Rice University Policy No. 830

RICE UNIVERSITY POLICY ON HARASSMENT AND SEXUAL MISCONDUCT

I. General Policy

Harassment, sexual harassment, sexual assault, dating violence, and stalking are prohibited by Rice University because they violate the values of our community and are unacceptable in our University community. Rice University is a diverse community guided by the values of responsibility, integrity, community, and excellence. These values can only thrive in an environment that is free from discrimination and harassment.

Rice expects all members of the University community to:

i. Be respectful of everyone and demonstrate civility toward all, regardless of position or office.
ii. Refrain from discrimination against any individual or group.
iii. Consider how our words and acts might injure others, and seek to eliminate personal biases, preferences, and preconceived stereotypes.
iv. Make accommodations for persons with disabilities and be ready to assist them.
v. Be inclusive and accepting of others who make up our diverse population.
vi. Respect the freedom of expression, as well as the privacy, of others.

As articulated in Policy 815, Equal Opportunity / Non-Discrimination / Affirmative Action Policy, Rice University does not discriminate, and does not permit discrimination, against individuals on the basis of race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national or ethnic origin, genetic information, ancestry, age, disability, veteran status, or other protected categories under the law. In addition, Rice University does not permit harassment against individuals on these same bases.

Moreover, harassing behavior not based on any of the above discriminatory factors that creates a hostile educational or workplace environment also is unacceptable and subject to corrective action.

This policy articulates the University’s commitment to providing a learning, living, and working environment that is free from discrimination and harassment.

II. Roles and Responsibilities

There are several offices that can be resources for reporting or seeking information regarding harassment or sexual misconduct. The central authority is the office of Equal Employment Opportunity Programs and Affirmative Action (EEOP/AA), but members of the Rice community have a number of options.

i. The Director of EEOP/AA is the primary University official who interprets and implements the principles of this policy. Further, this individual is designated as the university’s primary EEO official and Title IX Coordinator. This individual is assisted by Deputy Title IX Coordinators.

ii. Faculty. In situations that involve faculty, the Provost's Office also plays an important role in implementing this policy.

iii. Staff. In situations that involve staff, the Human Resources Office plays an important role in implementing this policy.
iv. **Students.** In situations that involve students, the Office of Sexual Violence Prevention and Title IX Support, Rice’s Deputy Title IX Coordinators, and Student Judicial Programs also play an important role in implementing this policy. See also Rice’s Title IX Policies.

III. **Definitions**

A. **Harassment.** Harassment is unwelcome conduct (whether physical, verbal, written, or via technology) that is based on race, color, religion, sex (including pregnancy), sexual orientation, gender identity, national or ethnic origin, genetic information, ancestry, age, disability, veteran status, or other protected categories under the law. Moreover, harassing behavior not based on any of the above discriminatory factors that creates a hostile educational or workplace environment also is unacceptable and subject to corrective action.

Harassment has the purpose or potential effect of unreasonably interfering with an individual’s work performance or educational participation. Harassment violates this policy and is subject to disciplinary action when 1) enduring the offensive conduct becomes a condition of continuing in or receiving benefits in one’s employment or educational program, or 2) the conduct is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive.

Bullying is a single significant act or a pattern of acts of harassing behavior that is severe or pervasive enough to create a work or educational environment that a reasonable person would consider intimidating, hostile, or abusive.

B. **Sexual Harassment.** Sexual harassment is a particular form of harassment that constitutes illegal employment discrimination or educational discrimination under Federal and State law. It encompasses unwelcome sexual advances, requests for sexual favors, and other verbal or physical behavior of a sexual or gendered nature. It can include such behaviors as unwanted touching or unwelcome conduct (whether physical, verbal, written, or via technology) of a sexual or gendered nature. Sexual harassment occurs when:

i. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; or

ii. submission to or rejection of such conduct by an individual is used as the basis for educational or employment decisions affecting that individual; or

iii. such conduct is reasonably regarded as offensive and has the purpose or effect of interfering with an individual's work performance or educational participation, or creating an intimidating, hostile, or offensive educational or working environment.

C. **Sexual assault** is any sexual act directed against another person, without the consent of the victim, including instances when the victim is incapable of giving consent. For further discussion of the meaning of consent, see the University’s Title IX Policy.

D. **Dating violence** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be
determined by considering the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

E. Stalking refers to a pattern of repeated and unwanted attention, harassment, contact or any other course of conduct directed at a specific person that would cause a reasonable person to fear for one’s safety or the safety of others, or suffer substantial emotional distress.

F. Complainant means the person who believes they have been subjected to harassment, sexual harassment, sexual assault, dating violence, or stalking.

G. Respondent. A person who has been accused of violating this policy.

IV. Elaboration of Policy

A. Applicability

This policy applies to all faculty, staff, and students of Rice University, including people with temporary appointments. It also applies to all campus visitors, volunteers, and vendors and contractors doing business with Rice. It is intended to apply to our University activities and community, whether on or off university property, to the extent allowable by law.

B. Individual Responsibility to Report

In addition to adopting high standards for our own conduct, when members of the Rice community observe, or have knowledge of, behavior that violates this policy, we all have a responsibility to report such behavior to the Office of EEOP/AA, the Office of Sexual Violence Prevention and Title IX Support, Deputy Title IX Coordinators, or other authorities on campus.

i. All faculty and staff who receive information, directly or indirectly, regarding harassment, sexual harassment, sexual assault, dating violence, or stalking by or against a University student or employee must promptly report the incident to EEOP/AA or a Deputy Title IX Coordinator. Generally, reports should be made within 24 hours of receiving the information. When making a report, faculty and staff should communicate all relevant information, including whether the alleged complainant has expressed a desire for confidentiality.

ii. This mandatory reporting obligation not only covers incidents that occur on campus, but also incidents that occur off-campus where there is a connection to the employment or educational activities of Rice University (e.g., sexual harassment during field work or a student organization trip, or at a work conference).

iii. Faculty and staff making such reports in good faith are protected from retaliation (See Policy 813, Whistleblower Protection and Non Retaliation). Failure by faculty and staff to promptly comply with their mandatory reporting obligation may itself be a basis for disciplinary action, up to and including termination of employment.

iv. University employees serving in a privileged, licensed professional capacity (e.g. therapists and medical providers) are considered “Confidential Employees” for purposes of the University’s Title IX Policy. Confidential Employees must communicate to EEOP/AA or a Deputy Title IX Coordinator the type of incident reported to them, but absent a request by the Complainant, should not report information that would violate the Complainant’s expectation of privacy, except as required by law.
Individuals may satisfy their obligation to report information in one of the following ways:

- Filling out an information form at [https://policy830.rice.edu/make-report](https://policy830.rice.edu/make-report)
- Emailing a Title IX Coordinator. A list of individuals is available at [https://safe.rice.edu/contact-us](https://safe.rice.edu/contact-us) (or you may email titleix@rice.edu)
- Calling the Title IX Coordinator at 713-348-4350
- Submitting a report to the anonymous reporting hotline at 1-866-294-4633 or online at [www.rice.edu/ethics](http://www.rice.edu/ethics).

Faculty and staff are not required to report an incident in which they were the victim of sexual harassment, sexual assault, dating violence, or stalking, though the University strongly encourages them to utilize the available reporting mechanisms and resources.

**C. Problem Resolution Principles**

*Reporting Mechanisms and Resources.* The University provides a variety of options and services for members of the Rice community to access information and services, explore alternatives, and report problems (e.g., websites, multiple offices and responsible officials, anonymous hotline, translation and interpretation services).

*Confidentiality.* All discussions will be treated as confidential by all university officials, to the extent allowed by the law. While the University will treat the matter with discretion and try to observe a Complainant’s wishes regarding confidentiality, the University may have an obligation to investigate and take action in order to provide a safe and non-discriminatory environment and may need to follow appropriate processes should the University consider taking action against a respondent.

*Timeframe.* The University urges individuals to report a violation of this policy as soon as possible to maximize the University’s ability to respond promptly and effectively. While a complaint should be brought within a reasonable time after the occurrence of a claimed violation, there is no time limit on filing a complaint.

*Medical Treatment.* The University urges employees who have experienced sexual assault or dating violence to seek immediate medical attention to preserve evidence that may assist in proving that a criminal offense occurred and that may be helpful in obtaining a protective order.

*Law Enforcement.* Individuals may choose whether to report the crime to law enforcement. Upon request, the Title IX Coordinator or a Deputy Title IX Coordinator will assist in reporting the crime to law enforcement. If the Complainant makes a report to the police agency having jurisdiction over the alleged conduct, that police agency (very often RUPD) will conduct a law enforcement investigation under the agency’s investigation procedures. At RUPD, this will involve providing the Complainant an explanation of the options available and ascertaining the complainant’s wishes on how to proceed. If the Complainant declines to report the crime to law enforcement, the Complainant may still request that the University proceed with resolving the complaint according to the procedures set forth in this policy.

*Protection Against Retaliation.* The University prohibits retaliation in any form against a person for reporting suspected or actual wrongful conduct in good faith, including any conduct believed to violate this policy. The University will take all appropriate and necessary action to punish retaliation against persons making such reports. See also University Policy 813, *Whistleblower Protection*.

*False, Malicious Accusations.* Individuals making allegations found to be both false and in bad faith will
be subject to disciplinary action.

Cooperation. It is expected that all parties involved will cooperate fully with an investigation by the University or law enforcement agencies into violations of this policy.

Recordkeeping. The Director of EEOP/AA will retain appropriate records for all university cases, both informal and formal, securely in their files. All other university officials who resolve complaints directly under section E.2 below shall document the resolution by sending a memorandum to the Director of EEOP/AA.

Administrative Reports. Once every three months, the Director of EEOP/AA will issue a report to the President detailing number and types of violations reported, number of ongoing investigations, and general descriptions of adjudication and actions taken. Once during each fall and spring semester, the President will issue a report to the Board detailing the number of reports received pursuant to this policy, the number of investigations conducted as a result of those reports, the disposition of any disciplinary processes arising from those reports, the number of those reports for which the University determined not to initiate a disciplinary process, and any disciplinary actions taken for violations of this policy. The President’s report may not identify any person, and will balance individual needs and legal requirements for confidentiality and privacy with the desire to provide accountability and transparency.

Required Government Reporting. The University may be required to report allegations, administrative actions, or findings and determinations to law enforcement or government agencies.

E. Options for Problem Resolution

The University recognizes that the appropriate procedure or approach for resolving situations depends on the nature of the situation and the wishes of the parties (including the University). This policy provides several possibilities for dealing with harassment (including sexual harassment), sexual assault, dating violence, and stalking. These options are not mutually exclusive, and do not preclude reporting to civil or criminal authorities outside the University.

i. Consultation. Anyone may seek advice, information, or counseling on matters related to harassment, sexual assault, dating violence, and stalking. When Complainants come forward with a complaint, their rights regarding confidentiality will be explained. Persons who are uncertain about whether they are experiencing harassment or other conduct prohibited by this policy, or have observed harassment or other conduct prohibited by this policy, are encouraged to talk with:

   a. the Director of EEOP/AA or the Deputy Title IX Coordinators if the claim is raised by faculty, staff, campus visitors, volunteers, or vendors and contractors doing business with Rice;

   b. the Office of Sexual Violence Prevention and Title IX Support, the Deputy Title IX Coordinators, or Title IX Navigators listed in Rice’s Title IX Policy if the claim is raised by a student; and

   c. deans, department chairs, heads of administrative departments, Human Resources (the Associate Vice-President or the Director for Employee Relations), College Magisters, or the Faculty Ombudsperson, as additional resources.

These consultations allow the Complainant to gain information and advice about options available under this policy. To the extent legally possible, information disclosed through this
consultation process will not become the subject of University action, unless the Complainant decides to pursue a resolution of the matter or the University believes it has an obligation to act.

ii. Informal Problem Resolution. This stage of complaint resolution is intended to allow the University to conduct sufficient fact-finding to assess harassing behavior and to permit an initial response aimed at stopping the behavior. If the University considers the situation eligible for a resolution without additional investigation (which at a minimum must include the Respondent agreeing to cease the allegedly harassing behavior and the Complainant agreeing to this informal process and the particular resolution), the matter can be closed at this point without formal disciplinary action taken against the Respondent. If the Respondent engages in further or unrelated harassing conduct, the University may reopen the case and can consider the prior incident in assessing further actions toward the respondent.

iii. Mediation. Mediation may also be used to provide a forum in which a Complainant and Respondent attempt to reach an agreeable resolution through a discussion facilitated by a university official selected by EEOP/AA, the Provost’s Office, or the Human Resources Office. Mediation occurs only when all parties voluntarily agree to participate. It is non-binding until such time as a mutually agreeable resolution is reached and signed by the parties. Depending on the facts and circumstances, mediation may not be appropriate in serious cases.

iv. Investigation with Potential Disciplinary Action. Another option is a formal University investigation and a determination of whether the prohibition against harassment and sexual misconduct has been violated, along with potential disciplinary action.

a. Complainants alleging a violation of this policy by faculty, staff, campus visitors, volunteers, or vendors and contractors doing business with Rice may bring their complaint to the Office of EEOP/AA. The Director of EEOP/AA will a) inform the Respondent against whom the claim is made of the allegation details and the identity of the Complainant when the identity is necessary for the Respondent’s response, and b) investigate the allegation. After concluding the investigation, the Director will prepare a written report and disclose the findings to the Complainant, the Respondent, and the Respondent's supervisor (in the case of a faculty member, to the Dean, the Provost, or the President, as appropriate). The Director will also ensure that the prescribed actions to remedy the situation are put into effect or undertaken by University personnel as defined in Section II of this policy.

1. In the event of a finding against a faculty member, the dean and the Provost will discuss what actions should be undertaken as a result of the findings. The President may also determine whether to initiate proceedings under Policy No. 201, Section 8, to consider dismissal of, or a severe sanction against, the accused faculty member. If such a course is pursued, the procedures outlined in Policy No. 201 and the "Procedure for Investigating Accusations Warranting Severe Sanctions, Including Dismissal, Against Faculty Members" will be followed.

2. In the event of a finding against a staff member, Human Resources and the respondent's supervisor will pursue appropriate steps, including disciplinary actions up to and including termination.

3. In the event of a finding against a campus visitor, volunteer, vendor or contractor doing business with Rice, the relevant University department with
oversight over the respondent will be notified so that appropriate action may be taken.

Should all parties agree, the Director of EEO/AA may also implement a resolution of the complaint acceptable to both parties at any stage of the investigation.

b. If a complaint is against a student, the complaint should be brought to the Director of Student Judicial Programs, the Office of Sexual Violence Prevention and Title IX Support, or the Deputy Title IX Coordinators. The procedures for handling a harassment complaint against a student are governed by Rice's Code of Student Conduct and, where applicable, Rice's Title IX Policy. More information about these procedures is available on the University's website at https://safe.rice.edu/

c. If a complaint is against the Director of EEO/AA or against a member of the Director's staff, the complaint is filed with the President who will appoint an investigator to provide a report of findings. The President will then make a determination of the merits of the complaint and determine appropriate action.

d. If a complaint is against a senior administrator (Provost, Dean, Vice President, Vice Provost, Institute Director, Athletic Director), the complaint is filed with the President who will appoint an investigator to provide a report of findings. The President will then make a determination of the merits of the complaint and determine appropriate action.

e. If a complaint is against the President or a member of the Board of Trustees, the complaint is filed with the chairperson of the Board of Trustees who will appoint an investigator to provide a report of findings. The Board of Trustees will then make a determination of the merits of the complaint and determine appropriate action.

f. If a complaint is against the chairperson of the Board of Trustees, the complaint is filed with the chairperson of Audit Committee of the Board of Trustees who will appoint an investigator to provide a report of findings. The Board of Trustees will then make a determination of the merits of the complaint and determine appropriate action.

v. Supportive Measures. Regardless of the stage of the problem resolution process, the university may take supportive measures (e.g., workplace relocation or class modification), when appropriate, to protect the parties involved and the University community. Supportive measures may be requested by either party. Supportive measures will be decided on a case by case basis, considering the rights and obligations of all parties.

F. Academic Freedom

This policy is not intended to impede the basic tenets of academic freedom and is generally not applicable to statements or materials that are germane to classroom subject matter, research, or academic debate.

G. Training

The University will provide appropriate training for faculty, staff, and students concerning this policy and the duty to report information.

V. Cross References to Related Policies

i. Policy 815: Equal Opportunity / Non-Discrimination / Affirmative Action Policy
ii. Rice University Standards of Ethical Conduct

iii. Rice Code of Student Conduct

iv. Title IX Policy and Procedures Prohibiting Sexual Assault and Other Gender-Based Misconduct Involving Students. For issues or complaints that involve students, interested parties are strongly urged to read Policy No. 830 together with the Title IX Policy, which may contain additional details and options.

v. Policy 813: Whistleblower Protection

vi. Policy 829: Consensual Sexual or Romantic Relationships in the Educational or Workplace Environment

VI. Responsible Official & Key Offices to Contact Regarding Policy & its Implementation

Responsible Official: Vice President for Administration
Other Key Offices: Provost
EEOP/AA
Human Resources
The Office of Sexual Violence Prevention and Title IX Support
Title IX Coordinator and Deputy Coordinators
General Counsel
Faculty Ombudsperson

VII. Links to Additional Information

Resources including contact information, frequently asked questions (FAQs), and the reporting form may be found at https://policy830.rice.edu/

Signed David W. Leebron
David W. Leebron
President

Policy History
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