



Equity & Compliance

Nondiscrimination Policy



Table of Contents

Click on a section title to navigate directly to the corresponding content.

1. Purpose	3
2. Notice of Nondiscrimination	3
3. Scope	4
4. Jurisdiction	4
5. Equity & Compliance Contact Information	6
6. External Contact Information	7
7. Mandatory Reporting and Confidential Employees	9
8. Disability Accommodations	11
9. Pregnancy, Menopause, & Related Medical Conditions	13
10. Religious Accommodations	15
11. Prohibited Conduct	16
A. Nondiscrimination Prohibited Conduct	16
B. Title IX Prohibited Conduct	23
C. Other Prohibited Conduct	26
D. Other Relevant Definitions	28
12. Definitions	31
13. Reports & Formal Complaints	34
14. Time Limits on Reporting	35
15. Amnesty	36
16. False Allegations and Evidence	36
17. Confidentiality and Privacy	36
18. Federal Timely Warning Obligations	37
19. Federal Statistical Reporting Obligations	38
20. Preservation of Evidence	38
21. Independence and Conflicts of Interest	39
22. Revision of this Policy	39



NONDISCRIMINATION POLICY (Hereinafter, “Policy”)

1. Purpose

Rhode Island School of Design (“RISD”) is committed to providing an educational and employment environment that is free from discrimination and harassment based on protected characteristics, as well as retaliation for engaging in protected activity. RISD has a compelling interest in assuring community members are part of a community committed to inclusive practices, policies, and values where production and creativity thrive. This includes but is not limited to compliance with Title IX of the Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in RISD’s programs and activities; the Jeanne Clery Campus Safety Act (Clery Act), as amended by the Violence Against Women Reauthorization Act of 2013 (VAWA) and the Stop Campus Hazing Act (SCHA); Title VI and Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act (ADA).

RISD values and upholds the equal dignity of all members of its community and strives to balance the rights of the Parties in the resolution process during what is often a difficult time for all involved. RISD is committed to fostering an inclusive environment that upholds academic freedom, freedom of speech, and freedom of expression while prohibiting discrimination, discriminatory harassment, and retaliation. RISD strives to balance these essential freedoms with its responsibility to prevent discrimination, discriminatory harassment, and retaliation, remedy the effects, and prevent its recurrence.

To ensure compliance with federal, state, and local civil rights laws and regulations, and affirm its commitment to promoting fairness and equity in all aspects of education programs and/or activities, Equity & Compliance has developed policies and procedures that provide for prompt, fair, and impartial resolution of allegations of discrimination, discriminatory harassment, and/or retaliation based on protected characteristics.

2. Notice of Nondiscrimination

RISD 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 RISD’s community and goals towards creating an inclusive environment. Discrimination and harassment impede educational opportunities and equal employment. Discrimination and discriminatory harassment on the basis of any protected characteristic under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process within the institution, with the Equal Employment Opportunity Commission and/or other human/civil rights agencies, will not be tolerated.

Protected characteristics include age¹, ancestral origin, citizenship status, color, disability, ethnicity, gender expression, gender identity, genetic information, menopause and related medical conditions, national origin, pregnancy and related medical conditions, race, religion, sex, sexual orientation, veteran status, and any other characteristic protected by law.

¹Protects individuals 40+ years of age in Employment; protects individuals 18+ years of age in Housing.



RISD does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of actual, perceived, or association with people with protected characteristics. This Policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the RISD community whose acts deny, deprive, unreasonably interfere with, or limit the education or employment, residential and/or social access, benefits, and/or opportunities of any member of the RISD community, guest, or visitor on the basis of that person's actual or perceived protected characteristic(s) as listed in the Nondiscrimination Notice, is in violation of this Policy.

Inquiries about discrimination on the basis of sex and Title IX may be referred to RISD's Title IX Coordinator and/or the U.S. Department of Education. RISD's Title IX Coordinator may be reached by contacting Emily Gleason; egleason@risd.edu; 401 454-6341; visiting 20 Washington Place, room 346; or by submitting an [online reporting form](#).

Inquiries about all other forms of discrimination may be referred to RISD's Title VI, Title VII, and ADA/504 Coordinator, the U.S. Department of Education, and/or the U.S. Equal Employment Opportunity Commission. RISD's Title VI, Title VII, and ADA/504 Coordinator may be reached by contacting Jasmine Mahoney; jmahoney@risd.edu; 401 454-6386; visiting 20 Washington Place, room 348; or by submitting an [online reporting form](#).

RISD's Nondiscrimination Policy and Procedures can be located at students.risd.edu/equitycompliance.

Equity & Compliance will promptly and effectively address any such discrimination, discriminatory harassment, and/or retaliation of which it has a report, using the applicable resolution process outlined in the Nondiscrimination Policy.

3. Scope

This Policy applies to all employees, students, and other individuals or groups participating in, or attempting to participate in, RISD's programs and/or activities, including education and employment. Reports based on conduct of students under this Policy may also implicate RISD's Code of Student Conduct and Procedures found [here](#). Similarly, Reports based on conduct of employees, including faculty and staff, under this Policy may also implicate relevant policies under Human Resources found [here](#).

This Policy prohibits all forms of discrimination, discriminatory harassment, and/or retaliation on the basis of the protected characteristic(s) listed in the Notice of Nondiscrimination. This Policy and its Procedures may be applied to incidents, to patterns, and/or to culture/climate issues.

4. Jurisdiction

This Policy applies to RISD's "education programs and activities" (as defined in Section 6. Definitions), circumstances where RISD has disciplinary authority, and misconduct occurring within any building owned or controlled by RISD, including a RISD-recognized student organization. A Complainant does not have to be a member of the RISD community, but does have to be alleged to be subject to conduct that could constitute discrimination, or discriminatory harassment, or retaliation under this Policy, and who was participating or attempting to



participate in RISD's education programs and/or activities at the time of the alleged discrimination, discriminatory harassment, and/or retaliation; or a parent, guardian, or other authorized legal representative with the legal right to act on behalf of the Complainant.

Equity & Compliance may also extend jurisdiction to off-campus and/or to online conduct when the conduct violates this Policy, affects a substantial RISD interest, and/or the effects of the misconduct limit or deny a person's access to RISD's education programs and activities. Although RISD may not control websites, social media, and/or other venues through which harassing communications are made, when such communications are reported to RISD, Equity & Compliance will engage in a variety of means to address and mitigate the effects. These may include, but are not limited to the use of a Resolution Process under this Policy, under the Code of Student Conduct or applicable Human Resources policies, or any other RISD policy in order to address off-campus and/or online conduct whose effects contribute to limiting or denying a person access to RISD's education programs and/or activities.

A substantial RISD interest includes:

- 1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- 2) Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student, employee, or other individual;
- 3) Any situation that significantly impinges upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder; and/or
- 4) Any situation that substantially interferes with RISD's educational interests or mission.

For a Resolution Process to be initiated and disciplinary action to be issued under this Policy, RISD must have jurisdiction over the Respondent, meaning the Respondent must be a RISD student or employee at the time of the alleged incident. If the Respondent is unknown or is not a member of the RISD community, Equity & Compliance can offer to assist the Complainant in identifying appropriate institutional and local resources and support options, and can offer to implement appropriate supportive measures and/or remedies. Equity & Compliance can also assist in contacting local law enforcement if the individual would like to file a police report about criminal conduct. In situations where RISD does not have jurisdiction over the Respondent, Equity & Compliance reserves the right to implement remedies in an effort to stop, remedy the effects of, and prevent the recurrence of alleged discriminatory behavior.

If a Respondent separates (by withdrawal, resignation, termination, etc.) from RISD, RISD will no longer have jurisdiction over the Respondent from the date of separation. Consequently, a Formal Complaint may be dismissed at the discretion of Equity & Compliance. However, if the Respondent returns to RISD in any capacity, they will be subject to jurisdiction again, and any unresolved or unadjudicated Formal Complaint may resume. In the event that the Respondent separates from RISD, Equity & Compliance may proceed with a Resolution Process and the Respondent will be invited to participate in the Resolution Process while separated from RISD. The Formal Complaint may be addressed under the Policy effective at the time of the alleged misconduct and the Procedures for the current academic year in which the Respondent returns. RISD will maintain records of Complaints for seven (7) years.



All vendors serving RISD through third-party contracts are subject to the policies and procedures of their employers and/or to this Policy if their employer has agreed, through its contract with RISD, to be bound by it. RISD hopes and expects that vendors that do not have this specific language in their contract will cooperate with any process or procedure initiated by RISD under this Policy in response to a Report or Formal Complaint received that relates to a third-party vendor and/or its employees.

When the Respondent is enrolled in or employed by another educational institution, Equity & Compliance may assist the Complainant in contacting the appropriate individual(s) at that institution, as it may be possible to pursue action under that institution's policies.

If a student or employee Complainant discloses to Equity & Compliance that they experienced discrimination, discriminatory harassment, and/or retaliation in an externship or in another environment external to RISD, and if there are effects of that external conduct that impact a student or employee's work or educational environment at RISD, Equity & Compliance will attempt to address those effects remedially. In that way, RISD will work with the student or employee to determine what combination of resources and support will help allow them to continue to access their work or studies.

5. Equity & Compliance Contact Information

Equity & Compliance, comprised of the following individual(s), coordinates RISD's compliance with federal, state, and local civil rights laws and ordinances regarding nondiscrimination.

Equity & Compliance

20 Washington Place, third floor
Providence, RI 02903

equitycompliance@risd.edu

24/7: 401 454-6666 (ask to speak to Equity & Compliance staff)

[Online Reporting Form](#)

Emily Gleason

Title IX Coordinator
20 Washington Place, room 346
401 454-6341

egleason@risd.edu

Jasmine Mahoney

Title VI, VII, ADA/504 Coordinator
20 Washington Place, room 348
401 454-6386

jmahoney@risd.edu

Collectively, these staff members are responsible for providing comprehensive nondiscrimination education and training; coordinating RISD's timely, thorough, and fair response, investigation, and resolution of all alleged prohibited conduct under this Policy; and monitoring the effectiveness of this Policy and related Procedures to ensure an education and employment environment free from discrimination, discriminatory harassment, and retaliation.



Equity & Compliance recognizes that allegations under this Policy may include multiple forms of discrimination, discriminatory harassment, and/or retaliation, as well as violations of other RISD policies; may involve various combinations of students, employees, and other members of the RISD community; and may require the simultaneous attention of multiple RISD departments. Accordingly, all RISD departments will share information, combine efforts, and otherwise collaborate, to the maximum extent permitted by law and consistent with other applicable RISD policies, to provide uniform, consistent, efficient, and effective responses to alleged Prohibited Conduct.

6. External Contact Information

Concerns about RISD's application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

[Office for Civil Rights \(OCR\)](#)

U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: 800 421-3481
Facsimile: 202 453-6012
TDD#: 877 521-2172
Email: OCR@ed.gov

[\(Federal\) Equal Employment Opportunity Commission \(EEOC\)](#)

John F. Kennedy Federal Building
15 New Sudbury Street, Room 475
Boston, MA 02203
(800) 669-4000 or (800) 669-6820 TTY
info@eeoc.gov

[Massachusetts Commission Against Discrimination \(MCAD\)](#)

One Ashburton Place, Room 601
Boston, MA 02108
(617) 994-6000

Denholm Building
484 Main Street, Room 320
Worcester, MA 01608
(508) 453-9630

436 Dwight Street, Room 220
Springfield, MA 01103
(413) 739-2145

[The Rhode Island Commission for Human Rights](#)



180 Westminster Street, third floor
Providence, RI 02903
401 222-2661

[Fair Housing and Equal Opportunity \(FHEO\)](#)

Boston Regional Office of FHEO
U.S. Department of Housing and Urban Development
Thomas P. O'Neill Jr. Federal Building
10 Causeway Street, Room 553
Boston, Massachusetts 02222
(617) 994-8300
(800) 827-5005

RISD also strongly encourages anyone who becomes aware of an alleged incident of Prohibited Conduct, which may constitute a violation of Rhode Island state law, to report the incident to local law enforcement and provide support, resources, and assistance to those who do so. Individuals who have experienced criminal violations are encouraged to report the incident to local law enforcement and have the option to do so. Formal reporting options include contacting the police department in the jurisdiction in which the incident occurred. If a Complainant chooses to report to law enforcement or pursue a criminal process, the Complainant may simultaneously pursue a Formal Complaint under this Policy.

[Providence Police Department](#)

Emergency: 911
Non-Emergency: 401 272-3121

Off-Campus Resources

[Day One](#) (The Sexual Assault & Trauma Center)

Office: 401 421-4100
Email: info@dayoneri.org
24/7 Helpline: 1 800-494-8100

[Sojourner House](#) (Domestic Violence, Sexual Assault, and Human Trafficking)

Office: 401 861-6191
Email: info@sojournerri.org
24/7 Helpline: 401 765-3232

[RI Coalition Against Domestic Violence](#)

Office: 401 467-9940
Email: ricadv@ricadv.org
24/7 Helpline: 1 800-494-8100

[Rhode Island Bar Association](#) (Legal Assistance)



401 421-5740
Email: info@ribar.com

[U.S. Citizenship and Immigration Services](#) (Visa and Immigration Assistance)

[American Immigration Lawyers Association](#) (Visa and Immigration Assistance)
Email: ils@aila.org

Additional on- and off-campus resources can be found [here](#).

7. Mandatory Reporting and Confidential Employees

A. Mandatory Reporters

All RISD employees (including student employees), other than those deemed Confidential Employees, are Mandatory Reporters and are required to promptly report all known details of actual or suspected discrimination, discriminatory harassment, and/or retaliation to Equity & Compliance. Disclosures of actual or suspected discrimination, discriminatory harassment, and/or retaliation include, but are not limited to: verbal, written, and/or electronic communications, applications, class discussions, and class assignments that are discriminatory or harassing in nature. Equity & Compliance can then review available resources, and resolution options, and implement supportive measures with all Parties involved in the reported incident(s). Mandatory Reporters filing a report with Equity & Compliance help initiate the process for individuals impacted by alleged incidents of discrimination, discriminatory harassment, and/or retaliation to get connected to resources and seek action as needed.

Failure of a Mandatory Reporter, as described above in this section, to report an incident of alleged discrimination, discriminatory harassment, and/or retaliation, of which they become aware, is a violation of this Policy, and Mandatory Reporters can be held accountable under this Policy and its Procedures for Failure to Comply.

A Mandatory Reporter who allegedly experiences discrimination, discriminatory harassment, and/or retaliation that is prohibited under this Policy is encouraged to report the behavior to Equity & Compliance; however, they are not required to report their own experience.

Syllabus Statement

The following statement may be included in course syllabi distributed to students by faculty members.

“Notice of Mandatory Reporter Responsibilities: As a RISD employee, I am designated as a Mandatory Reporter and must report all known details of actual or suspected discrimination, discriminatory harassment, and/or retaliation to Equity & Compliance per RISD’s Nondiscrimination Policy. Disclosures of actual or suspected



discrimination, discriminatory harassment, and/or retaliation include, but are not limited to: verbal, written, and/or electronic communications, applications, class discussions, and class assignments that are discriminatory or harassing in nature. If you wish to speak with someone confidentially, please contact Counseling and Psychological Services (CAPS) at 401 454-6637. You may also seek assistance or supportive measures from Equity & Compliance by emailing equitycompliance@risd.edu, or by completing the Equity & Compliance Intake Form available online at this [link](#).

B. Confidential Employees

To enable individuals who have allegedly experienced discrimination, discriminatory harassment, and/or retaliation to access resources and support without submitting a Report to Equity & Compliance, RISD has designated specific employees as Confidential Employees.

Those designated by RISD as a Confidential Employee are not required to report actual or suspected discrimination, discriminatory harassment, and/or retaliation in a way that identifies the involved Parties. They will, however, provide the reporting individual with the contact information for Equity & Compliance staff, and offer options and resources without any obligation to inform an outside agency or RISD official, unless the involved Parties have requested their information to be shared.

There are three categories of Confidential Employees: 1) Those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and counselors; 2) Those whom RISD has specifically designated as confidential for purposes of providing support and resources to the involved Parties; and 3) Those conducting human subjects research as part of a study approved by RISD's Institutional Review Board (IRB). For those in category 1), above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the disclosure by the involved Parties. These individuals will maintain confidentiality except in cases of immediacy of threat to harm oneself, threat to harm others, threat to harm the community, threat of danger, abuse of a minor, elder, or individual with a disability, and/or when required to disclose by law or court order.

If the involved Parties would like the details of an experience or incident to be kept confidential, the involved Parties may speak with the following Confidential Employees:

Confidential Employees

[RISD Counseling & Psychological Services](#) (CAPS) - students only
72 Pine Street, second floor
Providence, RI 02903
Available 24/7: 401 454-6637

[RISD Health Services](#) - students only
72 Pine Street, second floor
Providence, RI 02903



401 454-6625

[Employee Assistance Program](#) (EAP) - employees + family members only
C3 Wellbeing
Available 24/7: 1-800-445-1195

Employees within RISD Health Services who receive information regarding suspected discrimination, discriminatory harassment, and/or retaliation within the scope of their confidential roles will timely submit anonymous statistical information to Equity & Compliance for Clery Act purposes unless they believe it would be harmful to their patient. Professional counselors within CAPS are exempt from Clery Act reporting when they are functioning within the scope of their license or certification.

In addition, involved Parties may speak with individuals unaffiliated with RISD, without concern that this Policy will require those unaffiliated to disclose information to the institution without permission, including but not limited to:

- (1) External licensed professional counselors and other medical providers;
- (2) Local advocates and crisis counselors;
- (3) Domestic violence resources;
- (4) Local or state assistance agencies;
- (5) Clergy/Chaplains; and/or
- (6) External attorneys

C. Equity & Compliance Training - Mandatory Reporting

All employees, including student-employees, must complete Equity & Compliance training on the Nondiscrimination Policy and Mandatory Reporting. This training will include information on RISD's obligation to address discrimination, discriminatory harassment, and retaliation in its education programs and activities; and the scope of conduct that constitutes discrimination, discriminatory harassment, and retaliation under this Policy.

Failure to complete Equity & Compliance training on Mandatory Reporting is a violation of this Policy and individuals may be held accountable under this Policy and its Procedures for Failure to Comply.

8. Disability Accommodations

RISD partners with faculty, staff and students to ensure that all aspects of the RISD community are accessible, equitable and inclusive of individuals with disabilities. Consistent with this Policy, RISD will engage in the interactive process to provide reasonable accommodations to any qualified individual with a disability who has made RISD aware of their disability, provided that such accommodation does not constitute an undue hardship on RISD, consistent with all federal and state requirements.

In determining whether a requested accommodation creates an undue hardship on RISD, the appropriate RISD personnel will consider on a case-by-case basis whether such a request is



unduly costly, extensive, substantial, or disruptive, and/or whether it would fundamentally alter the nature of RISD's operation or the essential nature of the course or program.

Employees seeking a reasonable accommodation to perform the essential functions of their job can learn more about Human Resource's Disability Accommodations process [here](#). Applicants for employment seeking a reasonable accommodation should contact Human Resources (humres@risd.edu; 401 454-6606) and ask to speak to the Director of Employment.

Students, including student employees, seeking reasonable accommodations can learn more about Disability Support Services and the academic and non-academic accommodations processes [here](#).

Appealing an Accommodation Decision:

If an accommodation request is denied, students, employees and applicants have the right to Appeal the denial by contacting RISD's ADA/504 Coordinator, Equity & Compliance generally, or by submitting a [Disability Accommodations Appeal Request Form](#) within ten (10) business days of receipt of the accommodation decision.

An Appeal for an accommodation decision must be based on one or more of the following grounds:

- There was a **procedural error** made during the accommodation review process that substantially impacted the outcome of the decision (e.g., you were not given an opportunity to participate in an "interactive process" or the collaborative effort to arrive at a reasonable accommodation).
- There was a **substantive error** (such as a misunderstanding of your accommodation request) made during the accommodation review process that substantially impacted the outcome of the decision. To submit an Appeal based on substantive errors, you must demonstrate that you already attempted to address the error(s) with the person(s) who made the original accommodation decision and were unable to resolve the issue.
- There is **evidence of bias or discrimination** on the part of the person(s) who made the accommodation decision that rendered them unable to consider your accommodation request objectively and completely.

A valid statement of Appeal must be in writing, must specify the grounds on which the Appeal is based, must describe the accommodation provided by RISD, and must set forth and explain in detail any relevant information. General dissatisfaction with a decision is not grounds for an Appeal.

The ADA/504 Coordinator will review the Appeal and materials submitted, request additional materials or statements as needed according to the Coordinator's discretion, and provide a written response to the Complainant within ten (10) business days upon receipt of a valid statement of Appeal. The timeframes detailed may be adjusted for good cause upon request by the Complainant.

Appeals written by third Parties will not be accepted.



Any person who believes they have been discriminated against on the basis of disability, including but not limited to their accommodations not being honored, should contact [Equity & Compliance](#) in accordance with this Policy.

9. Pregnancy, Menopause, & Related Medical Conditions

A. Students

RISD will take specific actions to promptly and effectively prevent sex-based discrimination and ensure equal access to RISD's education programs and/or activities once a student, or a person who has a legal right to act on behalf of the student, notifies Equity & Compliance, of the student's pregnancy, menopause, or related medical conditions. Equity & Compliance will consult with the student to determine reasonable modification(s) based on the student's individualized needs. Upon notification of a student's pregnancy, menopause, or related medical condition, Equity & Compliance will:

- Provide the individual with RISD's Notice of Nondiscrimination;
- Implement reasonable modifications to RISD's policies, practices, or procedures as necessary, based on the student's individualized needs;
- Allow the student to voluntarily access any separate and comparable portion of RISD's education programs and/or activities;
- Allow the student to voluntarily take a leave of absence from RISD's education programs and/or activities to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider (when the student returns to the RISD's education programs and/or activities, the student will be reinstated to the academic status and, as practicable, to the extracurricular status that the student held when the voluntary leave began);
- Ensure that the student can access a lactation space;
- Inform the student that they are not required to provide supporting documentation, or certification from a healthcare provider or any other person, to Equity & Compliance; unless the documentation is necessary and reasonable for Equity & Compliance to determine a reasonable modification, or a certified level of physical ability or health is necessary for participation in a class, program, or extracurricular activity, and such certification is required of all students participating in the class, program, or extracurricular activity, and the information obtained is not used as a basis for discrimination.

To the extent consistent with the actions specified in this Policy that Equity & Compliance can take upon receiving notification of a student's pregnancy, menopause, or related medical conditions, RISD will treat pregnancy, menopause, or related medical conditions in the same manner, and under the same policies, as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy RISD administers, operates, offers, or participates in with respect to students admitted to RISD's education programs and/or activities.

B. Employees



RISD does not discriminate against any employee or applicant for employment on the basis of current, potential, or past pregnancy, menopause, or related medical conditions. RISD treats pregnancy, menopause, or related medical conditions as any other temporary medical conditions for all job-related purposes. Nothing in this Policy shall abridge the rights afforded to workers, including applicants and employees, affected by pregnancy, childbirth, menopause, or other related medical conditions under federal, state, or local laws. A qualified employee or applicant with known limitations related to, affected by, or arising out of pregnancy, childbirth, menopause, or related medical conditions, may seek a reasonable accommodation unless the accommodation will cause an undue hardship by contacting Human Resources.

C. Admissions

In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, RISD will treat pregnancy, menopause, or related medical conditions in the same manner and under the same policies as any other temporary medical conditions; will not pose pre-admission inquiries as to the marital status of an applicant for admission (including whether such applicant is "Miss or Mrs"); and will not discriminate against any person on the basis of current, potential, or past pregnancy, menopause, or related medical conditions, or adopt or implement any policy, practice, or procedure that discriminates.

D. Reasonable Modifications & Accommodations for Pregnancy, Menopause and Medical Related Conditions

Consistent with this Policy, RISD will provide reasonable modifications or accommodations to a RISD student, employee, or applicant upon request, provided that such modifications for students or accommodations for employees does not constitute an undue hardship on RISD consistent with all federal and state requirements. Equity & Compliance can assist in coordinating reasonable modifications to ensure students, including student employees, have equal access to RISD's programs and activities. Human Resources can assist in coordinating reasonable accommodations to ensure employees have equal access to RISD's programs and activities.

In determining whether a requested modification or accommodation creates an undue hardship on the college, the appropriate college personnel will consider on a case-by-case basis whether such a request is unduly costly, extensive, substantial, or disruptive, and/or whether it would fundamentally alter the nature of RISD's operations. A modification that would fundamentally alter the nature of RISD's education programs and/or activities is not a reasonable modification. An accommodation that would fundamentally alter the nature of the essential functions of the job is not a reasonable accommodation.

The student or employee has discretion to accept or decline each reasonable modification or accommodation offered by RISD. RISD will implement each reasonable modification or accommodation accepted by the student or employee.



Reasonable modifications or accommodations may include, but are not limited to, breaks during class/work to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education/work; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowance to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures in consultation with the office overseeing such policy, practice, or procedure.

RISD does not engage in prohibited discrimination when it allows a student, based on pregnancy, menopause, or related medical conditions, to voluntarily participate in a separate portion of its education programs and/or activities, and will ensure that the separate portion is comparable to that offered to students who are not pregnant, or experiencing menopause and do not have related medical conditions.

E. Lactation Privacy Rooms

Lactation privacy rooms are located at 20 Washington Place, room 328, and Bayard Ewing Building (BEB), room 022. These rooms can be reserved via schedule.risd.edu or by contacting Equity & Compliance (equitycompliance@risd.edu) or Human Resources (humres@risd.edu). Employees may also express breastmilk in their own private office and arrange for breaks to pump in accordance with Human Resources [policy](#).

Alternative spaces for expressing milk may be any private space shielded from view and free from intrusion from others and the public with a lock on the door. A bathroom shall not serve as a lactation space.

10. Religious Accommodations

RISD will make good faith efforts to provide reasonable accommodations for a RISD community member who experiences a conflict between a class/work requirement and an individual's religious beliefs, observances, or practices; unless such an accommodation would create an undue hardship for RISD. Religious accommodations may be requested by filling out the [Religious Accommodations Request Form](#).

Equity & Compliance will review each request. Reasonable accommodations will be determined collaboratively between the requestor and faculty/manager and be determined on a case-by-case basis. Factors that are considered in this determination include the nature of the accommodation requested, the duration of the request, alternative accommodations, the impact on the operation of the department/RISD, and the ability of the individual to perform the essential functions of their role if the accommodation is granted. Reasonable accommodations may include, but are not limited to: providing individuals with leave for religious observances, providing a time and/or place to pray, providing the flexibility to wear religious attire, permitting flexible scheduling or adjustments to work schedules, and/or paid or unpaid time off. The accommodations must be approved by the department in advance. Contents of this request will be shared only as necessary to consider the approval and/or implementation of a reasonable accommodation.



Additionally, any person who believes they have been discriminated against on the basis of their religion should contact Equity & Compliance in accordance with this Policy.

11. Prohibited Conduct

Students and employees are entitled to an employment and educational environment that is free of discrimination, discriminatory harassment, and retaliation. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of prohibited discrimination, discriminatory harassment, and retaliation that are prohibited under RISD Policy. When speech or conduct is protected by academic freedom, as determined by Equity & Compliance and/or other applicable laws and policies, it will not be considered a violation of RISD Policy; supportive measures will still be available to those impacted.

All Prohibited Conduct definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged individually, or combined as pattern offenses, in which case the Notice of Investigation and Allegations ("NOIA") will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice-versa. Patterns may exist based on target selection, similarity of offense, or other factors. Pattern-based evidence can offer corroboration of an allegation, and where a pattern is charged and found, it can be the basis to enhance sanctions accordingly.

Violation of any other RISD policies may constitute discrimination or discriminatory harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

This Policy is not intended to restrict or discourage constitutionally protected speech, including opinion, criticism, satire, or expression that may be offensive, unpopular, or controversial when conducted in compliance with applicable laws and reasonable time, place, and manner restrictions, nor is it intended to govern or resolve routine workplace or educational disagreements, academic or performance-related matters, or supervisory, instructional, or administrative decisions unrelated to a protected characteristic.

A. Nondiscrimination Prohibited Conduct

Nondiscrimination Prohibited Conduct includes any form of discrimination or discriminatory harassment based on an individual's actual or perceived protected characteristic, including but not limited to sex, when the behavior does not meet the specific definitions under Title IX Prohibited Conduct, occurs outside RISD's education program or activity, or takes place outside the United States.



1) Bias Incidents

Bias Incidents are observable behaviors or actions that reflect or appear to reflect bias related to a protected characteristic and that may cause harm, offense, or negative impact to individuals or groups. . Bias incidents can be related to an event, image, utterance, or behavior that demeans or degrades an individual or group based on their belonging or perceived belonging to a particular identity group. Such actions may be harmful to and/or diminish the worth of others Bias incidents are not required to be violations of any local, state, or federal statutes, and, at the time of reporting, do not have to be determined to have violated other RISD policies. Although bias incidents can also be acts of discriminatory harassment, not all bias incidents constitute discriminatory harassment.

RISD acknowledges that all individuals hold personal biases; the mere existence of a belief, preference, or bias, without associated conduct, is not a policy violation. This policy applies only to behaviors, not internal attitudes.

For an incident to be considered a bias incident, there must be a reasonable connection between the behavior and an actual or perceived protected characteristic.

RISD recognizes that bias may present as either localized or community-based incidents. All reported incidents will be reviewed by Equity & Compliance to determine appropriate response steps.

- a) Localized Bias Incidents:** are categorized as incidents that would warrant a localized response from a member of the RISD community; were seen or heard by few people (e.g., between roommates, in a small gathering); do not necessarily violate RISD policy or local, state, or federal laws; the biased material was contained to those involved; and/or the incident may not constitute a hate crime under governing law.

An example of a localized bias incident that may warrant a localized response is a racist joke told in a residence hall room.

- b) Community Bias Incidents:** are categorized as incidents that may warrant a RISD community response based on the community impact; were seen or heard by many; may violate RISD policy; gained media and/or interest from outside the RISD community; and/or can be investigated as a hate crime.

An example of a community bias incident that may warrant a community response could be a banner hung on the RISD Beach with homophobic slurs written on it.

Other examples of bias-related conduct could include, but are not limited to:

- Jokes that are demeaning to a group of people based on their actual or perceived protected characteristic(s);



- Imitating or mocking someone with a disability, or mocking someone's cultural norm or practice;
- Performing a skit in which participants use blackface or other ethnic group makeup or props;
- Hosting a tokenizing culturally themed event or party;
- Posting flyers or graffiti that contain demeaning or insensitive language or images.

Response to Bias Incidents

All bias incidents are handled on a case-by-case basis. Bias incidents that do not rise to the level of discrimination, discriminatory harassment, or Title IX Prohibited Conduct may be navigated under the Bias Response Protocol (Appendix A, Section 9.B.). Responses to bias incidents that do not constitute discrimination or discriminatory harassment will focus on education and dialogue rather than disciplinary action.

RISD will identify trends and patterns in bias incidents reported to Equity & Compliance for the purposes of recommending preventative solutions and creating educational opportunities available to the RISD community.

2) Discrimination

Discrimination is different treatment with respect to an individual's employment or participation in an education program or activity based, in whole or in part, upon the individual's actual or perceived protected characteristic. Discrimination also includes allegations of a failure to provide or honor reasonable accommodations as required by law or policy, such as for disability or religion. Discrimination can take two primary forms:

- a) Disparate Treatment Discrimination:** Any intentional differential treatment of a person or group of people that is based on an individual's actual or perceived protected characteristic and that: excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in a RISD program or activity.
- b) Disparate Impact Discrimination:** Occurs when policies or practices, that may appear to be neutral, intentionally or unintentionally result in a disproportionate impact on a protected group or person that: excludes an individual from participation in; denies the individual benefits of; or otherwise adversely affects a term or condition of an individual's participation in a RISD program or activity.

3) Discriminatory Harassment

Discriminatory Harassment is unwelcome conduct on the basis of actual or perceived protected characteristic(s), that, based on the totality of the



circumstances, is objectively offensive, and is so severe or pervasive, that it unreasonably interferes with, limits, or effectively denies a person's ability to participate in or benefit from RISD's education programs and/or activities (e.g. creates a hostile environment). Whether a hostile environment has been created is a fact specific inquiry that includes a consideration of the following:

- The degree to which the conduct affected the Complainant's ability to access RISD's education programs and/or activities;
- The type, frequency, and duration of the conduct;
- The Parties' ages, roles within RISD's programs and/or activities, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
- The location of the conduct and the context in which the conduct occurred; and
- Other discriminatory harassment in RISD's education programs and/or activities.

RISD reserves the right to address offensive conduct and/or harassment that (1) does not rise to the level of creating a hostile environment, and/or (2) that is of a generic nature and not based on a protected characteristic. Addressing such conduct will not result in the imposition of discipline under this Policy, but may be addressed through respectful conversation, remedial actions, education, other Informal Resolution mechanisms, and/or other RISD policies such as the Code of Student Conduct or Respect in the Workplace Policy as applicable.

4) Hate Crimes

A crime that manifests evidence that the Complainant was intentionally selected because of the Respondent's bias against the Complainant. For the purposes of this section, the categories of bias include the Complainant's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

5) Sexual Assault:

Any sexual act directed against another person, without the effective consent of the Complainant, including instances where the Complainant is incapable of giving consent that includes any of the following.²

- a) **Nonconsensual Sexual Intercourse** includes:
 - **Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration involving a sex organ or sex-related object, without the effective consent of the Complainant, including circumstances in which the Complainant is

² This definition of sexual assault does not constitute a chargeable offense under the Policy. It is a description encompassing the four chargeable offenses (rape, incest, statutory rape, and fondling) listed below.



incapable of giving effective consent due to age or temporary or permanent mental or physical incapacity;

- **Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law; and
- **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).

b) **Fondling** includes:

- The intentional touching of the clothed or unclothed genitals, buttocks, groin, breast, or other body parts of the Complainant by the Respondent without the consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation; and/or
- The intentional touching by the Complainant of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts without consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- This includes instances where the Complainant is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

6) Dating Violence: violence³ committed by a Respondent, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

7) Domestic Violence: violence committed by a Respondent who is a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant in the past three (3) years, by a person similarly situated to a spouse of the Complainant under the domestic or family

³ For purposes of this Policy, violence includes intentional or reckless conduct that causes the Complainant serious physical, emotional, or psychological harm. Intent exists where a Reasonable Person would conclude the conduct was undertaken to cause serious harm, and recklessness is shown by disregard of an obvious risk to the Complainant's safety. Legitimate use of violence for self-defense is not chargeable under the Policy because the purpose is safety, not harm. Self-defense is only to be considered if it is prompted by physical violence or the threat thereof. Consensual use of violence, such as in kink relationships, would also not meet this definition in most circumstances. Threats to seriously harm the Complainant or people they care about may be chargeable under this definition if doing so causes serious emotional or psychological harm.



violence laws of Rhode Island, or ; by any other person against an adult or youth Complainant who is protected from those acts under the family or domestic violence laws of Rhode Island.

It should be understood that dating violence and domestic violence applies to any pattern of coercive behavior that is used by one person to gain power and control over a current or former intimate or dating partner. This pattern of behavior may include, but is not limited to, physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and/or economic control.

- 8) Stalking:** engaging in a course of conduct⁴ on the basis of sex, that is directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others; or suffer substantial emotional distress.⁵
- 9) Abuse in Later Life:** neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and does not include self-neglect.
- 10) Economic Abuse:** in the context of domestic violence, dating violence, and abuse in later life, behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to restrict a person's access to money, assets, credit, or financial information; unfairly uses a person's personal economic resources, including money, assets, and credit, for one's own advantage; or exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianships, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has fiduciary duty.
- 11) Forced Marriage:** means a marriage to which one or both Parties do not or cannot consent, and in which one or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a consequence of domestic violence, dating violence, sexual assault, or stalking.
- 12) Technological Abuse:** an act or pattern of behavior that occurs within

⁴ Course of conduct under Stalking means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct should be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks.

⁵ Substantial emotional distress means significant mental suffering or anguish. In the context of stalking, a Complainant is not required to obtain medical or other professional treatment, and counseling is not required, to show substantial emotional distress.



domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces or platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

13) Sexual Exploitation: occurs when an individual takes non-consensual or abusive sexual advantage of another, that does not constitute Discriminatory Harassment as defined above, for their own benefit or for the benefit of anyone other than the person being exploited.

Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed);
- Invasion of sexual privacy (e.g., doxxing);
- Knowingly making an unwelcome disclosure of, or threatening to disclose, an individual's sexual orientation, gender identity, or gender expression (purposefully "outing" someone);
- Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity; or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity);
- Disseminating non-consensual intimate imagery including but not limited to sexual, nude, or semi-nude photos or videos;
- Prostituting another person;
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually transmitted disease (STD) or infection (STI), without informing the other person of the virus, disease, or infection;
- Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity;
- Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections (e.g., spoofing);
- Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity;
- Knowingly soliciting a minor for sexual activity;
- Engaging in sex trafficking;
- Knowingly creating, possessing, or disseminating child sexual abuse images, videos, or recordings;



- Creating or disseminating synthetic media, including images, videos, or audio representations of individuals doing or saying sexually-related things that never happened, or placing identifiable real people in fictitious pornographic or nude situations without their consent (i.e., Deepfakes).

B. Title IX Prohibited Conduct

Title IX Prohibited Conduct applies exclusively to prohibited conduct on the basis of sex,⁶ as defined by the 2020 Title IX regulations, that occurs within RISD's educational program or activity and against a person located in the United States.

Sexual Harassment:

Title IX Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following three categories: (a) Quid Pro Quo Sexual Harassment; (b) Hostile Environment Sexual Harassment; and/or (c) Sex-Based Crimes. Acts of Sexual Harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

- 1) **Quid Pro Quo:** occurs when an employee of RISD conditions (implicitly or explicitly) the provision of an aid, benefit, or service of RISD on an individual's participation in unwelcome sexual conduct.
- 2) **Hostile Environment Sexual Harassment:** occurs when unwelcome conduct, determined by a reasonable person, to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to RISD's education program or activity.
- 3) **Sex-Based Crimes:** occur when conduct constitutes "sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).
 - a) **Sexual Assault:** includes the sex offenses of Rape, Sodomy, Sexual Assault with an Object, Fondling, Incest, and Statutory Rape.
 1. **Rape:** penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration involving a sex organ or sex-related object, without the effective consent of the Complainant, including circumstances in which the Complainant is incapable of giving effective consent due to age or temporary or permanent mental or physical incapacity;
 2. **Incest:** non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by state law; and
 3. **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).

⁶ In accordance with the Executive Order dated January 20, 2025 and the Dear Colleague Letter dated January 31, 2025, the definition of sex under Title IX 2020 Final Rule refers to "an individual's immutable biological classification as either male or female." Any alleged Prohibited Conduct on the basis of sex falling outside of this definition will be referred to Procedure A.



b) Fondling:

- i) The intentional touching of the clothed or unclothed genitals, buttocks, groin, breast, or other body parts of the Complainant by the Respondent, without the consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation; and/or
- ii) The forced touching by the Complainant of the Respondent's clothed or unclothed genitals, buttocks, groin, breast, or other body parts, without consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- iii) This includes instances where the Complainant is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

c) Dating Violence: violence⁷ committed by a Respondent, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; and where the existence of such a relationship shall be determined based on a consideration of the following factors: length of the relationship, type of relationship, and frequency of the interaction between the Parties involved in the relationship.

d) Domestic Violence: felony or misdemeanor crimes violence committed by a Respondent person who is a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common; by a person who is cohabitating with, or has cohabitated with, the Complainant in the past three (3) years, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Rhode Island, or under the family or domestic violence laws of Rhode Island, or a person similarly situated to a spouse of the Complainant; is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; shares a child in common with the Complainant; by any other person against an adult or youth or commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of Rhode Island.

It should be understood that dating violence and domestic violence applies to any pattern of coercive behavior that is used by one person to

⁷ For purposes of this Policy, violence includes intentional or reckless conduct that causes the Complainant serious physical, emotional, or psychological harm. Intent exists where a Reasonable Person would conclude the conduct was undertaken to cause serious harm, and recklessness is shown by disregard of an obvious risk to the Complainant's safety. Legitimate use of violence for self-defense is not chargeable under the Policy because the purpose is safety, not harm. Self-defense is only to be considered if it is prompted by physical violence or the threat thereof. Consensual use of violence, such as in kink relationships, would also not meet this definition in most circumstances. Threats to seriously harm the Complainant or people they care about may be chargeable under this definition if doing so causes serious emotional or psychological harm.



gain power and control over a current or former intimate or dating partner. This pattern of behavior may include, but is not limited to, physical or sexual violence, emotional and psychological intimidation, threats, verbal abuse, stalking, isolation, and/or economic control.

- e) **Stalking:** engaging in a course of conduct⁸ on the basis of sex, that is directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others; or suffer substantial emotional distress⁹.
- f) **Abuse in Later Life:** neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and does not include self-neglect.
- g) **Economic Abuse:** in the context of domestic violence, dating violence, and abuse in later life, behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to restrict a person's access to money, access to money, assets, credit, or financial information; unfairly uses a person's personal economic resources, including money, assets, and credit, for one's own advantage; or exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianships, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has fiduciary duty.
- h) **Forced Marriage:** means a marriage to which one or both Parties do not or cannot consent, and in which one or more elements of force, fraud, or coercion is present. Forced marriage can be both a cause and a consequence of domestic violence, dating violence, sexual assault, or stalking.
- i) **Technological Abuse:** an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate,

⁸ Course of conduct under Stalking means two or more acts, including, but not limited to acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct should be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks.

⁹ Substantial emotional distress means significant mental suffering or anguish. In the context of stalking, a Complainant is not required to obtain medical or other professional treatment, and counseling is not required, to show substantial emotional distress.



exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces or platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

C. Other Prohibited Conduct

- 1) **Retaliation:** Any materially adverse action taken or attempted to be taken, including intimidation, threats, coercion, or discrimination, against any person, by RISD, a student, employee, or a person authorized by RISD for the purpose of interfering with any right or privilege secured by this Policy. Retaliation also includes materially adverse actions taken because an individual has made a Report or Formal Complaint, testified, assisted, or participated—or refused to participate—in any manner in an investigation, proceeding, or hearing under this Policy. Retaliation includes, but is not limited to, bringing separate conduct charges against an individual for other misconduct that does not fall under this Policy if the charges arise out of the same facts or circumstances as a Report or Formal Complaint of Prohibited Conduct, when done for the purpose of interfering with rights under this Policy.

The exercise of rights protected under academic freedom does not constitute retaliation. It is also not retaliation for RISD to pursue Policy violations against those who make materially false statements in bad faith in the course of a resolution under this Policy. However, the determination of responsibility, by itself, is not sufficient to conclude that any Party has made a materially false statement in bad faith.

- 2) **Unauthorized Disclosure:** Distributing or otherwise publicizing materials created or produced during an investigation or Resolution Process, except as required by law or as expressly permitted by RISD, or disclosing a Party's personally identifiable information without authorization from RISD or consent of the Party, is strictly prohibited.

RISD's process is private by federal law; in accordance with this, discretion is requested to minimize the sharing of information and to preserve the integrity of the process. Parties and Advisors are prohibited from unauthorized disclosure of information obtained by RISD through the Resolution Process, to the extent that information is the work product of RISD (meaning it has been produced, compiled, or written by RISD for purposes of its investigation and resolution of a Formal Complaint). It is also a violation of RISD Policy to publicly disclose work product or a Party's personally identifiable information without authorization of RISD or consent of the Party.

In the event of Unauthorized Disclosure, Equity & Compliance reserves the right to collaborate with the appropriate office(s) to resolve the reported incident(s) with the goals of stopping the behavior, remedying its effects, and preventing its



recurrence. These may include the use of a Resolution Process under this Policy, or under the Code of Student Conduct or applicable Human Resources policies.

Nothing in this section restricts the ability of the Parties to: obtain and present evidence, including by speaking to Witnesses (as long as it does not constitute Retaliation under this Policy), consult with their family members, confidential resources, or Advisors; or otherwise prepare for or participate in the Resolution Process.

- 3) **Failure to Comply/Process Interference:** While participation in a Resolution Process is voluntary, such behavior is prohibited:
- Failure to comply with the reasonable directives of Equity & Compliance in the performance of their official duties, including but not limited to failure to complete Equity & Compliance training or failure to comply with the terms of a No Contact Directive;
 - Failure to comply with emergency removal or interim suspension terms;
 - Failure of a Respondent to comply with applicable sanctions;
 - Failure of an authorized employee to enforce sanctions;
 - Failure to adhere to the terms of an agreement achieved through Informal Resolution;
 - Failure to comply with mandatory reporting duties as defined in this Policy;
 - Interference with a Resolution Process, including but not limited to:
 - Destruction of or concealing of evidence;
 - Actual or attempted solicitation of knowingly false statements or providing false statements or evidence; or
 - Intimidating or bribing a Witness or Party.

In the event of Failure to Comply/Process Interference, Equity & Compliance reserves the right to collaborate with the appropriate office(s) to resolve the reported incident(s) with the goals of stopping the behavior, remedying its effects, and preventing its recurrence. These may include the use of a Resolution Process under this Policy, or under the Code of Student Conduct or applicable Human Resources policies.

- 4) **Complicity:** Any act by another individual who knew, or reasonably should have known, that the act would result in aiding, facilitating, promoting, or encouraging the commission of Prohibited Conduct under this Policy.

Examples of Complicity may include, but are not limited to: restraining another individual during a sexual assault, encouraging someone to commit dating violence or sexual assault, or intentionally not intervening for the purpose of facilitating another person committing Prohibited Conduct under this Policy.

- 5) **Hazing:** any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization (e.g., a club,



athletic team, fraternity, or sorority); and (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in an educational program or activity or the organization, of physical or psychological injury.

It is not necessary that a person's initiation or continued membership is contingent upon participation in the activity, or that the activity was sanctioned or approved by the student group or student organization, for an allegation of Hazing to be upheld. It shall not constitute an excuse or defense to a Hazing allegation that the participants took part voluntarily, gave consent to the conduct, voluntarily assumed the risks or hardship of the activity, or that no injury was suffered or sustained. The actions of alumni, active, new, and/or prospective members of a student group or student organization may be considered Hazing.

D. Other Relevant Definitions

- 1) **Coercion:** the use of an unreasonable amount of pressure to initiate or continue sexual activity against an individual's will. Coercion is more than an effort to gain consent, persuade, entice, or attract another person to engage in sexual activity. Coercive conduct, if sufficiently severe, can render a person's consent ineffective, because it is not voluntary. When someone makes clear that they do not want to engage in sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercion is evaluated based on the frequency, intensity, isolation, and duration of the pressure involved.
- 2) **Course of Conduct:** a pattern of conduct composed of two or more acts, evidencing a continuity of purpose.¹⁰
- 3) **Effective Consent:** defined as conscious, informed, freely and voluntarily given, mutually understandable words or actions which indicate a willingness to participate in a specific mutually agreed upon sexual activity.

Engaging in any form of sexual contact or activity with another person without that person's effective consent is strictly forbidden. For purposes of this provision, (a) it is the responsibility of the person seeking to initiate sexual contact or activity to obtain such consent, not of the intended recipient of such contact or activity to deny such consent, and (b) valid consent cannot be obtained from a person whose ability to make decisions is incapacitated 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.

For consent to be established, there must be a clear expression in words or actions that the other individual consented to that specific sexual activity. Consent is evaluated from the perspective of what a reasonable person would

¹⁰As defined in 18 USC § 2266(2).



conclude are mutually understandable words or actions. Reasonable reciprocation can establish consent.

Consent can also be withdrawn once given. The individual seeking to withdraw consent must reasonably and clearly communicate the withdrawal. If consent is withdrawn, sexual activity should cease within a reasonably immediate time.

Silence or lack of resistance alone should not be interpreted as consent. The absence of resistance does not demonstrate consent. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Consent to some sexual activity (e.g., kissing or touching) cannot be assumed to be consent for other sexual activity (e.g., intercourse). A current or previous intimate relationship is not sufficient to constitute consent. If an individual expresses conditions on their willingness to consent (e.g., use of birth control) or limitations on the scope of their consent, those conditions and limitations must be respected. For example, if a sexual partner shares the clear expectation for the use of a condom (or other form of contraception/STI barrier), or to avoid internal ejaculation, and those expectations are not honored, the failure to use and/or the removal of contraception/barriers, or the act of non-consensual internal ejaculation, can be considered acts of sexual assault.

Additionally, going beyond the boundaries of consent is prohibited. Thus, unless a sexual partner has consented to slapping, hitting, hair pulling, strangulation, or other physical roughness during otherwise consensual sex, those acts may constitute dating violence and/or sexual assault.

Consent in relationships must also be considered in context. When Parties consent to BDSM (bondage, discipline, sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual; however Parties must engage in conversations, prior to engaging in such conduct, in order to establish consent and boundaries.

Gathering and evaluating evidence of consent or non-consent is not the burden of either Party involved in a Formal Complaint. The burden remains on RISD to determine whether its Policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged misconduct occurred, and any similar and previous patterns that may be cited as evidence.

- 4) **Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Force is conduct that, if sufficiently severe, can negate consent.



Force also includes threats, intimidation (implied threats), and/or coercion that is intended to overcome resistance or produce consent.

- 5) **Incapacitation:** a state where a person cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction), provided that the Respondent knew or reasonably should have known of the person’s incapacity.

A person cannot consent if they are unable to understand what is happening, disoriented, helpless, asleep, or unconscious for any reason, including because of alcohol or other drug consumption.

Although each individual is different, there are some common and observable signs that someone is incapacitated or approaching incapacitation, including but not limited to: slurred or incomprehensible speech, stumbling or trouble maintaining balance, combativeness, emotional volatility, vomiting, incontinence, and/or unconsciousness. A person who is incapacitated may not be able to understand or coherently answer some, or all, of the following questions: Do you know where you are? Do you know how you got here? Do you know what is happening? Do you know who you are with?

A person who is not incapacitated at the beginning of sexual activity, may, by virtue of alcohol or drug ingestion prior to, or during, the activity, reach a state of incapacitation as the activity continues and progresses. Someone who is sleeping or completely passed out is incapacitated. Incapacitation is determined through consideration of all relevant and directly related indicators of a person’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This Policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating substances.

Being intoxicated or impaired by drugs and/or alcohol does not excuse one from the responsibility to obtain consent.

When there is a determination of incapacitation, two additional questions are relevant: First, did the person initiating sexual activity know that the other Party was incapacitated? If the answer to the first question is “No,” ask: Should a sober, reasonable person in the same situation have known that the other Party was incapacitated? If the answer to either question is “Yes,” consent was absent.

- 6) **Romantic or Sexual Relationship:** any intimate, sexual, or other type of romantic or amorous¹¹ relationship, whether casual or serious, short- or long-term, or consensual or non-consensual. A single sexual encounter is

¹¹ showing, feeling, or relating to sexual desire



considered a sexual relationship under this Policy. Conversely, the relationship does not have to include physical intimacy if a romantic relationship exists that is beyond the reasonable boundaries of a collegial or professional relationship.

12. Definitions

The following definitions apply to this Policy & its Procedures:

- **Advisor:** any person chosen by a Party, or appointed by Equity & Compliance, who may accompany the Party to all meetings related to the Resolution Process and advise the Party on that process. An Advisor can be a friend, family member, a non-Confidential RISD employee, an attorney, or anyone else the Party chooses.
- **Age:** a protected characteristic in the context of employment that refers to people who are aged 40 or older; a protected characteristic in the context of housing and public accommodations that refers to people who are aged 18 or older.
- **Appeal Decision-maker(s):** The person or panel who accepts or rejects a submitted Appeal request, determines whether any of the grounds for Appeal are met, and directs responsive action(s), accordingly.
- **Business Day:** refers to when Equity & Compliance staff and/or RISD are in normal working operation. All references in the Policy and Procedures to “days” refer to business days unless specifically noted as calendar days.
- **Citizenship:** a protected characteristic in the context of hiring, firing, or recruiting that refers to someone’s citizenship, immigration status, or type of employment authorization.
- **Color:** a protected characteristic that refers to a person’s skin complexion.
- **Complainant:** A student or employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct under this Policy; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct under this Policy, and who was participating or attempting to participate in RISD’s education programs and/or activities at the time of the alleged Prohibited Conduct.
- **Confidential Employees:** employees designated by RISD who are not required to report actual or suspected discrimination, discriminatory harassment, and/or retaliation in a way that identifies the involved Parties, unless there is a continuing threat of serious harm to the patient/client or to others, or there is a legal obligation to reveal such information (e.g. where there is suspected abuse or neglect of a minor).
- **Decision-maker(s):** The person or panel who hears evidence, determines relevance, and makes the Final Determination of whether the Policy has been violated and/or assigns sanctions.
- **Disability:** a protected characteristic that refers to a qualified individual, or group of individuals, who have disabilities, had disabilities, or are believed to have disabilities.
- **Education Programs and/or Activities:** Locations, events, or circumstances over which RISD exercises substantial control over the context in which the Prohibited Conduct occurs, including any building owned or controlled by a student organization that RISD officially recognizes.
- **Employee:** A person employed by RISD either full- or part-time, including student employees, when acting within the scope of their employment.



- **Ethnicity:** a protected characteristic that refers to an individual's or groups of individuals' cultural expression and identification. Commonalities such as racial, national, tribal, religious, linguistic, or cultural origin may be used to describe an individual's ethnicity.
- **Familial Status:** a protected characteristic in the context of housing that refers to one or more individuals who have not attained the age of eighteen (18) years being domiciled with a parent or another person having legal custody of the individual or individuals in accordance with Rhode Island law.
- **Final Determination:** a conclusion, using the preponderance of the evidence standard, that the alleged conduct did or did not violate this Policy.
- **Finding:** a conclusion using the preponderance of the evidence standard that the conduct did or did not occur as alleged (as in a "finding of fact").
- **Formal Complaint:** a document filed by a Complainant¹² or signed by the Title IX Coordinator or the Title VI, Title VII, and ADA/504 Coordinator, or Designee(s)¹³, alleging Prohibited Conduct against a Respondent, as defined in this Policy, and requesting that RISD initiate a Resolution Process regarding the allegation(s) of Prohibited Conduct. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in RISD's education program or activity.
- **Gender Expression:** a protected characteristic that refers to the external display of one's gender, through a combination of clothing, hairstyle, demeanor, social behavior, and/or other factors.¹⁴
- **Gender Identity:** a protected characteristic that refers to the internal perception of one's gender, and how they label themselves.¹⁵
- **Genetic Information:** a protected characteristic that refers to information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history).
- **HIV/AIDS Status:** a protected characteristic that refers to the status of having a positive HIV test result and/or the status of having AIDS.
- **Mandatory Reporter:** a non-Confidential RISD employee who is required by Policy to share knowledge, notice, and/or reports of discrimination, discriminatory harassment, and/or retaliation with Equity & Compliance.¹⁶

¹² The phrase "document filed by a Complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by RISD) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. A Complainant must be participating, or attempting to participate, in a RISD program or activity at the time of filing a Formal Complaint.

¹³ Where the Title IX or Title VI, Title VII, and ADA/504 Coordinator signs a Formal Complaint, they are not a Complainant or otherwise a Party.

¹⁴ Includes an individual's actual or perceived gender-related self-image, gender-related appearance, or gender-related expression, whether or not that gender-related self-image, appearance or expression is different from that traditionally associated with that individual's sex at birth.

¹⁵ Includes an individual's actual or perceived gender, as well as an individual's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, whether or not that gender identity, gender-related self-image, appearance or expression is different from that traditionally associated with that individual's sex at birth.

¹⁶Not to be confused with those mandated by state law to report child abuse, elder abuse, and/or abuse of persons with disabilities to appropriate officials, though these responsibilities may overlap with those who have Mandated Reporting responsibility under this Policy.



- **Marital Status:** a protected characteristic in the context of housing and recruitment that refers to the state of being married, single, divorced, or widowed.
- **Menopause:** A span of time that begins with the onset of menstrual cycle changes (perimenopause) and other menopause-related symptoms and extends through the last menstrual period (menopause) to one year afterwards.
- **National Origin:** a protected characteristic that refers to the ancestry (country, nation, tribe, part of the world, or other identifiable group) from which a person descends or that they are or appear to be from (whether or not they are) and includes the physical, cultural, or linguistic characteristics of your country of national origin. This can include, but is not limited to, shared ancestry or ethnic characteristics such as skin color, facial features, attire, accent, and language spoken.
- **Party:** The Complainant(s) and Respondent(s), individually and separately.
- **Parties:** The Complainant(s) and Respondent(s), collectively.
- **Pregnancy and Related Conditions:** a protected characteristic that refers to a person's pregnancy, childbirth, termination of pregnancy, lactation, medical conditions related thereto, and/or recovery therefrom.
- **Preponderance of the Evidence:** the standard of proof RISD uses when determining whether a Policy violation occurred. This means that RISD will decide whether it is more likely than not, based on the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).
- **Protected Characteristic:** also known as a protected class, a personal trait that cannot be used as a reason to discriminate against someone.
- **Race:** a protected characteristic that refers to the group(s) of people an individual is united or classified together with based on their common history, nationality, or geography and personal characteristics associated with race (such as hair texture, skin color, or certain facial features)
- **Reasonable Person:** a hypothetical individual with similar identities and under similar circumstances to the relevant Party, used to evaluate the conduct at issue based on how such a person would perceive or experience the situation considering the totality of the circumstances.
- **Religion:** a protected characteristic that refers to a person's religious beliefs or practices (including religious garb and grooming practices).
- **Report:** when an employee, student, or third-party makes a disclosure to Equity & Compliance of alleged incidents that may constitute Prohibited Conduct under this Policy.
- **Relevant and Directly Related Evidence:** evidence that is relevant and directly related to the allegations under investigation and may aid a Decision-maker(s) in determining whether the alleged Prohibited Conduct occurred or in determining the credibility of the Parties or Witnesses.
- **Remedies:** means measures provided, as appropriate to the community, and/or any person identified as having had their equal access to RISD's educational programs and/or activities limited or denied. These measures are provided to address safety, prevent recurrence, and restore or preserve equal access to RISD's education programs and/or activities.
- **Resolution Process:** refers to the process RISD will use to resolve allegations of Prohibited Conduct under this Policy.
- **Respondent:** a person who is alleged to have engaged in conduct that could constitute Prohibited Conduct under this Policy.



- **Sanction:** means consequences imposed on a Respondent following a determination that the Respondent violated an applicable policy, rule, or regulation.
- **Sex:** a protected characteristic that refers to sex assigned at birth, sex stereotypes, sex characteristics, pregnancy or related conditions, and/or sexual orientation.
- **Supportive Measures:** means individualized measures offered as appropriate, when reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) Restore or preserve that Party's access to RISD's education programs and/or activities, including measures that are designed to protect the safety of the Parties or RISD's educational environment; or (2) Provide support during the resolution process.
- **Veteran Status:** a protected characteristic that refers to a person's status as a disabled veteran, recently separated veteran, active-duty, wartime, or campaign badge veteran, and/or Armed Forces Service Medal veteran.
- **Student:** an individual who has gained admission, paid an acceptance fee, registered, or entered into any other contractual relationship with RISD for any form of instruction, whether or not for credit. This status continues until such time as the student graduates or otherwise completes the relevant program, officially and permanently withdraws from RISD, or is expelled. A student who has taken a leave of absence, is on a medical leave, or has been suspended continues to be considered a student with respect to this Policy.

13. Reports & Formal Complaints

A Report provides notice to RISD of an allegation or concern about discrimination, discriminatory harassment, and/or retaliation and provides an opportunity for Equity & Compliance to provide information, resources, and supportive measures. A Formal Complaint provides notice to RISD that the Complainant would like to initiate a Resolution Process. A Complainant or individual may initially make a Report and may decide at a later time to make a Formal Complaint. Reports or Formal Complaints of discrimination, discriminatory harassment, and/or retaliation may be made using any of the following options:

- 1) Submit an online Report using this [link](#), located on the Equity & Compliance [website](#). Anonymous Reports are accepted. Information contained in an Anonymous Report could prompt further inquiry into the Parties' identities and a response to mitigate harm to others or the community at large, if the Report discloses information including, but not limited to, a threat to harm oneself, another individual, or the community. Anonymous Reports can limit RISD's ability to investigate, respond, and provide remedies, depending on what information is shared.
- 2) A written Formal Complaint may be filed with Equity & Compliance by emailing equitycompliance@risd.edu, or by mail to Equity & Compliance (20 Washington Place, Providence, RI 02903). Complainants who want to file a Formal Complaint cannot remain anonymous or prevent their identity from being disclosed to the Respondent, via the written Notice of Investigation and Allegations.

Individuals who file a Report are not required to also file a Formal Complaint. In many situations, RISD is able to respect a Complainant's request to not initiate a Resolution Process. There may be circumstances where RISD needs to initiate a Resolution Process, with or without the



Complainant's participation, including if the Report discloses information regarding pattern behavior, allegations of severe misconduct, and/or a compelling threat to health and/or safety. If a Complainant does not wish to file a Formal Complaint, RISD will maintain the privacy of information to the extent possible.

- 3) Reports may also be made to the following individuals who are required to notify Equity & Compliance of all available information:

Department of Public Safety

South Hall, ground floor
30 Waterman Street
Providence, RI 02903

24/7 phone number: 401 454-6666

Reports can be made anonymously. Public Safety can also provide assistance with filing a report with Providence Police. RISD Public Safety Officers are Emergency Medical Technicians – available 24/7

Residence Life

South Hall, first floor
30 Waterman Street
Providence, RI 02903
401 454-6650

24/7: 401 454-666

Additionally, Resident Advisors (RAs) are on-call and hold office hours every evening from 7 pm - 9 pm in their building/area.

Human Resources

20 Washington Place, third floor
humres@risd.edu
401 454-6606

Individuals may disclose their experience(s) to a supervisor, faculty or staff member, or any other non-confidential RISD employee who will then share that information with Equity & Compliance, per the Mandatory Reporter requirements outlined in this Policy.

Upon receipt of a Report or a Formal Complaint of an alleged Policy violation, Equity & Compliance will initiate a prompt initial assessment to determine RISD's next steps. Equity & Compliance will contact the Complainant, if the identity of the Complainant is known, to offer supportive measures, provide information regarding resolution options, and determine how they wish to proceed. Equity & Compliance may contact the source of the Report if the identity of the Complainant is not known in order to obtain available identifiable information for the Complainant.

14. Time Limits on Reporting

There is no time limitation for Complainants to file Reports/Formal Complaints to Equity & Compliance. However, if the Respondent is no longer subject to RISD's jurisdiction and/or



significant time has passed, the ability to investigate, respond, and/or provide remedies may be limited.

Equity & Compliance has the discretion to determine if a Report and/or Formal Complaint can be reasonably addressed, taking into consideration factors including but not limited to, the length of time that has passed since the alleged incident occurred, jurisdiction of the Parties, and the rescission or revision of this Policy. Equity & Compliance may document the allegations for future reference, offer supportive measures and/or remedies, and/or engage in available Resolution Processes.

15. Amnesty

RISD encourages the reporting of misconduct and crimes by Complainants and Witnesses. Sometimes, Complainants or Witnesses are hesitant to file a Report or Formal Complaint with RISD officials or participate in a Resolution Process because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the RISD community that Complainants choose to report misconduct to RISD officials, that Witnesses come forward to share what they know, and that all Parties be forthcoming during the process.

To encourage reporting and participation in the process, RISD maintains a policy of offering Parties and Witnesses amnesty from other RISD policy violations related to the incident. However, granting amnesty is a discretionary decision made by RISD, and amnesty does not apply to more serious allegations, such as physical abuse of another person or illicit drug distribution.

16. False Allegations and Evidence

Deliberately false and/or malicious allegations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation. False allegations may be a form of Harassment and/or Retaliation or may fall within other RISD policies.

Additionally, Witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or Resolution Process can be subject to discipline under appropriate RISD policies.

17. Confidentiality and Privacy

Equity & Compliance will take reasonable efforts to protect the privacy of the Parties and Witnesses. Equity & Compliance will not share the identity of an individual who has made a Formal Complaint of discrimination, discriminatory harassment, and/or retaliation; any Complainant; any individual who has been reported to be the perpetrator of discrimination, discriminatory harassment, and/or retaliation; any Respondent; or any Witness, except as



permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA), and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.^{17,18}

- **Privacy** means that information related to a Formal Complaint will be shared with a limited number of RISD employees who “need to know” in order to assist in providing supportive measures or evaluating, investigating, or resolving the Formal Complaint. All employees who are involved in RISD’s response to Reports and Formal Complaints under this Policy receive specific training and guidance about sharing and safeguarding private information in accordance with federal and state law.
- **Confidentiality** exists in the context of laws or professional ethics (including Title IX) that protect certain relationships, including clinical care, mental health providers, and counselors. Confidentiality also applies to those designated by RISD as Confidential Employees for purposes of reports under this Policy, regardless of legal or ethical protections.
- **Privilege** exists in the context of laws that protect certain relationships, including attorneys, spouses, and clergy. Privilege is maintained by a provider unless a court orders release or the holder of the privilege (e.g., a client, spouse, parishioner) waives the protections of the privilege. RISD treats employees who have the ability to have privileged communications as Confidential Employees.

Equity & Compliance reserves the right to determine which RISD officials have a legitimate educational interest in being informed about student-related incidents that fall under this Policy, pursuant to FERPA.

Only a small group of officials who need to know will typically be told about a Formal Complaint. Information will be shared as necessary with Investigators, Decision-maker(s)s, Appeal Decision-maker(s)s, Witnesses, the Parties, and the Parties’ Advisors. The circle of people with information regarding a Formal Complaint will be kept as tight as possible to preserve the Parties’ rights and privacy, and release of such information is governed by this Policy with regards to privacy and unauthorized disclosure.

Equity & Compliance, or other authorized RISD officials, may contact students’ parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student prior to doing so.¹⁹

18. Federal Timely Warning Obligations

RISD must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the RISD community.

¹⁷ 20 U.S.C. 1232g

¹⁸ 34 C.F.R. § 99

¹⁹ There are exceptions to contacting parents/guardians for individuals designated as Minors, as defined in RISD’s [Protections of Minors Policy](#).



RISD will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

19. Federal Statistical Reporting Obligations

Certain institutional officials (those deemed Campus Security Authorities under the Clery Act) have a duty to report the following for federal statistical reporting purposes under the Clery Act:

- 1) All "primary crimes," which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- 2) Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, destruction/damage/vandalism of property;
- 3) Violence Against Women Act (VAWA) crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- 4) Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared with Equity & Compliance and/or Public Safety for publication in the Annual Security Report and daily campus crime log. Campus Security Authorities (CSAs) include student affairs/student conduct staff, campus law enforcement/public safety/security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

20. Preservation of Evidence

The preservation of evidence is critical to potential criminal prosecution and to obtaining restraining/protective orders and is particularly time sensitive. RISD will inform the Complainant of the importance of preserving evidence by taking actions such as the following:

Sexual Assault

- Seek forensic medical assistance at the nearest hospital, ideally within 120 hours of the incident (sooner is better).
- Avoid urinating, showering, bathing, washing hands or face, or douching, if possible, but evidence may still be collected even if done.
- If oral sexual contact took place, refrain from smoking, eating, drinking, or brushing teeth.
- If clothes are changed, place soiled clothes in a paper bag (plastic destroys evidence) or secure evidence container (if provided by law enforcement).
- Seeking medical treatment can be essential even if it is not for the purpose of collecting forensic evidence.

Stalking/Dating Violence/Domestic Violence/Sexual Harassment



- Evidence in the form of text and voice messages will be lost in most cases if a Party or Witness changes their phone number.
- Make a secondary recording of any voice messages and/or save the audio files to a cloud server.
- Take screenshots and/or a video recording of any text messages or other electronic messages (e.g., Instagram, Snapchat, Facebook).
- Save copies of e-mail and social media correspondence, including notifications related to account access alerts.
- Take time-stamped photographs of any physical evidence including notes, gifts, etc. in place when possible.
- Save copies of any messages, to include those showing any request for no further contact.
- Obtain copies of call logs showing the specific phone number being used rather than a saved contact name if possible.
- If changing devices, make sure to transfer any files needed to the new device.

During the initial meeting between the Complainant and Equity & Compliance, the importance of taking these actions will be discussed, if timely.

21. Independence and Conflicts of Interest

Equity & Compliance acts with independence and authority, free from bias and conflicts of interest. Equity & Compliance oversees all Resolutions under this Policy and these procedures. All Investigators and Decision-maker(s) are trained to ensure they are not biased for or against any Party in a specific Formal Complaint, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias, misconduct, or discrimination by Equity & Compliance, contact [Human Resources](#). Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any Investigator, Decision-maker(s), and/or Appeal Designee should be raised with Equity & Compliance.

22. Revision of this Policy

This Policy and associated procedures succeed all previous policies addressing Discrimination, Discriminatory Harassment, Retaliation, and/or Sexual Misconduct, for incidents occurring on or after August 14, 2020. RISD regularly reviews and updates the Policy and procedures. Incidents occurring before August 14, 2020, will be addressed using the policy that was in place at the time of the incident, but the procedures used will be those in place at the time of the Formal Complaint. RISD reserves the right to make changes to this document as necessary, and those changes are effective once they are posted online.

If laws or regulations change or court decisions alter policy or procedural requirements in a way that impacts this Policy, this Policy will be construed to comply with the most recent laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background federal and state laws that frame such policies and codes, generally.



A change required by a court or government order could occur during an active investigation or Resolution Process. If that happens, RISD reserves the right to adjust this Policy and procedures accordingly and notify the Parties of any necessary mid-process changes. This could include entirely replacing this Policy or associated procedures, which could necessitate restarting an investigation or Resolution Process. RISD will make every effort to minimize the impact on the Parties as much as possible if changes are unavoidable.

The Policy is effective August 1, 2024; last update July 21, 2025.