonstudent Member of the University Community.*

## Accommodations and Interim Measures

If you have experienced sexual misconduct, there are steps the University can take to provide a supportive environment for you to work, learn, and live. These accommodations are available to you regardless of your decision whether to make a formal report. They are also available to all witnesses and respondents.

The Title IX Coordinator will help you with the accommodation process; Public Safety may also be involved. Your privacy will be protected as these arrangements are made. Steps taken will be determined on a case-by-case basis, responding to your needs, the nature of the incident, and other factors, including the need to ensure individual and community safety.

### Active Avoidance Orders

The purpose of an Active Avoidance Order (AAO) is to limit contact between two or more students who are engaged in an interpersonal conflict. An AAO is not considered disciplinary action and, in cases of alleged misconduct, may be imposed prior to a conduct hearing. For more information about AAOs, see the Student Sexual Misconduct Policy ([rochester.edu/sexualmisconduct/assets/pdf/StudentSexualMisconductPolicy.pdf](http://rochester.edu/sexualmisconduct/assets/pdf/StudentSexualMisconductPolicy.pdf)).

## Additional Interim Measures

- alternative on-campus housing, transportation, parking, or class schedules
- changes to employment or academic assignments
- temporary suspension of a student from campus, classes, or other activities while a complaint is being investigated and/or adjudicated

The University can also assist you with obtaining an order of protection or initiating civil or family court proceedings.

## Formal Complaints

You may choose to make a formal report to law enforcement by calling 911. The University can help you make this report. You may also make a formal report to the University by contacting any of the following:

- Title IX Coordinator at (585) 275-7814 or a Deputy Title IX Coordinator, [rochester.edu/sexualmisconduct](http://rochester.edu/sexualmisconduct)
- University Public Safety at (585) 275-3333
- Center for Student Conflict Management at (585) 275-4085

### You have the right

- to withdraw a complaint or involvement in the University's conduct process at any time
- to be accompanied by an advisor of choice when speaking with anyone at the University regarding an incident of sexual misconduct. This can be a friend, family member, or anyone of your choosing. If you need a referral, a list of specially trained advisors is available at the Center for Student Conflict Management. You can also call or email the Title IX Coordinator or a judicial officer for a list.

When you make a formal complaint, you are the *declarant* in the case. The person or persons against whom you have made the claim is/are the *respondent(s)*.

## Informal Resolution

You may choose to seek an informal resolution through the Title IX Coordinator. If you request this option and it is granted, there will not be an investigation, hearing, or disciplinary action. Other measures will be pursued, such as mediation with a third party. The option to seek an informal resolution is not available in every case, such as when an

allegation includes sexual assault, stalking, dating or intimate partner violence, or another aggravating factor. The pursuit of an informal resolution does not preclude you from pursuing a formal complaint in the future.

## Anonymous Proxy Report

You may file an anonymous report online, known as a proxy report. This does not include any personally identifiable information but includes the date, location, and type of incident that occurred. Proxy reports go to the Title IX Coordinator, who reviews each one. If the name of a perpetrator is listed on the report, the Coordinator will see if any other complaint(s) against that person exist(s). If so, the Title IX Coordinator may be obligated to begin an investigation. If not, the Title IX Office will retain the report. You can refer to it later should you choose to make a formal report ([rochester.edu/sexualmisconduct/proxy-report.html](http://rochester.edu/sexualmisconduct/proxy-report.html)).

## Amnesty

No student who files a complaint will face University disciplinary action for personal use or possession of alcohol or drugs that is related to and revealed in a sexual misconduct investigation.

## Student Sexual Misconduct Process on Campus

When a report results in a University investigation, specially trained investigators in Public Safety meet with all individuals involved. Their goal is to gather all the information about the incident with sensitivity and respect for all parties.

When the investigation is complete, a report is generated and forwarded for review to the Title IX Coordinator and a judicial officer, who works in the Office of the Dean of Students.

### Timeline

The Department of Public Safety investigation and report typically take two weeks to complete. A judicial officer requests a meeting with the involved students within two business days of receiving the DPS report. If an administrative hearing is necessary, students receive two weeks' notice of the hearing date. The total expected timeline from report to outcome is typically four weeks, although the process can take longer to complete.

## Hearing and Adjudication

Sexual misconduct hearings are held in a private conference room on campus and are conducted by a hearing board made up of specially trained University administrators. The board reviews the investigative report and any other evidence and asks questions of all the parties with the purpose of determining, through a fair and objective process, if a violation of the Student Sexual Misconduct Policy occurred. If the board determines that a respondent is responsible for a violation, it informs the judicial officer of this finding and recommends a sanction. The final decision is explained to the respondent and the declarant in person in separate meetings and by letter.

## Appeals

Both parties involved in the hearing have the right to appeal the judicial officer's decision. The process for the appeal is outlined fully in the hearing results letter to each student.

## Sanctions

The [Student Sexual Misconduct Policy](#) allows for a range of sanctions. These include disciplinary probation, prohibition from various areas and events, educational assignments, suspension, and expulsion. Students found responsible for sexual assault should expect to be suspended for a minimum of one academic year.

## Burden of Proof

In deciding the outcome of a complaint, University adjudicators are guided by "a preponderance of the evidence" standard. This means that in determining whether a respondent is responsible, the proof need only show that it is more likely than not that the alleged behavior occurred.

## Advisors and Legal Counsel

Advisors play an important role in supporting students in the student sexual misconduct process. Both declarants and respondents have the right to have someone assist them throughout the entire complaint process, including during meetings and hearings. This can be a friend, family member, or anyone of your choosing, including an attorney. If you need a referral, a list of specially trained advisors is available at the Center for Student Conflict Management. You can also call or email the Title IX Coordinator or judicial officer for a list.

## Privacy and Confidentiality

The University will maintain your privacy at all times but does not guarantee confidentiality. Your identity and the information you share with the investigator is known only to individuals who have responsibility in the investigation and resolution of a complaint, including the investigator, judicial officer, Title IX Coordinator or Deputy Coordinator, and hearing board. In most cases, both the declarant and respondent will know the identities of witnesses and the information they provide.

## Protection from Retaliation

Retaliation for complaining about sexual misconduct or any type of discrimination or harassment is prohibited. This includes retaliation for participating in an investigation or a hearing involving a complaint against a student or a nonstudent member of the University community. If you feel you have experienced retaliation, please contact the Title IX Office.

## Witness Rights and Resources

A witness in an investigation of sexual misconduct is anyone who has information related to the complaint. This can be direct knowledge, such as an eyewitness account of an incident, or indirect information, such as something overheard or something stated by another person.

### Witnesses have the following rights in an investigation:

- to receive information and ask questions pertaining to the investigation process
- to be informed of and have access to campus support services, including confidential resources, related to sexual misconduct and discrimination

If you have witnessed sexual misconduct, either directly or indirectly, you can file a complaint. You also have access to health and counseling services and accommodations and interim measures.

## Interviewing with the Investigator

The decision to participate as a witness in an investigation is an individual one. If you have concerns about how your involvement could affect your personal, academic, or professional life, you can speak with the Title IX Coordinator or any of the Deputy Title IX Coordinators to discuss ways the University can mitigate the impact and find reasonable solutions that allow you to participate in the investigation.

If you choose to meet with an investigator as a witness, you will be asked questions related to the complaint allegations and may also be asked to submit information such as texts, emails, or images for review. To protect the privacy of all those involved, as well as the integrity of the investigation, the investigator will only share information with you necessary to further the investigation. In other words, there may be details of the complaint that will not be made available to you as a witness.

## Respondent Rights and Resources

If a complaint of sexual misconduct has been made against you, there are resources available at the University where you can go for information and support.

If you need help and are unsure where to begin, you are encouraged to reach out to the Title IX Coordinator or one of the Deputy Title IX Coordinators. A list of Coordinators with contact information is at [rochester.edu/sexualmisconduct](https://rochester.edu/sexualmisconduct).

Some of the following resources are confidential—meaning they will not reveal any information you share without your permission, except in a health or safety emergency—while others are private, and will share information necessary to investigate an incident or seek a resolution. This is noted for each resource.

- **University Counseling Center**  
*Confidential*  
[rochester.edu/uhs/ucc](https://rochester.edu/uhs/ucc)  
(585) 275-3113
- **University Chaplains**  
*Confidential*  
[rochester.edu/chapel/faith-communities](https://rochester.edu/chapel/faith-communities)  
(585) 275-4321
- **Center for Student Conflict Management**  
*Private*  
[rochester.edu/college/cscm](https://rochester.edu/college/cscm)  
(585) 275-4085

- **CARE Network**  
*Private*  
[rochester.edu/care](https://rochester.edu/care)  
(585) 275-9490

## Participating in the Investigation

The University encourages respondents to participate fully in all aspects of the investigation and adjudication. As with all alleged conduct violations, there is no presumption that a policy has been violated. You may choose not to participate in any part of the process. However, the University may proceed without your involvement. Respondents will be held accountable for any outcomes issued, even if they decline to participate.

## When an Incident Does Not Violate the Student Sexual Misconduct Policy

Sometimes a person's behavior, while offensive or upsetting, does not violate a provision of the Student Sexual Misconduct Policy. When behavior runs counter to the University's culture of respect, there are steps that can be taken to address it outside the policy. This includes counseling the student who engaged in the behavior about how their actions affect others or, when an incident affects a larger community, by implementing an environmental response. This could be creating opportunities for training or moderating a Safe Space conversation about the incident and what steps can be taken next. The Title IX Coordinator or any of the Deputy Coordinators can help you explore options and identify the best way to address behaviors that cannot be adjudicated under the Student Sexual Misconduct Policy.

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# Reporting Options and Complaint Process Against a Nonstudent Member of the University Community

Formal complaints of sexual misconduct against a nonstudent member of the University community are handled under the University's Policy against Discrimination and Harassment, also known as Policy 106. See [rochester.edu/working/hr/policies/pdfpolicies/106.pdf](https://rochester.edu/working/hr/policies/pdfpolicies/106.pdf).

## Accommodations and Interim Measures

These are available to any student who comes forward about an incident of sexual misconduct, regardless of your decision to make a formal report. Steps taken will be determined on a case-by-case basis and may include

- Active Avoidance Orders (one or both parties involved actively avoid each other) see page 10
- alternative housing, transportation, parking, or class schedules
- changes to employment or academic assignments
- placing person(s) on temporary leave of absence

## Formal Complaints

You may choose to make a formal complaint to law enforcement by calling 911. The University can help you make this report. You may also make a formal complaint to the University by contacting any of the following offices:

- Center for Student Conflict Management  
(585) 275-4085
- Equal Opportunity Compliance Office  
(585) 275-2200  
[rochester.edu/eoc](https://rochester.edu/eoc)
- Office of Counsel  
(585) 273-2167  
[rochester.edu/counsel](https://rochester.edu/counsel)

- Office of Human Resources  
[rochester.edu/working/hr](https://rochester.edu/working/hr)
  - River Campus  
(585) 275-8747
  - Medical Center  
(585) 276-6817
- Office of the University Intercessor  
(585) 275-9125  
[rochester.edu/intercessor](https://rochester.edu/intercessor)
- Title IX Coordinator or Deputy Title IX Coordinators  
(585) 275-7814  
[rochester.edu/sexualmisconduct](https://rochester.edu/sexualmisconduct)
- University Public Safety  
(585) 275-3333  
[publicsafety.rochester.edu](https://publicsafety.rochester.edu)
- Your department chair, dean, director, or immediate supervisor

## You have the right

- to withdraw a complaint or involvement in the University's investigation process at any time
- to be accompanied by an advisor of choice when speaking to anyone at the University about an incident if the complaint alleges sexual assault, stalking, or dating or domestic violence (also known as intimate partner violence)

If you make a formal complaint under Policy 106, you are the *complainant* in the case. The person or persons against whom you have made the claim is/are the *respondent(s)*.

## Informal Resolution

You may choose to seek an informal resolution through the Title IX Coordinator. The informal resolution option is not available in every case, such as when an allegation includes sexual violence or another aggravating factor. The pursuit of an informal resolution does not preclude you from pursuing a formal complaint in the future.

## **Informal resolutions can take many forms, including**

- directly confronting the person who is the source of unwelcome behavior. This can be done either in person or in writing, letting the individual know that the behavior is unwelcome and must stop.
- engaging a third person—such as a department chair or dean—to address the conduct with the source of the unwanted behavior
- participating in a conflict resolution process with the University Intercessor

Whatever method of informal resolution you choose to pursue, the goal is to stop the unwanted behavior and to take steps to address your concerns. Under Policy 106, all efforts at informal resolution need to be reported to the Office of Counsel so they have a record of the effort and any follow-up measures taken.

## **The Policy 106 Process**

Once you have made a formal complaint under Policy 106, the University will first seek your consent before conducting an investigation. You may decline consent. Your decision will be honored, but the University may, in certain circumstances, need to proceed with an investigation without your participation.

An investigator will interview you and other witnesses with relevant knowledge of your complaint and will attempt to complete the investigation within 30 to 45 days. The investigator provides a written report of your complaint to the appropriate adjudicator. A list of these decision makers can be found in Policy 106, Appendix B. For example, if the complaint is against a faculty member, the adjudicator may be the dean of the school where the faculty member holds their primary appointment.

Within 15 business days of receiving the report, the adjudicator will determine whether a violation of Policy 106 has been established and send a written determination to you, to the respondent, and to any appropriate administrative personnel. The determination includes a summary of the findings of the investigation and describes any corrective action to be taken as well as other recommendations based upon the findings.

In addition to receiving a copy of the written determination letter, the complaining individual and the respondent may also make an appointment to view a copy of the investigator's written report. The declarant or the respondent can appeal this decision within 15 business days.

### **Burden of Proof**

In deciding the outcome of a complaint, University adjudicators are guided by “a preponderance of the evidence” standard. This means that in determining whether a respondent is responsible, the proof need only show that it is more likely than not that the alleged behavior occurred and violated a provision of Policy 106.

### **Privacy and Confidentiality**

An allegation against a nonstudent member of the University will be discretely addressed. The University will keep information private, but the process is not confidential. The investigation of complaints may require disclosure to the respondent and to witnesses for the purpose of gathering relevant information.

Disclosure is limited to individuals involved in investigating and adjudicating complaints, those responsible for follow-up actions in response to a report or investigation (including, if appropriate, the University Committee on Tenure and Privileges), and administrative personnel who need to be informed.

If there is a proceeding outside of the University, such as a lawsuit or a complaint to a state or federal agency, the University may be required to share documents or information related to the investigation—including the identity of witnesses—with outside officials or parties to the lawsuit.

### **Protection from Retaliation**

Retaliation for complaining about sexual misconduct or any type of discrimination or harassment is prohibited. This includes retaliation for participating in an investigation or a hearing involving a complaint against a student or a nonstudent member of the University community.

## Witnesses in a Policy 106 Investigation

A witness in a Policy 106 investigation is anyone who has information related to the complaint. This can be direct knowledge, such as an eyewitness account of an incident, or indirect information, such as something overheard or something stated by another person.

As a witness, you may be asked to speak to an investigator. This request does not mean you have been accused of any wrongdoing but simply that you may have information that could be relevant and helpful to the investigation. The University encourages you to participate in this process and to be truthful and forthcoming.

### Witness Confidentiality

Any statement that you provide to an investigator will be kept private, but it is not confidential. The investigator's notes or your written statement will not be shared with other witnesses, the declarant, or the respondent. The investigator may, however, use information you provide as the basis for further investigation, and it may be discussed in the investigator's report. If you wish to remain anonymous (from the declarant, the respondent, and the person adjudicating the complaint), you can discuss this with the investigator, and your identity will be protected to the extent possible.

## Respondent Rights and Resources

If a University staff or faculty member is accused of discrimination, harassment, or retaliation in violation of Policy 106, they will be contacted by an investigator, informed of the nature of the complaint against them, and given an opportunity to respond.

### Support for Respondents

Respondents in a Policy 106 investigation have the right to be treated respectfully and will not be presumed to have engaged in any wrongdoing while the investigation is ongoing. In addition, if the complaint raises allegations of sexual assault, stalking, or dating or domestic violence, the respondent has the right to bring a support person to the meeting with the investigator. Respondents can make use of the Employee Assistance Program ([585] 475-0432; [urmc.rochester.edu/eap](http://urmc.rochester.edu/eap)) if they need personal support during the Policy 106 process.

### Confidentiality for Respondents

Any statement that a respondent provides to an investigator throughout the investigation will be kept private, but it is not confidential. If it is determined that a respondent has violated Policy 106, a copy of the determination letter will be included in their central University personnel file, and the declarant will be notified of this finding. However, if it is determined that they have not violated Policy 106, no reference to the investigation will be included in their personnel file, unless the respondent has been counseled or disciplined as a consequence of the complaint and the investigation. The declarant will also be notified.

### Retaliation

Retaliatory action against anyone involved in a Policy 106 investigation is strictly prohibited. This can include making inquiries of individuals as to whether or not they have been interviewed and what statements they may have made to the investigator. Any behavior that could be perceived as intimidating to the declarant, witnesses, or the respondent could result in disciplinary measures.

### When an Incident Does Not Violate Policy 106

Sometimes a person's behavior, while offensive or upsetting, does not violate a provision of Policy 106. When behavior runs counter to the University's culture of respect or violates a University policy other than Policy 106, the University may, for example, counsel an employee, require an employee to undergo additional training, or impose some form of corrective discipline.

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# Non-Sex-Based Harassment and Discrimination

If you believe that you have been discriminated against because of your age, color, disability, ethnicity, military/veteran status, national origin, race, religion or creed, or on the basis of any other protected class, you have several options for reporting the incident:

## Report against Another Student

“Submit a Concern” on the student CARE website: [rochester.edu/CARE](https://rochester.edu/CARE). Harassment and discrimination complaints not related to sex will be addressed pursuant to the Standards of Student Conduct procedures.

You can also submit a Bias-Related Incident Report through the Paul J. Burgett Intercultural Center. Information and a link to the online report form can be found at [rochester.edu/college/bic/bias-incident-response/index.html](https://rochester.edu/college/bic/bias-incident-response/index.html).

All bias-related reports of non-sex-related discrimination and harassment will be reviewed by a staff member in the Center for Student Conflict Management.

## Report against a Nonstudent Member of the Community

Submit a confidential formal complaint under the University’s Policy against Discrimination and Harassment, Policy 106 ([rochester.edu/working/hr/policies/pdfpolicies/106.pdf](https://rochester.edu/working/hr/policies/pdfpolicies/106.pdf)).

You can also submit a report through the CARE site or the Paul J. Burgett Intercultural Center.

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# Title IX Explained

*“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. ...”*

20 U.S.C. § 1681

## What Is Title IX?

Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits sex discrimination at educational institutions that receive federal funding. Under Title IX, sexual discrimination includes harassment on the basis of sex. This can take many forms, including

- verbal or written harassment
- sexual assault, including rape and other unwanted sexual touching
- stalking (when done on the basis of sex)
- dating or domestic violence

Academic institutions are legally required to respond to and remedy hostile educational environments. Failure to do so means an institution could risk losing federal funding.

The U.S. Department of Education’s Office of Civil Rights (OCR) ensures compliance with Title IX. You may contact OCR at its New York office at (212) 416-8250 or its national headquarters at (800) 421-3481.

## What Does a Title IX Coordinator or Deputy Title IX Coordinator Do?

The Title IX Coordinator and Deputy Title IX Coordinators ensure that the process for addressing complaints of sex-based harassment and misconduct are handled promptly and equitably, with fairness to everyone involved. They make certain that anyone who comes to them understands their rights and has the information they need to determine what to do next. However, they do not investigate or adjudicate claims.

The Title IX Coordinator is the University's expert on Title IX law as well as campus policies and procedures on sex discrimination and sexual misconduct. The Coordinator works with colleagues University-wide to educate the community about

- support services
- resources
- reporting options and processes

The Coordinator and Deputy Coordinators also help develop sexual discrimination and sexual violence prevention initiatives, including trainings for students, faculty, and staff.

## Who Is My Title IX Coordinator?

The University has a designated Title IX Coordinator and seven Deputy Title IX Coordinators who can answer questions and assist with reporting options and resources. You are welcome to contact any of the coordinators, even if the person is in a different school or unit from you. A list of coordinators can be found at [rochester.edu/sexualmisconduct](http://rochester.edu/sexualmisconduct). You can also call the Title IX Coordinator at (585) 275-7814.

## When Should I Contact My Title IX Coordinator?

If you are in crisis, seek help immediately (page 3). Once you are safe, we strongly encourage you to contact the Title IX Coordinator or a Deputy Coordinator if you have experienced or witnessed sexual misconduct or encountered sexual discrimination. You may also contact a coordinator if you have questions about policies or procedures or need help with how to handle a situation that indirectly affects you.

Please note that Title IX Coordinators and Deputy Coordinators are private—but not confidential—resources. They will share information necessary to investigate an incident and/or seek a resolution. A list of confidential resources can be found on page 5.

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# Questions?

If you have any questions about the Student Sexual Misconduct Policy, Policy 106, conduct process, resources, or your rights, please contact the Title IX Coordinator at (585) 275-7814 or [titleix@rochester.edu](mailto:titleix@rochester.edu).

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# Appendices

## Definitions

The following definitions can be found in the Student Sexual Misconduct Policy. They apply to interactions between students. These definitions may not apply to the investigation of complaints under the University's Policy against Discrimination and Harassment (Policy 106).

**Aiding or facilitating** is any action or course of action that assists, promotes, or encourages the commission of a violation under the Student Sexual Misconduct Policy. This can also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so, such as calling Public Safety or local law enforcement.

**Consent** refers to **Affirmative Consent**, which is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Individuals are unable to give consent if they are

- substantially physically or mentally impaired by illness, alcohol, or drugs
- forced, coerced, threatened, or intimidated
- incapacitated and/or physically incapable of communicating
- under the age of consent (17 years old in New York State)

Important principles of Affirmative Consent:

- Consent may be initially given but withdrawn at any time.
- Consent is required, regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent to any sexual act or prior consensual activity does not necessarily constitute consent to any other sexual act.
- When consent is withdrawn or can no longer be given, sexual activity must stop.
- If confusion or ambiguity of consent arises at any time during sexual interaction, it is essential that each person stops and clarifies, verbally, their willingness to continue.

**Dating, Domestic, or Intimate Partner Violence** is abuse or violence by one person against another with whom the person is or was engaged in an intimate, romantic, or family relationship, which causes or could reasonably be expected to cause significant physical, emotional, or psychological harm.

**Incapacitation** occurs when an individual lacks the ability to knowingly choose to participate in sexual activity. It may be caused by lack of consciousness, being asleep, being involuntarily restrained, or some other reason. Someone under the influence of drugs, alcohol, or another intoxicant maybe be incapacitated and unable to consent.

**Hostile Environment Harassment** refers to a hostile environment based on sex, sexual orientation, or gender identity or expression exists when conduct

- is sufficiently severe or pervasive (meaning that the conduct is either of an extraordinarily severe or egregious nature or has been repeated with sufficient frequency or continually); 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 egregious offense (e.g., sexual assault) would, and
- objectively and subjectively has the effect of
  - unreasonably interfering with an individual's work or equal access to education or
  - creating an intimidating, intolerable, or offensive work or academic environment.

**Retaliation** is any adverse action taken by a member of the University community against a person because of the person's participation in a complaint or investigation of sexual misconduct that is intended to dissuade a reasonable person from making a claim or participating in an investigation in the future.

**Sexual Assault** is defined by the University (consistent with federal law) as including actual or attempted sexual contact, however slight, with another person without that person's consent. This includes but is not limited to

- involvement in any sexual contact when an individual is unable to consent
- intentional and unwelcome touching of or coercing, forcing, or attempting to force another person to touch a person's intimate parts (genital area, anus, groin, inner thigh, buttocks, or breast), including over a person's clothing

- sexual intercourse without consent, including acts commonly referred to as “rape.” This includes penetration of vagina or anus with a body part or object as well as forced oral sex.
- Statutory Rape: Nonforcible sexual intercourse with a person who is under the age of consent (17 years old in New York State)

**Sexual Exploitation** occurs when a person takes nonconsensual sexual advantage of another for one’s benefit or the benefit of another party. Examples of sexual exploitation include but are not limited to observing or recording others engaged in a sexual or private activity (such as undressing or showering) without the consent of all involved; taking intimate pictures of another and then distributing the pictures to others without the photographed person’s consent; exposing one’s genitals in nonconsensual circumstances; or engaging in sexual activity with another while knowingly infected with a sexually transmitted disease (STD) without informing the other person of such infection.

**Sexual Harassment** is (1) any unwanted verbal, visual, written, electronic, or physical conduct of a sexual nature (2) that is intended to cause or could reasonably be expected to cause an individual or group to feel intimidated, demeaned, abused, or fearful or have concern for their personal safety (3) because of their sex, sexual orientation, gender identity or expression, or because of their perceived or actual affiliation or association with individuals or groups identified by such characteristics. Under this policy, sexual harassment can be classified as either hostile environment sexual harassment or quid pro quo sexual harassment.

**Sexual Misconduct** means any form of sexual assault, sexual harassment, sexual exploitation, dating or domestic violence, or stalking.

**Sexual Violence** is a type of sexual harassment. It includes sexual assault, sexual exploitation, dating or domestic violence, and stalking.

**Statutory Rape** is nonforcible sexual intercourse with a person who is under the statutory age of consent. In New York State, the statutory age of consent is 17 years old.

**Stalking** is conduct directed at a specific person that would cause a reasonable person to fear harm to his/her/their own health or safety or that of a person he/she/they are close to, such as a friend or family member or suffer substantial emotional distress. Stalking, when committed on the basis of sex, is a form of sexual harassment. Stalking behaviors can include

- nonconsensual communication, including face-to-face communication, telephone calls, voice messages, emails, texts, written letters, gifts, or other communications that are undesired by the recipient
- pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other place frequented by the victim
- surveillance, including by the use of technology, or other type of observation, including staring or “peeping”
- gathering information about an individual from friends, family, coworkers, or devices

**Quid Pro Quo Harassment** occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment, or participation in a University activity are conditioned upon, either explicitly or implicitly, submission to unwelcome sexual advances or requests for sexual favors.

## Relevant Policies

Student Sexual Misconduct Policy  
[rochester.edu/sexualmisconduct/assets/pdf/  
StudentSexualMisconductPolicy.pdf](http://rochester.edu/sexualmisconduct/assets/pdf/StudentSexualMisconductPolicy.pdf)

University Policy Against Discrimination and Harassment  
(Policy 106)  
[rochester.edu/working/hr/policies/pdfpolicies/106.pdf](http://rochester.edu/working/hr/policies/pdfpolicies/106.pdf)

Conflicting Relationships Policy (Nepotism) (Policy 121)  
[rochester.edu/working/hr/policies/pdfpolicies/121.pdf](http://rochester.edu/working/hr/policies/pdfpolicies/121.pdf)

## Faculty and Student Handbooks

Standards of Student Conduct (2017–2018)  
[rochester.edu/college/cscm/assets/pdf/standards\\_  
studentconduct.pdf](http://rochester.edu/college/cscm/assets/pdf/standards_studentconduct.pdf)

Faculty Handbook (May 2017)  
[rochester.edu/provost/assets/PDFs/Faculty\\_handbook.pdf](http://rochester.edu/provost/assets/PDFs/Faculty_handbook.pdf)  
*The University's Faculty Intimate Relations Policy can be  
found on page 11.*

School of Medicine and Dentistry Regulations of the Faculty  
(October 2017)  
[urmc.rochester.edu/MediaLibraries/URMCMedia/smd/  
academic-affairs/documents/faculty-regulations/faculty-  
regulations.pdf](http://urmc.rochester.edu/MediaLibraries/URMCMedia/smd/academic-affairs/documents/faculty-regulations/faculty-regulations.pdf)

Graduate Student Regulations and University Policies  
(August 2018)  
[rochester.edu/GradBulletin/PDFbulletin/Regulations.pdf](http://rochester.edu/GradBulletin/PDFbulletin/Regulations.pdf)

School of Nursing Student Handbook (2017)  
[son.rochester.edu/assets/pdf/studenthandbook.pdf](http://son.rochester.edu/assets/pdf/studenthandbook.pdf)

School of Medicine and Dentistry Student Handbook  
[urmc.rochester.edu/medialibraries/urmcmedia/education/  
md/documents/student-handbook.pdf](http://urmc.rochester.edu/medialibraries/urmcmedia/education/md/documents/student-handbook.pdf)

Graduate Resident Handbook (July 2017)  
[rochester.edu/gradstudies/grad-life/  
GraduateResidentHandbook.pdf](http://rochester.edu/gradstudies/grad-life/GraduateResidentHandbook.pdf)

