



# Equity & Compliance

## Discrimination and Discriminatory Harassment Policy & Procedures



Rhode Island School of Design (the “College”) 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 in 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 may be processed under RISD’s Title IX policy, found [here](#).

The College is wholly committed to creating an environment free of discrimination and discriminatory 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. This includes College compliance with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in the College’s programs and activities; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA); Title VII; and Title VI.

A claim arising under this Policy may be brought by the College, employee or student member of the RISD community, or by a person outside of the RISD community. Complaints based on conduct of students under this Policy may also implicate RISD’s Code of Student Conduct and Procedures found [here](#). Similarly, complaints based on conduct of employees, including faculty and staff, under this Policy may also implicate relevant policies under Human Resources found [here](#). If, during the course of the investigation, or at any time prior to the resolution of the Complaint, it is alleged or discovered that a party has engaged in conduct that violates other College policies, with the exception of those circumstances covered under any relevant and applicable amnesty policy, the College reserves the right to resolve those allegations in accordance with any and all applicable College policies/procedures, including but not limited to the Discrimination and Discriminatory Harassment, Title IX, and/or Student Conduct policies and procedures.

Discrimination and discriminatory harassment are very serious matters that can have both short-term and long-term impacts. The effects of discrimination and discriminatory harassment can negatively impact the educational experiences and careers of individuals. Intentionally false accusations can have a similar impact.

Equity & Compliance is responsible for the implementation of this Policy and respective procedures. All references to “Executive Director” under this Policy may include Designee(s), as assigned by Equity & Compliance. Equity & Compliance may, at their discretion, consult with the Office of Human Resources in its enforcement of this policy.

## 1. DEFINITIONS OF PROHIBITED CONDUCT



## A. DISCRIMINATION

Discrimination is unwelcome verbal, written, graphic, and/or physical conduct that unreasonably interferes with an individual or class of individuals' learning, working, or living environment by use of demeaning expressions concerning an individual's or group of individuals' membership or perceived membership to a protected class. Discrimination can occur when an individual or class of individuals is treated unfairly or unfavorably, based on their membership or perceived membership in a legally protected class such that it adversely impacts a term or condition of an individual's employment, educational, or living environment when similarly situated individuals, outside of the same protected class, received more favorable treatment.

## B. DISCRIMINATORY HARASSMENT

Discriminatory harassment is conduct that is severe, persistent, and/or pervasive such that it has the purpose or effect of unreasonably interfering, limiting, or denying an individual's or class of individuals' access to an educational, employment, or living activity by creating an environment that is intimidating, hostile, or offensive. Protected classes include, but are not limited to: race, color, religion, sex, age, national origin, disability, veteran status, sexual orientation, gender identity or expression, genetics, or any other protected characteristic as established by law. In cases where there was an adverse impact on the complainant's educational or employment environment, Equity & Compliance will next determine whether there was a legitimate, nondiscriminatory purpose for the alleged conduct.

Whether conduct is severe, persistent, and/or pervasive is determined by using a reasonable person standard. When determining whether conduct is severe, persistent, and/or pervasive, the following factors may be considered:

- the severity of the conduct;
- the frequency of the prohibited conduct;
- the widespread nature of the conduct;
- and whether the unwelcome conduct, based on a reasonable person standard, unreasonably interfered with an individual's or class of individuals' educational, employment, or living environment.

Unwelcome verbal, written, graphic, and/or physical conduct related to a protected class may include, but is not limited to:

- Epithets, slurs, jokes, negative stereotyping, demeaning depictions or treatment, or intimidating or hostile acts;
- Written, digital, or graphic material that shows hostility;
- Instigating, threatening or actual physical assault or acts of violence, or enabling an environment that is unwelcoming or hostile; and/or
- Displaying or transmitting negative or offensive content.

The College's academic and research settings necessarily accommodate themes, topics, and materials that are germane to the subject matter and that, in other settings, may not be appropriate; policies forbidding discriminatory harassment do not threaten such academic freedoms.



### C. SEXUAL MISCONDUCT

Engaging in any form of sexual contact or conduct with another person, without that person's effective consent is strictly forbidden. Effective consent is defined by RISD as conscious, informed, freely and voluntary given, mutually understandable words or actions which indicate a willingness to participate in a specific mutually agreed upon sexual activity. For purposes of this provision, (a) it is the responsibility of the person seeking to initiate sexual contact or conduct to obtain such consent, not of the intended recipient of such contact or conduct to deny such consent, and (b) valid consent cannot be obtained from a person whose ability to make decisions is obviously substantially impaired by alcohol, drugs, or other intoxicants or by mental or physical condition; who is unaware that the sexual contact or conduct is being committed; or who is compelled or coerced to grant consent by force, threat of force, deception, or supervisory or disciplinary authority.

- (1) Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on consideration of the following factors:
  - (a) The length of the relationship;
  - (b) The type of relationship;
  - (c) The frequency of interaction between the persons involved in the relationship.
- (2) Domestic Violence is a felony or misdemeanor crime of violence committed by a current or former spouse by a person with whom the victim shares a child in common, by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or dating/ domestic, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred. To be considered domestic violence, the relationship must be more than just two people living together as roommates.
- (3) Nonconsensual Sexual Contact is any physical contact with another person that is of a sexual nature, without effective consent, including but not limited to: touching someone's intimate parts (such as genitalia, groin, breast, or buttocks, either over or under clothing); touching a person with one's own intimate parts; or forcing a person to touch another's intimate parts. Nonconsensual sexual contact includes the Clery Act definition of fondling: the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental incapacity.
- (4) Nonconsensual Sexual Intercourse is any sexual penetration or attempted sexual penetration, however slight, of any bodily opening with any object or body



- part, by a person upon another person, that is without effective consent and/or by force (expressed or implied, violence, duress, menace, fear, or fraud); or when a person is incapacitated or unaware of the nature of the act, due to unconsciousness, sleep, and/or intoxicating substances. Intercourse includes: vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact, no matter how slight the penetration or contact.) Nonconsensual sexual penetration includes the Clery Act definitions of:
- (a) Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of that person, including instances in which the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
  - (b) Incest: non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and
  - (c) Statutory rape: non-forcible sexual intercourse with a person who is under the statutory age of consent (in Rhode Island the age of consent is 16).
- (5) Sexual Exploitation is when an individual(s) takes non-consensual or abusive sexual advantage of another, for their own advantage or benefit, or to benefit or advantage anyone other than the person being exploited. This includes, but is not limited to:
- (a) providing alcohol or other drugs to someone without that person's knowledge, or unreasonably pressuring the person to consume alcohol or drugs, with the purpose of causing incapacitation in order for one to take sexual advantage of the person;
  - (b) recording, photographing, transmitting, or allowing another to view images of private sexual activity and/or the intimate parts of another person without effect consent;
  - (c) allowing third parties to observe private sexual acts without effective consent;
  - (d) voyeurism, including by electronic means;
  - (e) indecent exposure;
  - (f) knowing or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV, without their knowledge.
  - (g) or the unauthorized dissemination of indecent materials under Rhode Island General Law § 11-64-3: The unauthorized dissemination of a sexually explicit visual image of another person when the person intentionally, or by any means, disseminates, publishes or sells:
    - (i) a visual image that depicts another identifiable person 18 years or older engaged in sexually explicit conduct or of the intimate areas of that person;
    - (ii) the visual image was made, captured, recorded, or obtained under circumstances in which a reasonable person would know or understand that the image was to remain private;
    - (iii) the visual image was disseminated, published, or sold without the consent of the depicted person; and



- (iv) with knowledge or with reckless disregard for the likelihood that the depicted person will suffer harm, or with the intent to harass, intimidate, threaten, or coerce the depicted person.
  
- (6) Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress. For the purposes of this definition, “course of conduct” means two or more acts, including, but not limited to, acts in which the reported party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, pursues, harasses, observes, surveils, threatens, communicates to or about a person, interferes with a person’s property, gives unwanted attention or unwanted physical, verbal or electronic contact, threatens by use of words and/or conduct, or any exhibits other course of conduct that is repetitive and menacing, directed at a specific person(s) which interferes with their peace, or would otherwise cause a reasonable person to fear for their safety; or safety of others; or suffer substantial emotional distress. Stalking can take many forms. Some examples of stalking include, but are not limited to two or more instances of the following conduct (that also meet the definition of stalking above):
  - (a) following a person;
  - (b) appearing at a person’s home, class or work;
  - (c) continuing to contact a person after receiving requests not to;
  - (d) leaving written messages, objects, or unwanted gifts;
  - (e) vandalizing a person’s property;
  - (f) photographing a person; and other threatening, intimidating, or intrusive conduct;
  - (g) the use of electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices to send non-consensual communication, telephone calls, voice messages, emails, texts, letters, notes, gifts, or any other communication that are repeated and undesired.

#### D. RETALIATION

We encourage any complaints of retaliation to be brought forward to Equity & Compliance.

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 inquiry/investigation, which is intended to deter a person from making or supporting a charge of discrimination and/or discriminatory 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 and/or discriminatory harassment. Any individual or group



of individuals who engage in retaliation 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.

## 2. PREVENTION, RESOURCES AND SUPPORT

### A. PREVENTION AND EDUCATION

The College is committed to creating and providing a learning, living, and working environment free from discrimination. Equity & Compliance is committed to providing equitable responses to community issues involving discrimination as well as providing support to members of our community navigating discriminatory behaviors. We encourage members of our community to take advantage of appropriate educational and training opportunities that can be conducted through Equity & Compliance 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 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 DISCRIMINATORY HARASSMENT CONCERNS

Equity & Compliance is responsible for upholding community values and ensuring equitable responses involving discrimination and discriminatory harassment. It is also our belief that an environment committed to inclusive practices and free of impermissible discrimination and discriminatory harassment is the responsibility of every member of the community. We encourage any individual who believes that they have experienced or witnessed discrimination and/or discriminatory harassment, as prohibited by this Policy, to come forward with their inquiries or complaints so that the College can provide resources and support to: stop the behavior, remedy its effects, and prevent its recurrence.

The College can take corrective action only when it becomes aware of problems. Therefore, it is the expectation of the College that all cases involving discrimination and/or discriminatory harassment be brought forward to Equity & Compliance.

### C. CONFIDENTIAL RESOURCES

Information about or assistance with discrimination and discriminatory harassment issues may be obtained from a variety of on-campus resources. Prior to or concurrent with lodging a discrimination and/or discriminatory 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 and/or discriminatory 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 prohibited conduct and will not, without additional action by the complainant, result in intervention or corrective action.



### RISD Health + Wellness

RISD Counseling and Psychological Services (CAPS) (Available for Students)  
72 Pine Street, 2<sup>nd</sup> Floor  
Providence, RI 02903  
Available 24/7: 401 454-6637

RISD Health Services (Available for Employees & Students)  
72 Pine Street, 2<sup>nd</sup> Floor  
Providence, RI 02903  
401 454-6625

Employee Assistance Program (EAP; available for Employees)  
Coastline EAP  
Available 24/7: 1-800-445-1195  
[coastlineeap.com](http://coastlineeap.com)

### D. OTHER RESOURCES

Information about or assistance with discrimination and/or discriminatory harassment issues may be obtained from a variety of on-campus resources. Prior to or concurrent with lodging a discrimination and/or discriminatory harassment complaint, individuals may find it helpful to consult with other on-campus resources to seek support. The following departments provide support to individuals who believe they are experiencing discrimination and/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 College policy. Concerns can also be brought forward to a supervisor; Dean, Director or Department Head; RISD Human Resources; the Interim Associate Vice President, Student Affairs and/or Director, Student Conduct + Community Standards (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 prohibited conduct and may not, without additional action by the complainant, result in intervention or corrective action. However, the College, at its discretion, may move forward following such a disclosure of prohibited conduct; and will communicate its decision directly with the necessary parties.

Equity & Compliance  
20 Washington Place, 3<sup>rd</sup> Floor  
Providence, RI 02903  
Available 24/7: 401 454-6666

RISD Human Resources  
20 Washington Place, 3<sup>rd</sup> Floor  
Providence, RI 02903  
401 454-6606

RISD Student Affairs





Carr House  
210 Benefit Street, 3<sup>rd</sup> Floor  
Providence, RI 02903  
401 454-6600

RISD Residence Life  
30 Waterman Street  
Providence, RI 02903  
Available 24/7: 401 454-6650

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

- PROCEDURES

An individual who wishes to report to the College about alleged prohibited conduct covered by this Policy should contact Equity & Compliance. Contact information for Equity & Compliance can be found [here](#). Reports of behavior covered by this Policy by any staff member of Equity & Compliance or against supervisory staff members of Equity & Compliance should be made directly to RISD Human Resources. Contact information for Human Resources can be found [here](#).

Complainants can pursue either an informal or formal process at any time. Any complaints brought forward to Equity & Compliance, whether pursued through a formal or informal process track, and concerns filed with Equity & Compliance are documented to allow the College to check for a history of previous related behavior, assess trends, and determine educational community opportunities.

The College will handle discrimination and/or discriminatory harassment complaints under this Policy consistently with procedural guidelines developed to ensure an equitable resolution of such complaints.

All parties are entitled to one advisor of their choosing to guide and accompany them throughout the various stages of the process. An advisor may be any support person of the party's choosing and is not limited to members of the RISD community. Union members are entitled to union representation as well as an advisor of their choosing. 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. 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 is made directly with the parties.

#### A. INFORMAL PROCESS PROCEDURES



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

An informal resolution process is a mutually agreed upon resolution of allegations related to discrimination or discriminatory harassment. In many cases, an informal process can be requested prior to a formal complaint being filed. To initiate an informal resolution process, an individual must contact Equity & Compliance. All parties must consent to participating in an informal resolution process in order for the process to proceed.

The informal resolution process encompasses a full range of possible options and appropriate outcomes. For example, Equity & Compliance may propose solutions, facilitate direct discussions between the parties, communicate directly with either party 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 discrimination or 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 the informal resolution process can stop the process, prior to an informal resolution agreement, and initiate or resume the formal complaint process.

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

The informal resolution process is available at any time prior to the conclusion of the investigation process. If both parties are willing to participate in the informal resolution process, Equity & Compliance will determine whether the informal resolution process can be used according to the criteria in the section below.

The College reserves the right to determine that the informal resolution process is not appropriate for any particular case. The ultimate determination of whether the informal resolution process is available is to be made by the Executive Director, Equity & Compliance and/or Designee(s). The Executive Director, Equity and Compliance 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 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. If the parties cannot agree on all terms of resolution, the formal complaint process can begin and/or resume at the same point where it was paused. If the informal resolution process is unsuccessful and either party decides to proceed with a formal complaint process, Equity & Compliance 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.

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 Equity & Compliance. The parties are strongly encouraged, although not required, to consult with their advisors and any support persons throughout the duration of the informal resolution process. While an advisor may provide support or advice, they may not speak on behalf of the party or act in a disruptive manner. Equity and Compliance 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 RISD colleagues at any time. For example, they may need to consult with a supervisor about a workplace or scheduling issue, or with a professor about scheduling conflict.

The Executive Director, Equity & Compliance and/or Designee(s) have 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 facilitator may draft a resolution agreement, if appropriate. 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.

Equity & Compliance 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 regarding responsibility is made by Equity & Compliance as to whether prohibited conduct occurred.

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

For students, Equity & Compliance will retain a copy of the signed agreement, which will also be shared with the Director, Student Conduct + Community Standards 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, Equity & Compliance and Human Resources will retain a copy of the signed agreement. A summary of the signed agreement may be shared with each party's HR Partner, who may share it with a 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 the resolution reached through the informal resolution process. If a breach of the agreement occurs, it is the responsibility of the parties to notify Equity & Compliance, who will then determine appropriate next steps.



## B. 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 and Discriminatory Harassment complaints may be submitted to Equity & Compliance using the online report form [here](#).
  - a. Upon receipt of a formal complaint involving discrimination and/or discriminatory harassment, Equity & Compliance will conduct a preliminary review to determine whether the complaint alleges prohibited conduct cognizable under this Policy and whether there is reasonable cause to proceed. If Equity & Compliance determines that the complaint does not allege discrimination or discriminatory harassment as cognizable under this 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. If there is reason to proceed with charges under other College policies, the case may be referred to the appropriate department.
  - b. Supportive Measures: RISD may implement supportive measures following notification of a discrimination or discriminatory harassment 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: limited contact orders, 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 at any stage of the investigation, RISD reasonably suspects that a respondent poses a threat of harm to self, harm to others, 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 Equity & Compliance's determination that a respondent is temporarily suspended or removed from RISD, a respondent will have three (3) days to provide a written request for appeal to Equity & Compliance, via email. Reasonable requests for extensions of any process timeline may be made by contacting Equity & Compliance via email.

2. Investigation: If it is determined that there is reasonable cause to proceed, Equity & Compliance will notify both the Complainant and the Respondent that an investigation is underway. The investigation may be completed by either an internal or external investigator.



- 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 an investigation under this Policy. 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, a hearing or administrative conference will be held to determine whether the respondent violated College policy, based on a preponderance of the evidence standard. Under the preponderance standard, the burden of proof is met when the fact finder determines that there is a greater than 50% chance that the claim is true.
  - 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. Parties are entitled to one advisor of their choosing to guide and accompany them throughout their hearing and investigation process. Union members are entitled to union representation as well as an advisor of their choosing. During all proceedings, the role of the advisor is passive in nature, and parties are required to speak on their own behalf. During the hearing, parties are permitted to ask questions of the other party and witnesses, through the panel or hearing administrator, who may determine whether or not a question is relevant to their decision making.
  - c. Once a determination has been made, Equity & Compliance 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.
  - d. Sanctions: If the Respondent is found responsible, appropriate sanction(s) will be imposed. Possible sanctions for those found responsible may include, but are not limited to: community service, a reflection paper, behavioral expectation conversations/check-ins, and/or educational training, as well as, warnings, suspension, expulsion, or termination. Notification of the sanction will be either in-person 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 determination. 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 a party's work schedule; facilitating conversations regarding extensions, facilitating campus escort services; imposing a "no-contact" directive, 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: limited contact orders, increased supervision or monitoring, directed or increased education and prevention efforts, and/or a review of policies and procedures.

5. Right of and Grounds for Appeal: Either the complainant or the respondent or both may appeal a final determination directly to Equity & Compliance. 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 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.
6. Appeal Process: Any appeal must be submitted to Equity & Compliance, via email, 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. Reasonable requests for extensions of any process timeline may be made by contacting Equity & Compliance, via email. In the absence of a timely appeal, the determination will be final and conclusive.

Upon receipt of an appeal that complies with these requirements, Equity & Compliance 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 Equity & Compliance team, 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 Equity & Compliance for further or new proceedings.

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).

7. 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 or administrator. However, at the request of the appellant, Equity &



Compliance may, at their discretion and for good cause, defer implementation of some or all of those sanctions during the pendency of the appeal. Reasonable requests for extensions of any process timeline may be made to Equity & Compliance, via email.

### C. COLLEGE DISCRETION OF ACTION

The College may also, at their discretion, respond to complaints or reports by persons external to the College community about alleged discrimination and/or discriminatory harassment conducted by College employees and/or students.

- NOTICE OF INTERNAL RESOLUTION PROCESS AND RIGHT TO OUTSIDE PROCESSES

Equity & Compliance processes and procedures are intended to offer an internal resolution to complaints. In addition to any sanctions that may be imposed by the College for violation(s) of this Policy, any person who harasses or discriminates against another person may be held personally liable to the complainant and may be subject to processes and procedures independent of those utilized by the College. This policy does not preclude the complainant or the respondent from exercising their individual rights before any other appropriate forum, including filing charges under state or federal law.

In addition to RISD's Non-Discrimination Policy that reflects RISD's commitment to creating and maintaining educational, working, and living environments that are free from any unlawful discrimination, the College recognizes its legal obligations to pursue those same goals under applicable Federal and State statutes. These include Title VI and Title VII of the Civil Rights Act of 1964.

- **Title VI** prohibits discrimination on the basis of race, color or national origin under any program or activity receiving federal financial assistance. This prohibition applies to intentional discrimination as well as to procedures, criteria or methods of administration that appear neutral but have a discriminatory effect on individuals because of their race, color, or national origin.
- **Title VII** prohibits discrimination in employment on the basis of race, color, religion, sex (including: pregnancy), or national origin.

The following government agencies may provide additional resources for students and/or employees who have concerns related to misconduct:

The Rhode Island Commission for Human Rights

<http://www.richr.ri.gov/>

180 Westminster Street, 3rd Floor

Providence, RI 02903

(401) 222-2661

The United States Equal Employment Opportunity Commission ("EEOC")

<https://www.eeoc.gov/>

RHODE ISLAND SCHOOL OF DESIGN  
Two College Street, Providence, RI 02903



25 Sudbury Street  
Boston, MA 02222  
(617) 565-3200

The United States Department of Education  
Office for Civil Rights  
<https://www.hhs.gov/ocr/index.html>  
5 Post Office Square  
Boston, MA 02109  
617 289-0111