

## 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, transgender status, gender dysphoria, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status<sup>1</sup>, relationship with or association with member(s) of a protected class, legal use of tobacco products if this use occurs off premises 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, transgender status, gender dysphoria, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status, relationship with or association with member(s) of a protected class, legal use of tobacco products if this use occurs off premises 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 terminate or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is:

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

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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.

including an investigation conducted by the Institute, or  
(c) consistent with the Institute's legal duty to furnish information.

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 status, familial status, relationship with or association with member(s) of a protected class or any other basis prohibited by law. In addition, Rensselaer will not pay for membership in such clubs, or any bills for expenses incurred at such clubs.

#### Title IX Coordinator

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

- Providing oversight for the Institute's non-discrimination, harassment, equal opportunity and non-retaliation compliance;
- Overseeing the Institute's response to, investigations of and resolution of reports of alleged violations of policies or alleged discrimination, harassment, including sexual harassment and sexual violence, and retaliation in an objective, thorough and timely manner;
- Identifying and addressing any pattern(s) or systemic problems;
- Coordinating training, prevention and education efforts with regard to discrimination, harassment, including sexual harassment and sexual violence and retaliation;
- Coordinating periodic reviews of climate and culture with regard to discrimination, harassment, including sexual harassment and sexual violence and retaliation;
- Being knowledgeable of and trained in Institute policies and procedures and relevant state and federal laws regarding discrimination, harassment, including sexual harassment and sexual violence and retaliation;

- Advising individuals, including a Complainant, a Respondent, a witness or a third party, about the courses of action available for reporting and responding to discrimination, harassment, including sexual harassment and sexual violence and retaliation at the Institute and in the community; and
- Coordinating and supervising the work of all designated Title IX Liaison Officers.

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

#### Reporting Procedures

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

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

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

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

## 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, sexual orientation, transgender status, gender dysphoria, gender identity or gender expression within the Institute's working, living and learning environments.

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

Sex/gender discrimination is prohibited by federal and state law and Institute policy.

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

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

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

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

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

### Reporting Procedures

Any applicant, employee or student<sup>3</sup> who believes that there has been a violation of Rensselaer's sex/gender discrimination policy or any applicable law relating to such discrimination should immediately contact the Division of Human Resources or a Title IX Coordinator.

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<sup>3</sup> Students may also contact the Dean of Students Office at (518) 276-6266; the Office of Undergraduate Education at (518) 276-2244; or the Office of Graduate Education at (518) 276-8433.

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

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

Employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.8, *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.

Sexual Harassment can be physical, verbal and/or psychological in nature. An aggregation of a series of incidents can constitute Sexual Harassment even if one of the incidents considered on its own would not be considered harassing conduct. Sexual Harassment includes conduct that may also be a criminal in nature such as rape, sexual assault, stalking, and other similar offenses.

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 of another employee or student in a way that is unwelcome.
- Displaying, storing, or transmitting pornographic or sexually oriented materials in the working, living or learning

environments of the Institute.

- 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 a report of harassment or threatening to report harassment.

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

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

**Non-Consensual Sexual Contact** is defined as any sexual touching, however slight, by a person(s) upon someone else (other person(s)), 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;
- Sharing or publically posting, including electronically, any photo or video of a sexual nature without an individual's consent;
- Engaging in voyeurism; and
- Exposing one's genitals, or inducing someone to expose his/her genitals in non-consensual circumstances.

**Policy** Rensselaer Polytechnic Institute is committed to providing a working, living and learning environment free of sexual harassment, which includes sexual violence. Sexual violence includes, but is not limited to, sexual assault, rape, intimate partner violence, dating violence,

relationship violence, domestic violence, sexual battery, sexual coercion and sexual exploitation. Rensselaer prohibits sexual harassment and sexual violence in all of its working, living and learning environments. Sexual harassment violates an individual's fundamental rights and personal dignity. Rensselaer considers sexual harassment in all its forms to be a serious offense.

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 disciplinary action, up to and including termination and/or will be prohibited from entering and/or remaining on any property owned or leased by Rensselaer.

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 occur against any person by any person regardless of that individual's sex, gender, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression or marital status. 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, sexual assault, rape, intimate partner violence, dating violence, relationship violence, domestic violence, sexual battery, and sexual coercion and sexual exploitation; and
  - Retaliation for making reporting harassment or threatening to report harassment.

#### 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 a Title IX Coordinator.

All reports are promptly reviewed and appropriately investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, Rensselaer's ability to review, investigate and respond to the conduct may be limited. Recognizing that Rensselaer has a legal obligation to review all reports, the Institute will weigh the Complainant's request for no action or not to participate against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the Institute's commitment to provide a reasonably safe and non-discriminatory environment, and the rights of the

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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.

Respondent to receive notice and relevant information before disciplinary action is taken. If Rensselaer determines that it is necessary to proceed with the complaint process or implement other appropriate remedies, the Complainant will be notified by a Title IX Coordinator of the Institute's chosen course of action.

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

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

## 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, sex, pregnancy, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status, relationship with or association with member(s) of a protected class, legal use of tobacco products if this use occurs off premises or any other basis prohibited by law or 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 disciplinary action, 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 on race, color, religion, sex, pregnancy, sexual orientation, transgender status, gender dysphoria, gender identity, gender expression, age, marital status, national origin, citizenship status, disability, military status, veteran status, genetic information, genetic predisposition, domestic violence victim status, familial status<sup>6</sup>, relationship with or association with member(s) of a protected class, legal use of tobacco products if this use occurs off

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<sup>6</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.

premises or any other basis prohibited by law or 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.

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

#### Reporting Procedure

Any applicant, employee or student<sup>7</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 a Title IX Coordinator.

All reports are promptly reviewed and appropriately investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, Rensselaer's ability to review, investigate and respond to the conduct may be limited. Recognizing that Rensselaer has a legal obligation to review all reports, the Institute will weigh the Complainant's request for no action or not to participate against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the Institute's commitment to provide a reasonably safe and non-discriminatory environment, and the rights of the

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<sup>7</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.

Respondent to receive notice and relevant information before disciplinary action is taken. If Rensselaer determines that it is necessary to proceed with the complaint process or implement other appropriate remedies, the Complainant will be notified by a Title IX Coordinator of the Institute's chosen course of action.

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

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

## 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 prevent the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques.

Disabled Individual is defined as any person who:

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

Qualified Individual with a Disability is defined as:

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

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

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

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

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

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

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

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

**Procedure** Reporting Procedure

Any applicant, employee, student<sup>9</sup> or third party who believes that there has been a violation of Rensselaer's policy or any applicable law relating to prohibited discrimination, harassment or retaliation on the basis of disability, including providing reasonable accommodations to people with disabilities, should immediately contact the Division of Human Resources or the ADA<sup>10</sup> Coordinator (Director of Employee Relations).

Requests for an accommodation based on a disability or complaints of discrimination, harassment or retaliation on the basis of disability may be submitted to either to Rensselaer's ADA Coordinator by e-mail to [HRMail@rpi.edu](mailto:HRMail@rpi.edu) (for faculty, staff or third parties), or to the Disability Services for Students Office (DSS) (for students) by e-mail to [dss@rpi.edu](mailto:dss@rpi.edu).

A complaint of discriminatory or retaliatory conduct related to disability status is preferred to be in writing and should contain as much of the following information as possible:

- The name, address, and phone number of the person making

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

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

the request or filing the report;

- The name of the person or persons allegedly subjected to the discrimination, harassment or retaliation, if different from the individual above;
- The name of the person or persons allegedly causing the discrimination, harassment or retaliation;
- 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 employment or academic status;
- The names of other employees and/or students who might have been subject to the same or similar discrimination, harassment or retaliation;
- Any steps taken to try to stop the discrimination, harassment or retaliation;
- The remedy, relief or accommodation sought; and
- Any other information the reporting person believes to be relevant to the discrimination, harassment, retaliation or request for accommodation.

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

All investigative determinations of discrimination, harassment or retaliation will use the preponderance of the evidence standard.

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

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



reasonable under the circumstances.

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

## 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 workers, and members of the President's Cabinet.

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

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

### Reporting Procedures

Any applicant or employee<sup>11</sup> who believes that there has been a violation of Rensselaer's policy or any applicable law relating to the prohibition against discrimination, harassment or retaliation on the basis of religion, or the failure to provide a religious accommodation should immediately contact the Division of Human Resources.

All reports are promptly reviewed and appropriately investigated. Rensselaer highly values the participation of complaining parties in

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

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

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

Employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.8, *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** The definition of Retaliation/Retribution includes, but is not limited to any action(s) that result in punishing, injuring or harming a co-worker, subordinate or manager for the reporting of an incident, filing a complaint, testifying and/or participating in any manner of an investigation of, or proceedings involving allegations of discrimination, harassment and retaliation.

**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 reporting an incident, filing a complaint, testifying and/or participating in any manner of an investigation of, or proceedings involving allegations of improper conduct, discrimination, harassment and retaliation.

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 disciplinary action, up to and including immediate termination.

### **Procedure** Reporting Procedure

Any applicant, employee or student<sup>12</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

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<sup>12</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.

types of occurrences any applicable law relating to equal employment opportunities, non-discrimination, prohibited 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 reports are promptly reviewed and appropriately investigated. Rensselaer highly values the participation of complaining parties in the investigation process, and strongly encourages such participation. If a complaining party chooses not to participate, Rensselaer's ability to review, investigate and respond to the conduct may be limited. Recognizing that Rensselaer has a legal obligation to review all reports, the Institute will weigh the Complainant's request not to participate against such factors as the seriousness of the alleged conduct, whether there have been other complaints of a similar nature against the same Respondent, the Institute's commitment to provide a reasonably safe and non-discriminatory environment, and the rights of the Respondent to receive notice and relevant information before disciplinary action is taken. If Rensselaer determines that it is necessary to proceed with the complaint process or implement other appropriate remedies, the Complainant will be notified by a Title IX Coordinator or ADA Coordinator, as appropriate, of the Institute's chosen course of action.

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

Employees are also expected to comply with the reporting procedure set forth in Human Resources Policy #600.8, *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 that includes but is not limited to information about activities that: could harm the public's health or safety; involve financial accountability or mismanagement of Institute funds; violate ethical or professional standards; involve fraudulent claims for federal government reimbursement; impinge on employees' rights, including the right to organize and the right to testify in proceedings under labor laws or anti-discrimination statutes; or involve violations of any applicable law or Institute Policy.

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

**Policy** Rensselaer Polytechnic Institute's complaint, investigation and resolution procedures provide for prompt, thorough, and objective investigation of all claims of discrimination, 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 promptly and preferably within 180 calendar days<sup>13</sup> of the incident<sup>14</sup>. Any member of the Rensselaer's community may initiate a complaint against a faculty, staff, student or outside third party.

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<sup>13</sup>There is no limitation or deadline regarding when an allegation of sexual violence, sexual assault, rape, intimate partner violence, relationship violence, dating violence, domestic violence or stalking maybe reported.

<sup>14</sup>Complaints of discrimination, harassment and retaliation can also be filed with the U.S. Department of Education Office for Civil Rights (OCR) <https://www2.ed.gov/about/offices/list/ocr/index.html>, U.S. Equal Employment Opportunity Commission (EEOC) <https://www.eeoc.gov/>, the U.S. Department of Labor Office of Federal Contract Compliance Programs (OFCCP) <https://www.dol.gov/ofccp/>, the New York State Division of Human Rights <https://dhr.ny.gov/>, and for faculty and staff working on the Hartford Campus, the Connecticut Commission on Human Rights and Opportunities <http://www.ct.gov/chro>.

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

#### Confidentiality

Rensselaer will make every reasonable effort to ensure confidentiality of the complaint process, and to protect and maintain the privacy of those individuals involved in the complaint, investigation, and resolution process; and the disclosure of any disciplinary actions imposed, except where such efforts are permitted by law. Even Rensselaer offices and employees who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible. The information provided to a non-confidential resource will be relayed only as necessary for the Title IX Coordinators to investigate and/or seek a resolution. The investigation process, however, often necessitates the disclosure of the identity of parties and witnesses, and the content of the information they have provided in order to permit an appropriate and robust investigation. Rensselaer expects participants in an internal investigation to respect and maintain confidentiality of an on-going investigation in order to maintain the integrity of the process.

#### Privacy

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

### **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 are expected to be reported, regardless of the seriousness, in accordance with this policy.

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

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

### **Division of Human Resources/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, retaliation and standards of conduct policies and investigation procedures.
- Exploring informal means of resolving the complaint (if applicable).
- Providing information about and/or making referrals for confidential care and support services for students (such as the Student Health Center and/or the Student Counseling Center, and for faculty and staff (such as the Employee Assistance Program).
- Providing information about reporting alleged criminal activities to local or state law enforcement agencies.
- Conducting or arranging for an investigation of the alleged prohibited conduct.
- Preparing or overseeing any reports, recommendations, or remedial action(s) that are needed or warranted to resolve any prohibited conduct.
- Ensuring that both the individual filing the complaint and the



individual accused of discrimination, 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 a Title IX Coordinator.

Some complaints can be resolved through early mediation between the two parties. The Division of Human Resources or a 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 reports alleging sexual violence or sexual assault.**

### **Formal Resolution Procedures**

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

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

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

from the individual above;

- 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.
- The remedy sought; and
- 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>15</sup>.

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