

**The Office of Institutional Discrimination + Title IX**  
**Discrimination + Discriminatory Harassment Policy and Procedures**  
**2020-2021**

Rhode Island School of Design is committed to creating and providing a learning, living, and working environment free of discrimination and harassment for all students, faculty, and staff. Discrimination and harassment are contrary to the standards of the College community and goals towards creating an inclusive environment. They impede educational opportunities and equal employment. Discrimination and discriminatory harassment on the basis of race, color, religion, age, sex, sexual orientation, gender identity or expression, disability, national origin, veteran status, and/or genetics as set forth RISD's Non-Discrimination Policy, will not be tolerated. (Note that While RISD's Non-Discrimination Policy also prohibits discrimination on the basis of sex, sexual orientation, gender identity, and gender expression, those forms of discrimination and harassment are processed under RISD's Title IX and Sexual Misconduct Policy.)

The College is wholly committed to an environment free of discrimination and harassment as prohibited by this Policy and by applicable federal, state, and local laws. The College has a compelling interest in assuring community members are a part of a community committed to inclusive practices, policies, and values where production and creativity thrive.

A claim arising under this Policy may be brought by the College or by a faculty, staff or student member of the RISD community. Complaints based on conduct of students under this Policy may also implicate RISD's Code of Student Conduct and Procedures. Persons who bring forward discrimination or harassment complaints or participate in the investigation of such a complaint in good faith are protected from retaliation (e.g., adverse action or consequences) for those actions.

Discrimination and harassment are very serious matters that can have both short-term and long-term impacts on those impacted. The effects of discrimination and harassment can negatively impact the educational experiences and careers of individuals. Intentionally false accusations can have a similar impact. A person who knowingly and intentionally files a false complaint under this Policy is subject to the College's disciplinary procedures. Both a person who unknowingly discriminates against another, and a person who knowingly and intentionally files a false complaint under this Policy, can be subject to College discipline.

The Director of Institutional Discrimination/Bias and/or the Institutional Discrimination Officer, or their Designee(s), are responsible for the implementation of this Policy. All references to "Director" under this Policy may include The Director of Institutional Discrimination/Bias and/or the Institutional Discrimination Officer, or their Designee(s), as assigned by the Office of Institutional Discrimination + Title IX. The Office of Institutional Discrimination + Title IX, at their discretion, may consult with the Office of Human Resources in its enforcement of this policy.

The College may pursue a report or complaint, either informally or formally under this Policy against a respondent.

I. DEFINITION OF DISCRIMINATION AND HARASSMENT

For purposes of determining whether a particular course of conduct constitutes discrimination or harassment under this Policy, the following definition will be used:

Discrimination occurs when an individual is treated differently based upon an individual's membership or perceived membership in a protected class, such that it:

- A. adversely impacts a term or condition of an individual's employment, education, living environment, adversely impacts or participation in a College activity or program when similarly situated individuals, outside of the same protected class(es), received more favorable treatment; or
- B. is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment or participation in a College activity or program; or
- C. has the purpose or effect of unreasonably interfering, limiting, or denying an individual's access to or benefit of an employment, educational or living environment by creating an environment that is intimidating, hostile, or offensive.

In cases where there was an adverse impact on the complainant's educational or employment environment, the Office of Institutional Discrimination + Title IX will next determine whether there was a legitimate, nondiscriminatory purpose for the alleged conduct. In cases where it is determined that there was a legitimate non-discriminatory purpose, our office will work through resource + support options for the reporting party. In cases where it is determined that there was not a legitimate non-discriminatory purpose, our office will work through resource, support, and informal or formal procedural options for the reporting party.

Members of our community will be provided with supportive measures to assist in navigating the impact of these sensitive matters.

Some examples of conduct that may constitute prohibited discrimination may include, but are not limited to:

- Denying a person access to an educational program based on that person's membership or perceived membership in a protected class, as outlined in RISD's Non-Discrimination Policy;
- Singling out or targeting an individual for less favorable treatment based on that person's membership or perceived membership in a protected class, as outlined in RISD's Non-Discrimination Policy;
- Denying raises, benefits, or promotions based on that person's membership or perceived membership in a protected class, as outlined in RISD's Non-Discrimination Policy;
- Terminating an individual from employment or an educational program based on their protected characteristic;
- Preventing any person from using College facilities or services based on that person's membership or perceived membership in a protected class, as outlined in RISD's Non-Discrimination Policy;
- Instigating or enabling an environment that is unwelcoming or hostile based on that person's membership or perceived membership in a protected class, as outlined in RISD's Non-Discrimination Policy.

Harassment is conduct, whether physical, verbal, and/or through the use of electronics means, that is directed or perceived to be directed at the complainant because of the complainant's membership, or perceived membership, in a protected class and:

1. which has the purpose or effect of substantially interfering with the complainant's education or employment, and/or creates an intimidating, hostile or offensive academic or employment environment; and
2. creates a hostile environment from an objective perspective that is so severe, persistent, or pervasive that it unreasonably interferes with, limits, or denies the

complainant the ability to participate in or to receive benefits of the College's educational or employment programs and activities.

Whether conduct is sufficiently severe, persistent, and/or pervasive is determined by using a reasonable person standard. Examples of conduct that can constitute discriminatory harassment, if based on an individual's membership in, or perceived membership in, a protected class and sufficiently severe, persistent, and/or pervasive include, but are not limited to:

- Unwelcome and/or offensive jokes or comments based on an individual's membership to or perceived membership in a protected class (e.g., jokes related to race, color, national origin);
- Disparaging remarks to a person or about a person based on an individual's membership in or perceived membership in a protected class (e.g., negative or offensive remarks or jokes about a person's religion, veteran status, ability/disability etc.);
- Displaying or transmitting negative or offensive content about an individual based on such individual's membership in or perceived membership in a protected class about a legally protected characteristic;
- Electronically transmitting or by other means communicating derogatory emails, texts messages, websites, and posts on social media outlets based on an individual's membership in or perceived membership in a protected class.

Prohibited harassment will be distinguished from behavior which, even though unwelcome, is appropriate to the carrying out of certain instructional, advisory or supervisory responsibilities. In determining whether speech constitutes harassment prohibited by this Policy, the academic freedom of the individual engaged in pedagogy will be considered. If the Director of Institutional Discrimination/Bias, Institutional Discrimination Officer, and/or Designee determines either that the complaint does not allege discrimination cognizable under this Policy or the College's Non-Discrimination Policy, or that there is no reasonable cause to charge the respondent named in the complaint, the case will be closed and the complainant will be notified. If there is reason to proceed with charges under other College policies however, the case will be referred to the appropriate department.

## II. RESPONSE AND PROCEDURES

### A. PREVENTION AND EDUCATION

The College is committed to creating and providing a learning, living, and working environment free from discrimination. The Office of Institutional Discrimination + Title IX is committed to providing equitable response to community issues involving discrimination as well as providing support to members of our community navigating discriminatory behaviors. Additional information regarding discrimination and this Policy is available through the Office for Institutional Discrimination + Title IX. We encourage members of our community to take advantage of appropriate educational and training opportunities that can be conducted through the Office of Institutional Discrimination + Title IX on an ongoing basis to (1) inform community members about identifying and preventing discrimination and harassment and the problems they cause, (2) educate members of the RISD community about their resource + support options, as well as response options and (3) train community members in the administration of this Policy.

### B. ASSISTANCE WITH DISCRIMINATION AND HARASSMENT CONCERNS

The Office of Institutional Discrimination + Title IX is responsible for upholding community values and ensuring equitable response involving discriminatory harassment. It is also our office's belief that an environment committed to inclusive practices and free of impermissible discrimination and harassment is the responsibility of every member of the community.

The College can take corrective action only when it becomes aware of problems. Therefore, it is the expectation of the College that cases involving discriminatory harassment will be brought forward to the Office of Institutional Discrimination + Title IX.

Our office encourages persons who believe that they have experienced or witnessed discrimination or harassment as prohibited by this Policy to come forward with their inquiries, reports, or complaints so that the College can provide resources and support to: (1). stop discriminatory behavior, (2). remedy its adverse effects, and (3). prevent its recurrence. Individuals also have the right to pursue a legal remedy for discrimination or harassment that is prohibited by law in addition to or instead of proceeding under this Policy.

### C. CONFIDENTIAL RESOURCES

Information about or assistance with discrimination or harassment issues may be obtained from a variety of on-campus resources. Prior to or concurrent with lodging a discrimination or harassment complaint, individuals may find it helpful to consult with a counselor or otherwise seek counseling support. The following offices can provide such advice and support to individuals who believe they are experiencing discrimination or harassment. All information shared with these offices will remain confidential to the extent permitted by law and College policy. Discussions with representatives of these offices will not be considered a report to the College regarding the problematic behavior and will not, without additional action by the complainant, result in intervention or corrective action.

RISD Counseling and Psychological Services (CAPS) (Available for Students)  
Available 24/7  
72 Pine Street, 5<sup>th</sup> Floor  
Providence, RI 02903  
401-454-6637

Employee Assistance Program (EAP; available for Faculty + Staff)  
Available 24/7  
1-800-451-1843

RISD Health Services (Available for Faculty + Staff Students)  
72 Pine Street  
Floor 2  
Providence, RI 02903  
401-454-6625

### D. OTHER RESOURCES

Information about or assistance with discrimination or harassment issues may be obtained from a variety of on-campus resources. Prior to or concurrent with lodging a discrimination or harassment complaint, individuals may find it helpful to consult with other on-campus resources to seek support. The following offices provide support to individuals who believe they are experiencing discrimination or discriminatory

harassment. All information shared with these offices will be shared with on-campus partners on a need-to-know basis, to the extent possible under applicable law and other campus policy. Concerns can also be brought forward to a supervisor; Dean, Director or Department Head; RISD Human Resources (for staff); the Associate VP for Student Affairs and/or Coordinator for Student Conduct (for students); Dean of Students (for students); and/or Dean of Faculty (for faculty). Discussions with representatives of these offices may not be considered a report to the College regarding the problematic behavior and may not, without additional action by the complainant, result in intervention or corrective action. However, the institution, at its discretion, may move forward following such a disclosure of problematic behavior; and will communicate its decision directly with the necessary parties.

The Office of Institutional Discrimination + Title IX  
Available 24/7  
Twenty Washington Place  
Floor 3  
Providence, RI 02903

RISD Human Resources  
Twenty Washington Place  
Floor 3  
Providence, RI 02903  
401-454-6606

RISD Student Affairs  
Carr House  
210 Benefit Street  
Floor 3  
Providence, RI 02903  
401-454-6600

RISD Residence Life  
30 Waterman Street  
Providence, RI 02903  
401-454-6650

RISD Public Safety  
Available 24/7  
30 Waterman Street  
Providence, RI 02903  
401-454-6666

#### E. LODGING A COMPLAINT

An individual who wishes to report to the College about alleged discriminatory or harassing behavior or retaliation covered by this Policy should contact the Office of Institutional Discrimination + Title IX. Reports of behavior covered by this Policy by any staff member of the Office of Institutional Discrimination + Title IX or against supervisory staff members of the Office of Institutional Discrimination + Title IX should be made to RISD Human Resources.

Any complaints brought forward to our office, whether pursued through a formal or informal process track, and concerns filed with the Office of Institutional Discrimination + Title IX are documented as to

allow the College to check for a history of previous related behavior. Complainant can pursue either an informal or formal process with our office at any time.

## 1. INFORMAL PROCESS INVESTIGATION PROCEDURES-

The College will handle discrimination and harassment complaints under this Policy consistently with procedural guidelines developed to ensure an equitable resolution of such complaints. The following procedures apply to cases and complaints proceeding through the informal investigative process brought under this Policy.

An informal resolution process is a process by which a mutually agreed upon resolution of allegations related to discrimination and discriminatory harassment are reached prior to a finding on responsibility. In many cases an informal process can be requested prior to a formal complaint being filed. To request to initiate an informal resolution process, an individual must contact the Office of Institutional Discrimination + Title IX. All parties must consent to participating in an informal resolution process.

The informal resolution process encompasses a full range of possible options and appropriate outcomes. For example, the Office of Institutional Discrimination + Title IX may propose solutions, facilitate communication of proposals between the parties, facilitate direct discussions between the parties, communicate directly with either part involved about concerning behavior brought forward, or pursue other resolution methods. The informal resolution process is voluntary and can result in a resolution of allegations of discriminatory and discriminatory harassment by agreement of the parties and the College. It is not necessary to pursue the informal resolution process first in order to pursue a formal complaint, and any party participating in informal resolution process can stop the process, prior to an informal resolution, and begin or resume the formal complaint process.

The College will obtain voluntary, written confirmation that all parties wish to attempt to resolve the matter through informal resolution process before proceeding.

The informal resolution process may not be used to resolve allegations that an employee sexually harassed or assaulted, as defined by Title IX, a student. In addition, depending on the specific circumstances of a case, the College reserves the right to determine that the informal resolution process is not appropriate for any case.

The informal resolution process is available at any time prior to a determination on responsibility. For example, in lieu of proceeding to the hearing or sanctioning process as part of a discrimination or discriminatory harassment complaint, a respondent may request to participate in the informal resolution process after the Office of Institutional Discrimination + Title IX has completed its investigation and issued the investigative report and/or summary. If the complainant is also willing to participate in the informal resolution process, the Director of Institutional Discrimination, Institutional Discrimination Officer, and/or Designee(s), will determine whether the informal resolution process can be used according to the criteria in the section below.

The outcome of the informal resolution process is final and is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the formal complaint process will resume

at the same point where it was paused. The Director of Institutional Discrimination, Institutional Discrimination Officer, and/or Designee(s) will review all relevant factors in determining whether the informal resolution process is appropriate for a particular case. Some of the relevant factors may include:

- The nature and severity of the allegations
- The parties' cooperation in the informal resolution process
- Power dynamics between the parties
- Civility of the parties
- Emotional investment of the parties
- Goals of the parties
- Risk assessment
- Disciplinary history

The ultimate determination of whether the informal resolution process is available is to be made by the Director of Institutional Discrimination, Institutional Discrimination Officer, and/or Designee(s).

Each party will be permitted to have an advisor of choice or support person assist them during the informal resolution process in any meetings with the Director of Institutional Discrimination, Institutional Discrimination Officer, and/or Designee(s).

The parties are strongly encouraged, although not required, to consult with their advisors and any support persons during the entire informal resolution process. If a party would like assistance identifying an advisor, they should contact the Director of Institutional Discrimination, Institutional Discrimination Officer, and/or Designee(s).

While an advisor may provide support or advice, they may not speak on behalf of the party or act in a disruptive manner. The Office of Institutional Discrimination reserves the right to remove any individual whose actions are disruptive to the process.

During the informal resolution process, the facilitator may consult with other colleagues at RISD at any time during the informal resolution process. For example, they may need to consult with a supervisor about a workplace or scheduling issue, or with a professor about scheduling conflict. The informal resolution facilitator reserves the right to consult with other RISD colleagues as necessary during the informal resolution process.

The Director of Institutional Discrimination, Institutional Discrimination Officer, and/or Designee(s) has to agree that the terms of the informal resolution process are appropriate, even if both parties agree. At the conclusion of the informal resolution process, the informal resolution facilitator will draft a resolution agreement, as needed. Informal resolution agreements may include the voluntary imposition of safety measures, remedies, agreed-upon resolutions by the parties, recognition of harm, and acknowledgement of accountability.

The Office of Institutional Discrimination + Title IX maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive actions, including sanctions. With all informal resolution options, no determination is made by our office as to whether a conduct policy was violated.

Either party can request to end the informal resolution process at any time. The informal resolution facilitator can also end the process if the parties are at an impasse or it becomes evident that the informal resolution process will not be successful.

If the informal resolution process is unsuccessful and either party decides to proceed with a formal complaint process, the Office of Institutional Discrimination + Title IX will ensure that the staff member who facilitated the informal resolution process is not assigned to investigate or serve as a hearing officer during the formal complaint process.

Generally, any materials submitted by the parties during the informal resolution process, and which relate to the allegations in the formal complaint, would be shared with the Investigators.

For students, the Officer of Institutional Discrimination + Title IX will retain a copy of the signed agreement, which will also be shared with the Coordinator for Student Conduct or Designee(s) for any procedures related to violations of the informal resolution agreement, or prior to reaching sanctioning decisions on any future related or unrelated matter.

For employees (faculty + staff), the Office of Institutional Discrimination + Title IX and Human Resources will retain a copy of the signed agreement. A summary of the signed agreement will be shared with each party's supervisor and may be used to place a supervisor on notice of an informal resolution process and/or reach sanctioning decisions on future related and/or unrelated matters.

The parties are expected to honor and comply with the terms of resolution reached through the informal resolution process. If a breach of the agreement occurs, it is the responsibility of the parties to notify the Officer of Institutional Discrimination + Title IX, who will then determine appropriate next steps.

## 2. FORMAL PROCESS INVESTIGATION PROCEDURES

The following procedures apply to cases and complaints proceeding through the formal investigative process brought under this Policy.

1. Initiation: Discrimination complaints may be submitted to the Office of Institutional Discrimination + Title IX, the Office of Student Affairs, and Human Resources.
  - a. Upon receipt of a complaint involving or including discrimination the Director will conduct a preliminary review to determine whether the complaint alleges discrimination cognizable under this Policy, whether there is reasonable cause to proceed, and, if so, what charges should be brought against the respondent.
  - b. If the Director determines that the complaint does not allege discrimination as cognizable under this Policy and/or RISD's Non-Discrimination Policy or that there is no reasonable cause to charge the respondent named in the complaint, the case will be closed and the parties will be notified.
  - c. Supportive Measures: RISD may implement supportive measures following notification of a discrimination concern. Such measures are

designed to provide for the safety of the parties, to provide for the health or well-being of the parties, and/or to prevent interference with the parties' educational, employment, or other opportunities. These measures may include, but are not limited to imposing a temporary no-contact order, which typically will instruct the parties to refrain from having contact with one another, directly or through intermediaries, whether in person or via electronic means, pending the investigation and determination. RISD may also take any further supportive action, when appropriate, pending the resolution of the matter, including, but not limited to: referral to on/off-campus partners; changing a party's academic, working and/or living situation, if appropriate and reasonably available; facilitating conversations regarding extensions with professors, facilitating campus escort services, coordinating leaves of absence, increasing Public Safety presence in certain areas, and providing restrictive access to certain areas.

If during any stage of the investigation, RISD reasonably suspects that a respondent poses a threat of harm to self, harm to other, or disruption to the campus community, RISD may take immediate action, including removing a respondent from housing, restricting the respondent's movement on campus, and/or temporarily suspending/removing the respondent from RISD. Upon our office's determination that a respondent is temporarily suspended or removed from RISD, a respondent will have three (3) days to provide a written notice of objection to the Office of Institutional Discrimination + Title IX.

2. Investigation: If it is determined that there is reasonable cause to proceed, the Director will notify both the complainant and the respondent and will conduct an investigation. The investigation may be completed by the Director of Institutional Discrimination, Institutional Discrimination Officer, or Designee.
  - a. The investigation may include but is not limited to: meeting with the complainant, the respondent, and/or others who may have relevant information; obtaining written statements from relevant persons; and/or seeking other potentially relevant records or information. Our office seeks to complete investigations in a reasonable amount of time.
  - b. All members of the RISD community are expected to cooperate with a discrimination investigation. Complainants and/or respondents may choose not to participate in the investigation; however, the investigation may proceed in their absence.
3. Determination: At the conclusion of the investigation, the Director will hold a hearing or administrative conference to determine whether the respondent violated College policy, based on a preponderance of the evidence standard. The Institutional Discrimination Hearing Panel member(s) are comprised of a trained group of individuals. The Director may also serve as an additional, nonvoting facilitator of hearing procedures.
  - a. As part of the preparation for the hearing, the complainant and respondent will be given an opportunity to inspect and review the draft investigation report or draft investigation summary. Parties will have five (5) days to submit a written response, which the investigator may consider prior to the completion of the investigation report. **Once the investigation report is finalized, parties will be sent a copy of the**

**finalized report or written summary in preparation for a hearing or administrative conference.**

- b. Hearing/Administrative Conference [hereinafter “hearing”]: Upon request, provisions will be made to separate the parties during the hearing. You are entitled to one advisor of your choosing to guide and accompany you throughout your hearing. This advisor may or may not be the same advisor that was used during the investigation. During the hearing, the role of the advisor is passive in nature, and parties are required to speak on their own behalf. During your hearing, parties are permitted to ask questions of the other party and witnesses, through the Institutional Discrimination Panel, who may determine whether or not a question is relevant to their decision making. Please note that a list of College trained advisors can be provided, by request, by contacting a The Office of Institutional Discrimination + Title IX.
- c. Once a determination has been made, the Director will inform both the respondent and (to the extent permitted by the Family Educational Rights and Privacy Act, as applicable) the complainant of the determination.
- i. Sanction: If the Institutional Discrimination Panel member(s) finds the respondent responsible, they then decide on an appropriate sanction. Possible sanctions for those found responsible may include, but are not limited to community service, reflection paper, behavioral expectation conversations/check-in’s, and/or educational training, as well as, anything from ranging from warning through suspension, expulsion, or termination. Notification of the sanction will be either in-person from the Office of Institutional Discrimination + Title IX or sent to the Respondent’s RISD email account. The complainant will also be notified (to the extent permitted by the Family Educational Rights and Privacy Act) either in person or by RISD email account. In the event that a sanction of discipline is imposed, the rights of bargaining union members under relevant collective bargaining agreements remain.
4. Remedial Measures: RISD may implement remedial measures following the conclusion of the hearing process. Such remedies are designed to restore or preserve equal access to RISD’s programs or activities for parties. These measures may include, but are not limited to: referral to on/off-campus partners; modifying a party’s academic, working, and/or living situation; modifying a party’s campus-housing/work assignment; modifying to a party’s work schedule; facilitating conversations regarding extensions, facilitating campus escort services; imposing a “no-contact” order, which typically will instruct the parties to refrain from having contact with one another, directly or through intermediaries, whether in person or via electronic means; and restricting access to campus-buildings. Broader remedial action may also be taken for the campus community, such as: increased supervision or monitoring, directed or increased education and prevention efforts, and/or a review of policies and procedures.
5. Advisors: All parties are entitled to one advisor of their choosing to guide and accompany them throughout the various stages of the process. Examples of an advisor include, but are not limited to: a friend, mentor, professor, family member, roommate, attorney, or any other supporter a party chooses to advise them. You are welcome to work with the Director of Institutional Discrimination/Bias + Deputy Title IX Coordinator, Simone Tubman, [stubman@risd.edu](mailto:stubman@risd.edu); Institutional Discrimination Officer + Title IX Coordinator, Sydney Lake, [slake@risd.edu](mailto:slake@risd.edu), or Deputy Title IX Coordinator for Employees,

Liz Rainone, [erainone@risd.edu](mailto:erainone@risd.edu), to select an advisor from the RISD community who has been trained by the College and/or has experience in such matters. Your advisor may be any support person of your choosing and is not limited to the list provided by the college

- a. Role of advisor: The role of the advisor is to support and accompany the party throughout the investigation, determination, and appeal processes. The role of advisors in these processes is passive in nature; the parties in the case speak on their own behalf, and active participation is limited solely to them. All communication regarding cases are made directly with the parties.
6. Right of and Grounds for Appeal: Either the complainant or the respondent or both may appeal a final determination to the Associate Dean for Social Equity + Inclusion (in the case of student respondents), Director, Intercultural Student Engagement (in the case of non-union faculty respondents) and/or Designee (in the case of non-union staff respondents). Any such appeal may be made on only one or more of the following grounds:
  - a. There was significant procedural irregularity sufficient to have materially affected the outcome of the matter;
  - b. There is new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, and that could have materially affected the outcome of the matter;
  - c. The consequences imposed are grossly disproportionate to the violations found to have occurred; or
  - d. The Director, Office of Institutional Discrimination + Title IX personnel, investigator(s), or decision-maker(s) had a significant conflict of interest or bias for or against complainant(s) or respondent(s) generally or the individual complainant or respondent specifically that materially affected the outcome of the matter.
7. Appeal Process: Any appeal must be submitted to the appropriate appeal officer (as noted above) within three (3) days of a case outcome. A statement of appeal: must be submitted in writing, must specify the grounds on which the appeal is based, and must set forth and explain, in detail, any relevant facts, information, and arguments. In the absence of a timely appeal, the determination will be final and conclusive.
  - a. Upon receipt of an appeal that complies with these requirements, the appeal officer will notify the other party of the appeal. An appeals officer may, at their discretion, decide the appeal on the basis of the investigative report, statements, any response, and the record; consult with the Director, Institutional Discrimination/Bias, Institutional Discrimination Officer, Investigator, Hearing Designee(s), or other person(s) they deem appropriate; and/or grant the parties a conference to explain their positions in person. The appeal's officer may affirm, modify, or overturn the determination and/or may refer the case back to the Office of Institutional Discrimination + Title IX for further or new proceedings.
  - b. Notification of the resolution of the appeal will be sent to the appellant's RISD e-mail account. The non-appealing party will also be notified of the resolution of the appeal (to the extent permitted by the Family Educational Rights and Privacy Act).
8. Deferral of Sanctions Pending Appeal: The submission of an appeal does not by itself prevent or defer implementation of interim measures and/or sanctions

imposed by the Hearing Panel. However, at the request of the appellant, the Office of Institutional Discrimination + Title IX may, in their discretion and for good cause, defer implementation of some or all of those consequences during the pendency of the appeal.

#### F. COLLEGE DISCRETION OF ACTION

The College may also respond to complaints or reports by persons external to the College community about alleged discriminatory and harassing conduct by College employees.

#### G. RETALIATION

Retaliation is defined as: Any conduct, whether or not workplace, employment, or education-related, that is directed at a person because they are, in good faith, opposing a discriminatory practice, initiating a complaint of discrimination, or participating in such an investigation, which is intended to deter a person from making or supporting a charge of discrimination or harassment. Retaliation can take many forms and may consist of any adverse action taken against said person. Actions in response to a good faith report or response under this Policy are considered retaliatory if they have a materially adverse effect on the working, living, or academic environment of an individual and could dissuade a reasonable person from participating in or supporting a charge of discrimination or harassment. We encourage any complaints of retaliation to be brought forward to the Office of Institutional Discrimination + Title IX. Any individual or group of individuals who engage in retaliation and may be held accountable under this Policy or another related policy.

In the event that a sanction of discipline is imposed, the rights of bargaining union members under relevant collective bargaining agreements remain.