

## **600.1 Non-Discrimination/Equal Employment Opportunity Policy Statement**

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

**Policy** Rensselaer Polytechnic Institute complies with all federal, state and local non-discrimination laws and is committed to providing a working, living and learning environment free from discrimination based on race, color, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status<sup>1</sup>, or any other basis prohibited by law.

Rensselaer Polytechnic Institute is also committed to providing equal employment opportunities for all persons regardless of race, color, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status, or any other basis prohibited by law. Equal opportunity extends to all aspects of the employment relationship, including but not limited to hiring, transfers, promotions, training, terminations, working conditions, compensation, benefits, and other terms and conditions of employment.

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

- (a) in response to a formal complaint or charge,
- (b) in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the Institute, or
- (c) consistent with the Institute’s legal duty to furnish information.

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

This policy applies to all employees, including faculty and members of the President's Cabinet. Rensselaer holds its employees, students and members of its community to standards of conduct which may be more stringent than those mandated by law.

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

**Procedure** Official functions of Rensselaer will not be held in clubs or other facilities that maintain restrictive membership requirements relating to race, color, religion, sex, pregnancy, sexual orientation, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim, or any other basis prohibited by law. In addition, Rensselaer will not pay for membership in such clubs, or any bills for expenses incurred at such clubs.

#### Title IX Coordinator

Rensselaer designates the Director of Employee Relations and the Deputy to the Vice President for Human Resources as Title IX Coordinators for the Institute. A Title IX Coordinator is responsible for:

- Providing oversight for the Institute's Title IX compliance;
- Ensuring that investigations of discrimination, harassment, including sexual harassment and sexual violence, are conducted in an objective, thorough and timely manner;
- Identifying and addressing any pattern(s) or systemic problems that may be revealed during the course of an investigation;
- Ensuring that training is provided to all faculty, staff and students likely to witness or receive reports of discrimination, harassment, including sexual harassment and sexual violence; and
- Coordinating and supervising the work of all designated Title IX Liaison Officers.

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

#### Reporting Procedures

Any applicant, employee or student<sup>2</sup> who believes that there has been a violation of Rensselaer's policy or any applicable law relating to equal

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

employment opportunities or non-discrimination should immediately contact the Division of Human Resources or Title IX Coordinator. All complaints are promptly investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, the investigation may not be as thorough as otherwise would have been the case. Rensselaer, however, will decide whether to continue to investigate and to draw conclusions, regardless of an individual's decision not to participate. The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

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

## 600.2 Sex/Gender Discrimination

**Purpose** To emphasize Rensselaer's commitment to the principles of non-discrimination and equal opportunity on the basis of gender within the Institute's working, living and learning environments.

**Policy** Rensselaer Polytechnic Institute's personnel actions and practices will not be based on stereotypical characterizations of men and women, or on the arbitrary preferences of co-workers, management, clients, or customers. Rensselaer prohibits discrimination on the basis of gender/sex in the working, living and learning environments. Discrimination on the basis of gender includes sexual harassment and sexual violence.

Sex discrimination, including sexual harassment, sexual violence and sexual assault, is prohibited by federal and state law, and Institute policy.

This policy applies to all members of the Rensselaer community, including, applicants, faculty, staff, students, visitors, vendors and members of the President's Cabinet.

**Procedure** Personnel actions will not be influenced by an individual's sex or marital status. Wages and salaries will be based on job content and market factors, and not on the gender of the incumbent.

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

Women will not be denied employment on the basis of pregnancy.

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

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

### Reporting Procedures

Any applicant, employee or student<sup>3</sup> who believes that there has been a violation of Rensselaer's sex discrimination policy or any applicable law relating to such discrimination should immediately contact the Division of Human Resources or Title IX Coordinator. All complaints are promptly investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, the investigation may not be as thorough

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<sup>3</sup> Students may also contact the Office of the Dean of Students at (518) 276-6266.

as otherwise would have been the case. Rensselaer, however, will decide whether to continue to investigate and to draw conclusions, regardless of an individual's decision not to participate. The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

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

### 600.3 Sexual Harassment Policy

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

**Definitions** **Sexual harassment** is defined as unwanted sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when:

- 1) Submission to such conduct is made a term or condition of employment or participation in an academic, educational, extra-curricular, athletic or other program of the Institute;
- 2) Submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting the employee or student; or
- 3) Such conduct has the purpose or effect of unreasonably interfering with work performance or participation in an academic program, or creating an intimidating, hostile, or offensive working, living or learning environment.

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

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

- Promising, directly or indirectly, an employee or student a reward, if the employee or student complies with a sexually oriented request.
- Threatening, directly or indirectly, to retaliate against an employee or student, if he/she refuses to comply with a sexually oriented request.
- Denying, directly or indirectly, an employee or student an employment- or academic-related opportunity, if the employee or student refuses to comply with a sexually oriented request.
- Engaging in sexually suggestive conversation that is unwelcome or physical contact or touching another employee or student in a way that is unwelcome.
- Displaying, storing, or transmitting pornographic or sexually oriented materials.
- Engaging in indecent exposure.
- Making sexual or romantic advances toward an employee or student and persisting despite the employee's/student's rejection of the advances.
- Physical conduct such as assault, touching, or blocking normal

movement.

- Sexual violence, which includes but is not limited to, rape, sexual assault, sexual battery, sexual coercion and sexual exploitation.
- Retaliation for making harassment reports or threatening to report harassment.

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

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

**Sexual Violence** refers to any physical sexual act that occurs without a person's consent, or occurs when a person is unable or incapable of giving consent for any reason, including, for example, because of drugs or alcohol use, or because of an intellectual or other disability. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

**Non-Consensual Sexual Contact** is defined as any sexual touching, however slight, by a male or female upon someone else, regardless of gender that is without their consent, and/or by force. Non-consensual sexual contact includes non-consensual sexual intercourse.

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

- Invasion of sexual privacy;
- Non-consensual video- or audio-taping of a sexual nature;
- Engaging in voyeurism; and
- Exposing one's genitals, or inducing someone to expose his/her genitals in non-consensual circumstances.

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

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

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

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

Any person who violates this policy will be subject to discipline, up to and including termination and/or will be barred from Rensselaer property.

This policy applies to all employees, including faculty, staff, student employees, vendors, visitors, guests, and members of the President's Cabinet.

**Procedure** Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

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

- Promising, directly or indirectly, an employee or student a reward, if the employee or student complies with a sexually oriented request;
- Threatening, directly or indirectly, to retaliate against an employee or student, if he/she refuses to comply with a sexually oriented request;
- Denying, directly or indirectly, an employee or student an employment- or academic-related opportunity, if the employee or student refuses to comply with a sexually oriented request;
- Engaging in sexually suggestive conversation that is unwelcome or physical contact or touching another employee or student in a way that is unwelcome;
- Displaying, storing, or transmitting pornographic or sexually oriented materials;
- Engaging in indecent exposure;
- Making sexual or romantic advances toward an employee or

student and persisting despite the employee's/student's rejection of the advances;

- Physical conduct such as assault, touching, or blocking normal movement;
- Sexual violence, which includes but is not limited to, rape, sexual assault, sexual battery, sexual coercion and sexual exploitation; and
- Retaliation for making harassment reports or threatening to report harassment.

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

#### Reporting Procedures

Any applicant, employee or student<sup>4</sup> who believes that there has been a violation of Rensselaer's policy or any applicable law relating to sexual harassment, including sexual violence<sup>5</sup>, should immediately contact the Division of Human Resources or Title IX Coordinator. All complaints are promptly investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, the investigation may not be as thorough as otherwise would have been the case. Rensselaer, however, will decide whether to continue to investigate and to draw conclusions, regardless of an individual's decision not to participate. The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

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

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

<sup>5</sup> Victims of alleged sexual assaults will be provided with information about making a report to a law enforcement agency. However, the Institute's emphasis will be the victim's physical and emotional needs over criminal justice considerations. Nevertheless, Rensselaer will make every effort to facilitate both treatment and evidence collection (if the victim agrees) regardless of whether or not a decision has been made to report the incident to a law enforcement agency.

## **600.4 Other Types of Prohibited Harassment**

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

**Policy** Rensselaer Polytechnic Institute is committed to providing a working, living and learning environment free of harassment based on race, color, religion, sexual orientation, gender identity, gender expression, age, marital status, pregnancy, national origin, citizenship status, disability, veteran status, military status, genetic information, genetic predisposition, domestic violence victim status, or any other basis prohibited by law or by Institute policy. Such harassment violates an individual's fundamental rights and personal dignity. Rensselaer considers such harassment in all its forms to be a serious offense. This policy applies to all employees, including faculty, staff, student employees, vendors, visitors, guests, and members of the President's Cabinet.

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

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

This policy applies to all employees, including faculty, staff, student employees, vendors, visitors, guests, and members of the President's Cabinet. Any person who violates this policy will be subject to discipline, up to and including termination. Vendors, visitors and guests who violate this policy will be barred from Rensselaer property.

**Procedure** Prohibited harassment is unwanted visual, verbal or physical conduct related to a person's race, color, religion, sexual orientation, gender identity, gender expression, age, marital status, pregnancy, national origin, citizenship status, disability, veteran status, military status, genetic information, genetic predisposition, domestic violence victim status, or any other basis prohibited by law or by Institute policy when: (1) submission to such conduct is made a term or condition of employment or participation in an academic, educational, extra-curricular, athletic or other program of the Institute; (2) submission to or rejection of such conduct is used as a basis for employment or academic decisions affecting the individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, or offensive environment. While prohibited harassment encompasses a wide range of conduct, some examples of specifically

prohibited conduct include:

- Verbal conduct such as threats, epithets, derogatory comments or slurs.
- Displaying, storing, or transmitting derogatory materials.
- Physical conduct such as assault, unwanted touching, or blocking normal movement.
- Retaliation for making harassment reports or threatening to report harassment.

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

#### Reporting Procedure

Any applicant, employee or student<sup>6</sup> who believes that there has been a violation of Rensselaer's policy or any applicable law relating to prohibited harassment should immediately contact the Division of Human Resources or Title IX Coordinator. All complaints are promptly investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, the investigation may not be as thorough as otherwise would have been the case. Rensselaer, however, will decide whether to continue to investigate and to draw conclusions, regardless of an individual's decision not to participate. The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

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

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

## 600.5 Accommodating Individuals with Disabilities

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

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

Disabled Individual is defined as any person who:

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

Qualified Individual with a Disability is defined as:

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

A Pregnancy-Related Condition<sup>7</sup> is defined as a medical condition related to pregnancy or childbirth.

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

Rensselaer also prohibits any discrimination against an employee

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<sup>7</sup> In accordance with the New York State Human Rights Law, a pregnancy-related condition is considered a temporary disability.

because she/he has a family member with a disability. In general, benefits are made available to employees on an equal basis without regard to whether any individual has a disability.

Rensselaer will provide reasonable accommodations to qualified individuals with disabilities, and to individuals with a pregnancy-related condition, after engaging in an interactive process to determine the individual's limitations and possible accommodations that will allow the individual to perform the essential functions of the position to a satisfactory level.

This policy applies to all employees, including faculty, staff, student employees, and members of the President's Cabinet.

**Procedure** Reporting Procedure

Any applicant, employee or student<sup>8</sup> who believes that there has been a violation of Rensselaer's policy or any applicable law relating to prohibited discrimination or harassment on the basis of disability, including providing reasonable accommodations to people with disabilities, should immediately contact the Division of Human Resources or Title IX Coordinator. All complaints are promptly investigated. Rensselaer highly values the participation of employees/applicants in the investigation process, and strongly encourages such participation. If an employee or applicant chooses not to participate, the investigation may not be as thorough as otherwise would have been the case. Rensselaer, however, will decide whether to continue to investigate and to draw conclusions, regardless of an individual's decision not to participate. The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

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

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<sup>8</sup> Students may also contact the Office of the Dean of Students at (518) 276-6266 or; the Office of Undergraduate Education at (518) 276-2244; or the Office of Graduate Education at (518) 276-8433.

## 600.6 Religious Accommodation

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

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

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

This policy applies to all employees, including faculty, staff, student employees, and members of the President's Cabinet.

**Procedure** The Division of Human Resources supervises religious accommodation issues at an Institute-wide level. An employee who thinks that his/her religious beliefs affect their work schedule, assignment, dress code, or other work-related matters should promptly contact the Division of Human Resources and his/her supervisor to evaluate possible accommodations.

### Reporting Procedures

Any applicant or employee<sup>9</sup> who believes that there has been a violation of Rensselaer's policy or any applicable law relating to the prohibition against discrimination or harassment on the basis of religion, or the failure to provide a religious accommodation should immediately contact the Division of Human Resources. All complaints are promptly investigated. Rensselaer highly values the participation of employees/applicants in the investigation process, and strongly encourages such participation. If an employee or applicant chooses not to participate, the investigation may not be as thorough as otherwise would have been the case. Rensselaer, however, will decide whether to continue to investigate and to draw conclusions, regardless of an individual's decision not to participate.

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<sup>9</sup> Students may also contact the Office of the Dean of Students at (518) 276-6266 or; the Office of Undergraduate Education at (518) 276-2244; or the Office of Graduate Education at (518) 276-8433.

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

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

## 600.7 Non-Retaliation Policy

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

**Definition** Retaliation/retribution includes but is not limited to any action intended to punish, injure or harm a co-worker, subordinate or manager for the reporting of any illegal or improper behavior. All occurrences of retaliation must be reported to the Division of Human Resources, and a proper investigation will be initiated.

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

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

This policy applies to all employees, including faculty, staff, student employees and leaders. Rensselaer holds its leaders, employees, students and members of its community to standards of conduct which may be more stringent than those mandated by law.

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

### **Procedure** Reporting Procedure

Any applicant, employee or student<sup>10</sup> who believes that there has been a violation of Rensselaer's policy, or who alleges illegal or improper behavior, instance of non-compliance, safety hazards, quality issues, privacy/confidentiality breaches and/or any other types of occurrences any applicable law relating to equal employment opportunities, non-discrimination, prohibited

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<sup>10</sup> Students may also contact the Office of the Dean of Students at (518) 276-6266 or; the Office of Undergraduate Education at (518) 276-2244; or the Office of Graduate Education at (518) 276-8433.

harassment, including harassment on the basis of gender/sex, should immediately contact the Division of Human Resources; the General Counsel; the Office of the Vice President for Student Life; the Vice Provost and Dean, Graduate Education; Vice Provost and Dean, Undergraduate Education; the Dean of Students; or the Department of Public Safety.

All complaints are promptly investigated. Rensselaer highly values the participation of employees/applicants in the investigation process, and strongly encourages such participation. If an employee or applicant chooses not to participate, the investigation may not be as thorough as otherwise would have been the case. Rensselaer, however, will decide whether to continue to investigate and to draw conclusions, regardless of an individual's decision not to participate. The information obtained during the course of an investigation is maintained in a confidential manner to the extent practicable and reasonable under the circumstances.

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

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

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

**Definition** **Whistle Blowing** refers to a report to the Institute about activities that: could harm the public's health or safety; involve financial accountability or mismanagement of Institute funds; violate ethical or professional standards; involve fraudulent claims for federal government reimbursement; impinge on employees' rights, including the right to organize and the right to testify in proceedings under labor laws or anti-discrimination statutes; or involve violations of any applicable law, or Institute Policy.

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

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

All complaints of discrimination, harassment, retaliation or unethical actions must be brought to the attention of the Division of Human Resources or Title IX Coordinator within 180 calendar days<sup>11</sup> of the incident<sup>12</sup>. Any member of the Rensselaer's community may initiate a complaint against a faculty, staff, student or outside third party.

Rensselaer Polytechnic Institute strictly prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of discrimination, harassment, or an

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<sup>11</sup>There is no limitation or deadline regarding when an allegation of sexual violence, sexual assault or rape maybe filed.

<sup>12</sup> Complaints of discrimination and harassment can also be filed with the U.S. Department of Education Office for Civil Rights (OCR), U.S. Equal Employment Opportunity Commission (EEOC), the U.S. Department of Labor Office of Federal Contract Compliance Programs (OFCCP), the New York State Division of Human Rights, and for faculty and staff working on the Hartford Campus, the Connecticut Commission on Human Rights and Opportunities.

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

#### Confidentiality

All inquiries, complaints, and investigations are kept confidential to the extent practicable in the circumstances. However, the identity of the complainant and salient details of the complaint are *usually* revealed to the person(s) accused of such conduct and to witnesses in order to permit an appropriate and robust investigation. Rensselaer expects participants in an internal investigation to respect and maintain confidentiality of an on-going investigation.

### **Procedure Employee Responsibilities**

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

- Consider making his/her unease and/or disapproval directly and immediately known to the person(s) responsible for such discrimination, harassment, retaliation or unethical action.
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses.
- Report the incident to his/her supervisor, or Rensselaer's Division of Human Resources or Title IX Coordinator.

All incidents of discrimination, sexual harassment, and other forms of prohibited harassment, retaliation or unethical actions must be reported, regardless of the seriousness.

Any incidents of reporting discrimination, sexual harassment, and other forms of prohibited harassment, retaliation or unethical actions, which are malicious or false, may be grounds for disciplinary action.

### **Supervisor Responsibilities**

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

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

Supervisors who knowingly allow or tolerate discrimination, prohibited harassment, retaliation or unethical actions are in violation of this policy and are subject to discipline, up to and

including termination.

### **Division of Human Resources/Title IX Coordinator**

#### **Responsibilities**

Responsibilities include:

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

Each complaint will be assessed and resolved on a case by case basis. The following examples may be utilized to resolve a complaint, except where noted.

#### **Early Resolution Procedures**

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

Some complaints can be resolved through early mediation between the two parties. The Division of Human Resources or Title IX

Coordinator may arrange for or facilitate mediation between the parties and coordinate other informal problem resolution measures. Such early resolution may resolve the situation before moving to the formal complaint procedure, provided both parties agree on remedial action.

**NOTE: Early Resolution Procedures, including mediation, will not be used to respond to or resolve sexual violence or sexual assault complaints.**

### **Formal Resolution Procedures**

All incidents of discrimination, harassment, retaliation or unethical actions should be reported. To initiate a formal investigation into an alleged incident, employees also must file a Complaint of Discrimination, Harassment, Retaliation or Unethical Actions with Rensselaer's Division of Human Resources, or Title IX Coordinator. An employee may file a formal complaint immediately, skipping efforts to informally resolve the situation, or at any time during or following informal resolution procedures.

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

- The name, department, and position of the person or persons allegedly causing the discrimination, harassment, retaliation or unethical action.
- A description of the incident(s), including the date(s), location(s), and the presence of any witnesses.
- The alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment.
- The names of other employees and/or students who might have been subject to the same or similar discrimination, harassment, retaliation or unethical action.
- Any steps the complainant has taken to try to stop the discrimination, harassment, retaliation or unethical action.
- Any other information the complainant believes to be relevant to the discrimination, harassment, retaliation or unethical action complaint.

All investigative determinations of Discrimination, Harassment, including Sexual Harassment and Sexual Violence, Retaliation or Unethical Actions will use the *preponderance of the evidence* standard.

Rensselaer will make all reasonable efforts to conclude the investigative process in a timely manner<sup>13</sup>.

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<sup>13</sup> Generally within 120 calendar days.