



Student Title IX Policies and Procedures Handbook 2023-2024

Table of Contents

- Student Rights and Responsibilities.....3
- Syracuse University Sexual Harassment, Abuse, and Assault Prevention Policy Statement and Definitions4
- Syracuse University Definition of Consent7
 - Amnesty for Reporting Students8
 - Retaliation8
 - Student Bill of Rights.....9
- Syracuse University Anti-Harassment Policy10
- Code of Student Conduct12
- TITLE IX PROCEDURES15
 - Part 1. Organization and Philosophy.....15
 - Part 2. Jurisdiction.....15
 - Part 3. Procedures for Alleged Sexual Harassment, Abuse and Assault Investigations16
 - Part 4. Modification of Procedures.....33
 - Part 5. Medical Amnesty Policy - Alcohol and Other Drugs33
 - Part 6. Student Record Holds33
 - Part 7. Degree Holds33
 - Part 8.1. Enforced Safety Withdrawal.....34
- SYRACUSE UNIVERSITY NON-DISCRIMINATION AND EQUAL OPPORTUNITY STATEMENT34
- Contact Information: Student Title IX Case Management.....34

Student Rights and Responsibilities

At Syracuse University, we are committed to ensuring a diverse, equitable, inclusive, and accessible campus environment for all. We value diverse identities and viewpoints, and believe diversity and inclusion enhance who we are as students, faculty, staff, and alumni.

Syracuse University is an academic community and all persons—students, faculty, administrators, and staff—share responsibilities for its growth and continued welfare. As members of the University community, students can reasonably expect that all members of the University community will respect the following rights:

1. **SPEECH/EXPRESSION/PRESS:** Students have the right to express themselves freely on any subject provided they do so in a manner that does not violate the Code of Student Conduct. Students in turn have the responsibility to respect the right of all members of the University to exercise these freedoms.
2. **NON-DISCRIMINATION:** Students have the right not to be discriminated against by any agent or organization of Syracuse University for reasons of their protected characteristics, including; creed; ethnicity; citizenship; sexual orientation; reproductive health decisions; national origin; sex; gender; pregnancy; disability; marital status; political or social affiliation; age; race; color; veteran status; military status; religion; sexual orientation; domestic violence status, genetic information; gender identity; gender expression or perceived gender. Students and student organizations have the responsibility not to discriminate against others.
3. **ASSEMBLY/PROTEST:** Students have the right to assemble in an orderly manner and engage in peaceful protest, demonstration, and picketing which does not disrupt the operations or functions of the University, threaten the health or safety of any person, or violate the Code of Student Conduct.
4. **RELIGION/ASSOCIATION:** Students have the right to exercise their religious convictions and associate with religious or other organizations of their choice in University facilities provided they do so in a manner that respects the rights of other members of the community and complies with the Code of Student Conduct. Students have the responsibility to respect the rights of other members of the University community to free exercise of their religious convictions and to free association with organizations of their choice.
5. **PRIVACY/SEIZURE:** Students have the right of privacy and to be free from unreasonable searches or unlawful arrest on University property and within their campus residences. Students have the responsibility to respect the privacy of other members of the University community.
6. **ACADEMIC PURSUITS:** Students have the right to accurate and plainly stated information relating to maintenance of acceptable academic standing, graduation requirements, and individual course objectives and requirements. Students can expect instruction from designated instructors at appointed class times and reasonable access to those instructors. Students have the responsibility to attend class and know their appropriate class requirements.
7. **QUALITY ENVIRONMENT:** Students have the right to expect a reasonably safe environment supportive of the University's mission and their own educational goals. Students have the responsibility to protect and maintain that environment and to protect themselves from all hazards to the extent that reasonable behavior and precaution can avoid risk.
8. **GOVERNANCE/PARTICIPATION:** Students have the right to establish representative governmental bodies and to participate in University governance in accordance with the rules and regulations of the University.

Students who accept representative roles in the governance of the University have the obligation to participate responsibly.

9. **FUNDAMENTAL FAIRNESS:** Students have the right to written notice and the opportunity for a hearing before any change in status is incurred for disciplinary reasons, unless a significant threat to persons or property exists. Students have the right to fundamental fairness before formal disciplinary sanctions are imposed by the University for violations of the Code of Student Conduct—as provided in the published procedures of the University’s Student Conduct System Handbook or other official University publications.
10. **CONFIDENTIALITY:** Students have the right to access and control access to their educational records as provided by the federal Family Educational Rights and Privacy Act. These include the rights to review educational records, and control disclosure of personal and academic information to third parties. The above statement is also true for international students and scholars, except where specified by the legislation, rules and regulations governing the particular visa status.

Syracuse University Sexual Harassment, Abuse, and Assault Prevention Policy Statement and Definitions

Syracuse University is committed to cultivating and maintaining an environment that is supportive of its primary educational mission and free from discrimination and harassment. The University prohibits, and will respond promptly and equitably, to reports of Sexual Harassment, which includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as well as other forms of prohibited conduct defined in The Sexual Harassment, Abuse, and Assault Prevention Policy. The full policy is available at policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention.

The University’s Sexual Harassment, Abuse, and Assault Prevention Policy prohibits Sexual Harassment, Sexual Assault, Dating and Domestic Violence, Stalking, and Sexual Exploitation, which, collectively, constitute “Prohibited Conduct.” The individual terms are defined as follows:

1. **Sexual Harassment:** Sexual Harassment is a collective term that includes more specific forms of Prohibited Conduct as follows:
 - a. Title IX Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:
 - i. Actions by a University faculty or staff member conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
 - ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity; or
 - iii. Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined below.
 - b. Other forms of Sexual Harassment: consistent with Title VII of the Civil Rights Act of 1964 and the recognition that Sexual Harassment may also occur in a wider variety of contexts, the University also defines Sexual Harassment to include any sexual advance, request for sexual favors, or other unwelcome conduct of a sexual nature, whether verbal, non-verbal, graphic, physical, electronic, or otherwise when one or more of the following conditions are present:

- i. Submission to or rejection of such conduct is either an explicit or implicit term or condition of, or is used as the basis for decisions affecting, an individual's employment or advancement in employment, evaluation of academic work or advancement in an academic program, or basis for participation in any aspect of a University program or activity (quid pro quo); or
- ii. The conduct is sufficiently severe, pervasive, or persistent that it has the purpose or effect of unreasonably interfering with, limiting or depriving an individual from participating in or benefiting from the University's learning, working, or living programs under both an objective and subjective standard (hostile environment).

In evaluating whether a hostile environment exists, the University will evaluate the totality of known circumstances, including, but not limited to:

1. The frequency, nature and severity of the conduct;
 2. Whether the conduct was physically threatening;
 3. The effect of the conduct on the Complainant's mental or emotional state;
 4. Whether the conduct was directed at more than one person;
 5. Whether the conduct arose in the context of other discriminatory conduct;
 6. Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities;
 7. Whether the conduct implicates academic freedom or protected speech; and,
 8. Other relevant factors that may arise from consideration of the reported facts and circumstances.
2. Sexual Assault: Sexual assault is having or attempting to have sexual contact with another individual without affirmative consent or where the individual cannot affirmatively consent because of age or temporary or permanent mental incapacity (see below for definition of affirmative consent and incapacitation). Sexual contact includes:
- a. sexual intercourse (anal, oral, or vaginal), including penetration with a body part (e.g., penis, finger, hand, or tongue) or an object, or requiring another to penetrate themselves with a body part or an object, however slight;
 - b. sexual touching of the private body parts, including, but not limited to, contact with the breasts, buttocks, groin, genitals, or other intimate part of an individual's body for the purpose of sexual gratification; or
 - c. attempts to commit Sexual Assault.
3. Dating and Domestic Violence: Dating and Domestic Violence includes any act of violence against a Complainant who is or has been involved in a sexual, dating, domestic, or other intimate relationship with the Respondent, or against a person with whom the Respondent has sought to have such a relationship, as follows:
- a. Domestic Violence: includes any act of violence committed by 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 as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under New York state law, or by any other person against an adult or minor Complainant who is protected from that person's acts under New York State law;

- b. Dating Violence: includes any act of violence committed by a person:
 - i. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
 - ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a. The length of the relationship;
 - b. The type of relationship; and
 - c. The frequency of interaction between the persons involved in the relationship.

Dating or Domestic Violence may also include forms of Sexual Harassment under this policy, including Sexual Assault, Sexual Exploitation, and Stalking.

- 4. Stalking: Stalking occurs when a person engages in a course of conduct directed at a specific person under circumstances that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress.

Course of conduct means two or more instances including but not limited to unwelcome acts in which an individual 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. Substantial emotional distress means significant mental suffering or anguish.

Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used.

- 5. Sexual Exploitation: Sexual Exploitation is any act where one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another without permission. Acts of Sexual Exploitation may include:
 - a. secretly observing another individual's nudity or sexual activity or allowing another to observe sexual activity without the knowledge and permission of all parties involved;
 - b. recording, photographing, transmitting, showing, viewing, streaming, or distributing intimate or sexual images, audio recordings, or sexual information without the knowledge and permission of all parties involved; or
 - c. exposing one's genitals or inducing another to expose their own genitals without Affirmative Consent.

In determining whether reported conduct violates this policy, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the reported conduct and the context in which it occurred. Prohibited Conduct can be committed by or against individuals of any sex or gender and can occur between individuals of the same sex/gender or different sexes/genders. Prohibited Conduct can occur between strangers or acquaintances, as well as persons involved in intimate, sexual, dating, domestic, or familial relationships.

Syracuse University Definition of Consent

Affirmative Consent

(As defined by New York state law under Enough is Enough): is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of Affirmative Consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

Guidance Regarding Consent (under New York State Law)

- Consent to any sexual act or prior consensual sexual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated, which occurs when an individual lacks the ability to knowingly choose to participate in sexual activity.
- Incapacitation may be caused by the lack of consciousness or being asleep, being involuntarily restrained, or if an individual otherwise cannot consent. Depending on the degree of intoxication, someone who is under the influence of alcohol, drugs, or other intoxicants may be incapacitated and therefore unable to consent.
- Consent cannot be given when it is the result of any coercion, intimidation, force, or threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

Additional Guidance Regarding Consent and Incapacitation

In evaluating whether consent has been freely sought and given, the University will consider the presence of any force, threat of force, threats, or coercion; whether the Complainant had the capacity to give consent; and, whether the communication (through words and/or actions) between the parties would be interpreted by a reasonable person as a willingness to engage in a particular act. Incapacitation includes the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, either voluntarily or involuntarily, or the individual is unconscious, asleep, or otherwise unaware that the activity is occurring.

The use of alcohol or other drugs can lower inhibitions and create an atmosphere of confusion about whether consent is effectively sought and freely given. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug.

Alcohol and other drugs impact each individual differently and determining whether an individual is incapacitated requires an individualized assessment. The University does not expect community members to be medical experts in assessing incapacitation. Individuals should look for the common and obvious warning signs that show

that a person may be incapacitated or approaching incapacitation. A person's level of intoxication is not always demonstrated by objective signs; however, some signs of intoxication may include clumsiness, difficulty walking, poor judgment, difficulty concentrating, slurred speech, vomiting, combativeness, or emotional volatility. A person who is incapacitated may not be able to understand 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 whom you are with?"

An individual's level of intoxication may change over a period of time based on a variety of subjective factors, including the amount of substance intake, speed of intake, body mass, and metabolism. Because the impact of alcohol and other drugs varies from person to person, the amount of alcohol and/or drugs a person consumes may not be sufficient, without other evidence, to prove that they were incapacitated under this policy. Another effect of alcohol consumption can be memory impairment or forgetting entire or partial events (sometimes referred to as "black-out" or "brown-out"). A person may experience this symptom while appearing to be functioning "normally," including communicating through actions or words that can reasonably be said to express an interest in engaging in sexual conduct. Whether sexual conduct with a person who is "blacked-out" constitutes prohibited conduct depends on the presence or absence of the observable factors indicating that a person is also incapacitated, as described above. Total or partial loss of memory alone, may not be sufficient, without other evidence, to prove that a person was incapacitated under this policy.

In evaluating consent in cases of reported incapacitation, the University asks two questions: (1) Did the Respondent know that the Complainant was incapacitated? and if not, (2) Should a sober, reasonable person in a similar set of circumstances as the Respondent have known that the Complainant was incapacitated? If the answer to either of these questions is "yes," the Complainant could not consent; and the conduct is likely a violation of this policy. A Respondent's voluntary intoxication is never an excuse for or a defense to prohibited conduct, and it does not diminish the responsibility to determine that the other person has given consent and has the capacity to do so.

Amnesty for Reporting Students

The health and safety of every student at Syracuse University is of utmost importance. Syracuse University recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) at the time that violence, including but not limited to, Sexual Assault, Domestic or Dating Violence, Stalking, or other forms of Prohibited Conduct occurs may be hesitant to report such incidents due to fear of potential consequences of their own conduct. Syracuse University strongly encourages students to report all forms of Prohibited Conduct to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of Prohibited Conduct to Syracuse University's officials or law enforcement will not be subject to Syracuse University's Code of Student Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the commission of the reported incident of Prohibited Conduct.

Retaliation

The University prohibits Retaliation under this policy. Retaliation means to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused

to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes Retaliation.

Student Bill of Rights for Cases Involving Sexual or Relationship Violence or Harassment

Under New York's Enough is Enough sexual misconduct prevention law, all student complainants and respondents in cases involving sexual harassment or assault have the right to: Make a report to local law enforcement and/or state police:

- Have disclosures of Dating or Domestic Violence, Stalking, Sexual Assault, and other forms of Sexual Harassment treated seriously;
- Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution;
- Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
- Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services, where available;
- Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
- Describe the incident to as few institution representatives as practicable and not be required to unnecessarily repeat a description of the incident;
- Be protected from retaliation by the institution, any student, the Complainant and/or the Respondent, and/or their friends, family and acquaintances within the jurisdiction of the institution;
- Access to at least one level of appeal of a determination;
- Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or Respondent throughout the judicial or conduct process including during all meetings and hearings related to such process; and
- Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

If a Student Experiences Sexual or Relationship Violence

The Sexual and Relationship Violence Response Team at the Barnes Center, 315.443.8000 provides privileged and confidential support, advocacy, and counseling for survivors of sexual assault and can be accessed 24 hours,

seven days a week. Should a student impacted by sexual assault, relationship violence, sexual harassment, or stalking choose to file a formal complaint, the following resources are available for reporting:

- The Title IX Coordinator for Students at 005 Steele Hall, 315.443.0211, or titleix@syr.edu.
- Department of Public Safety, 005 Sims Hall, 315.443.2224, or 711@syr.edu;
- Syracuse Police Department, 511 South State St., 315.435.3016 (Abused Persons Unit); and/or
- New York State Police, 24-hour dedicated hotline, 844.845.7269. Anonymous reporting is available: “TIPS” at 315.443.TIPS (8477) or online: publicsafety.syr.edu.

Syracuse University Anti-Harassment Policy

1. General Policy Statement: Syracuse University is committed to maintaining an environment that fosters tolerance, sensitivity, understanding and respect while protecting the free speech rights of the members of its community. The University prohibits Harassment related to any protected category including, without limitation, an individual or group’s actual or perceived creed, ethnicity, citizenship, sexual orientation, reproductive health decisions, national origin, sex, gender, pregnancy, disability, marital status, political or social affiliation, age, race, color, veteran status, military status, religion, sexual orientation, domestic violence status, genetic information, gender identity, and/or gender expression , or any other status protected by applicable law.

This policy governs non-sexual harassment at the University. For issues relating to sexual harassment, please see the Sexual Harassment, Abuse, and Assault Prevention policy, which is available here: [Sexual Harassment, Abuse, and Assault Prevention Policy \(policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention/\)](http://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention/) . The University’s non-discrimination policies are available here: [University Governance, Ethics, Integrity, and Legal Compliance](http://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/).

2. Reason for Policy/Purpose: This policy is intended to ensure that of all members of the Syracuse University community learn and work in an environment that is free from Harassment. It is meant to promote free speech and foster a community of engagement and respect.

The University’s protection of these statuses is grounded in state and federal law. These requirements include but are not limited to: Title VII of the Civil Rights Act of 1964, which prohibits discrimination in employment based on race, color, national origin, religion, sex, gender, and, by extension, sexual violence; Title VI of the Civil Rights Act of 1964, which prohibits institutions that receive federal funds, including the University, from discriminating on the basis of race; Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex or gender, and applies to employment and education programs and activities; the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, which prohibit discrimination in employment and education programs and activities based on disability; and the Age Discrimination in Employment Act of 1967, which prohibits employment discrimination against persons 40 years of age or older.

3. Policy: The University does not unlawfully discriminate in offering equal access to its educational programs and activities or with respect to employment terms and conditions on the basis of an individual or group's actual or perceived creed, ethnicity, citizenship, sexual orientation, reproductive health decisions, national origin, sex, gender, pregnancy, disability, marital status, political or social affiliation, age, race, color, veteran status, military status, religion, sexual orientation, domestic violence status, genetic information, gender identity, and/or gender expression or any other status protected by applicable law (each defined as a "Protected Category"). As part of this commitment, the University prohibits Harassment on such grounds.

The University is also committed to protecting academic freedom and the freedom of speech by members of its community. This policy is not intended, and may not be applied, to abridge the free speech or other civil rights of any individual or group on campus. However, harassing speech or conduct that effectively prevents equal access to University programs or otherwise violates federal or state law, or University policy, is prohibited. The following policy defines prohibited Harassment.

- I. Prohibited Harassment: Members of the Syracuse University community are prohibited from engaging in Harassment. Harassment is defined at the University as unwelcome conduct or speech directed at an individual or group of individuals, based on a Protected Category, which is so severe or pervasive that it unreasonably interferes with an individual's work performance, terms of employment, educational program participation, or it creates an intimidating, hostile, or offensive environment for study, work, or social living. To qualify as Harassment under this policy, the speech or conduct must be both viewed by the listener(s) as Harassment, and be objectively severe or pervasive enough that a reasonable person would agree that the speech or conduct constitutes Harassment. In determining whether reported speech or conduct qualifies as Harassment under this policy, the University will consider all circumstances surrounding the reported incident(s), including, without limitation, the frequency, location, severity, context, and nature of the speech or conduct, including whether the speech or conduct is physically threatening or humiliating, rather than a mere offensive remark. The University will also consider the intent of the speaker(s).
- II. Protection Against Retaliation: The University will not tolerate retaliation or discrimination against persons who report or charge Harassment or against those who testify, assist or participate in any investigation, proceeding or hearing involving a complaint of Harassment. In this context, retaliation means action that adversely affects another's terms or conditions of employment or education and is motivated by an intent to harm the targeted person or group because of his or her participation in the filing or investigation of an allegation of Harassment.
- III. Complaints and Sanctions: Syracuse University: encourages the reporting of all perceived incidents of Harassment. Upon a report of Harassment, the University will conduct a prompt and thorough investigation of the allegations. Upon completing the investigation, the University will take appropriate corrective or disciplinary action consistent with the results of the investigation. Disciplinary action may be taken against community members who violate this policy, up to and including expulsion of students or discharge of employees. The Office of Community Standards will administer and decide complaints of Harassment against students or registered student organizations pursuant to the Code of Student Conduct and the Student Conduct System Handbook.

The Office of Equal Opportunity, Inclusion, and Resolution Services will administer and decide complaints of Harassment against faculty or staff pursuant to the Faculty Manual or this policy, respectively. To report incidents of Harassment, or to discuss the appropriate course of action, please contact the Office of Equal

Opportunity, Inclusion & Resolution Services at 315.443.4018 or equalopp@syr.edu. Employees who believe that they are being discriminated against and/or harassed should promptly report such harassment to any one of the following:

- a. His or her immediate supervisor, the supervisor's supervisor, or a dean;
- b. Office of Human Resources; or
- c. Equal Opportunity, Inclusion and Resolution Services.

The University reserves the right to investigate circumstances that may involve Harassment in situations where it has a reasonable basis to believe that Harassment has occurred, even where no complaint, formal or informal, has been filed.

IV. To Whom Does This Policy Apply: Students, Faculty, Staff, Visitors/General Public

V. Appendices (as applicable)

VI. Procedures: The procedure for making a complaint of non-sexual harassment depends on the status of the parties involved as follows:

- a. If the accused is a non-faculty employee, the [Complaint Processing Guidelines for Complaints against Non-Faculty Employees](#) apply.
- b. If the accused is a faculty member, the [Complaint Procedure for Allegations of Inappropriate Conduct by Faculty Members](#) policy applies.
- c. If the accused is a student, the [Code of Student Conduct](#) applies. Complaints may be filed with the [Office of Community Standards](#).

For assistance in determining the appropriate course of action for your situation, please contact: Sheila Johnson-Willis, Chief Equal Opportunity and Title IX Officer, at 315.443.0211, EqualOpp@syr.edu, or at Equal Opportunity, Inclusion, and Resolution Services, 005 Steele Hall, Syracuse, New York, 13244.

Code of Student Conduct

Syracuse University students are expected to conduct themselves in a manner that supports and promotes the educational mission of the University. Integrity, respect for one another and others' property, and a commitment to intellectual and personal growth in a diverse community are core values of Syracuse University.

Bias Sanction Enhancement Clause:

Conduct motivated by bias against a targeted individual's or group's protected characteristics can negatively impact students' ability to succeed to their fullest in our community and may also threaten health and safety. Evidence sufficient to show it is more likely than not that a student's misconduct was motivated by bias regarding an individual or group's actual or perceived creed, ethnicity, citizenship, sexual orientation, reproductive health decisions, national origin, sex, gender, pregnancy, disability, marital status, political or social affiliation, age, race, color, veteran status, military status, religion, sexual orientation, domestic violence status, genetic information, gender identity, and/or gender expression may result in more substantial sanction(s).

The following behaviors or attempted behaviors, if established by a preponderance of the evidence, are considered violations of the Syracuse University Code of Student Conduct:

1. Physical assault of any person(s), or an express threat to physically harm any person(s) whether made verbally, in writing, electronically or online, including but not limited to sexual assault, dating and domestic violence, or stalking as defined in the University's Sexual Harassment, Abuse, and Assault Prevention Policy.
2. Actions which constitute active assistance or participation in, express promotion of, or perpetuation of harassment as defined in the Syracuse University Anti-Harassment Policy or the Sexual Harassment, Abuse, and Assault Prevention Policy, whether engaged in physically, electronically, or online, verbally, in writing or via video recording. Bias-motivated incidents (sometimes referred to as "hate" incidents) may qualify as harassment under the definitions set forth in the University's Anti-Harassment Policy.
3. Active assistance or participation in, express promotion of, or perpetuation of conduct, including but not limited to bullying of an individual or group, whether engaged in physically, electronically, online, verbally, in writing or via video recording, which (i) was intentional or engaged in with reckless indifference to the foreseeable impact, (ii) was severe or pervasive, and (iii) was reasonably likely to cause physical or mental harm to the individual(s) subjected to it.
4. Academic dishonesty¹, including but not limited to plagiarism, cheating, and other forms of academic misconduct such as misuse of academic resources or facilities, intellectual property theft and/or misuse of computer software, data, equipment, or networks.
5. Intentional disruption or obstruction of teaching, research, administration, athletic, artistic, expressive (including non-disruptive peaceful protest), or other activities or operations of the University or its students, faculty, or staff (a) authorized to take place on University owned or leased property, (b) pursuant to a University program, event, or activity, or (c) that obstructs or blocks access to University owned or leased property or a University program, event, or activity.
6. Theft of or damage to University, personal, public, or private property/services or illegal possession or use of the same.
7. Forgery, alteration, fabrication, or misuse of University or other official identification cards, records, reports, grades, diplomas, documents, computer files, or systems. This includes, without limitation, possession or purchase of falsified identification cards or misrepresentation of any kind to a University office, University official, or law enforcement official acting within the scope of their authority.
8. Unauthorized entry or use of University facilities that are locked, closed, or otherwise restricted as to use.
9. Disorderly conduct including, but not limited to, acts that breach the peace, constitute public intoxication, are lewd, indecent, or obscene.
10. Use or possession of alcohol, drugs, or drug paraphernalia, in violation of the Syracuse University Policy on Alcohol, Other Drugs, and Tobacco or applicable federal, state, or local law.

¹ Cases involving academic dishonesty are overseen by the Center for Learning and Student Success.

11. Purchase, distribution, manufacture, or sale of alcohol, drugs, or drug paraphernalia, in violation of the Syracuse University Policy on Alcohol, Other Drugs, and Tobacco or applicable federal, state, or local law.
12. Failure to comply with the lawful directives of University employees performing the duties and responsibilities of their position or office, including without limitation, matters related to the maintenance of safety or security.
13. Unauthorized (i) possession, brandishing, or use of any weapon, including firearms, BB-guns, airsoft guns, air rifles, explosive devices, fireworks, or any other dangerous, illegal, or hazardous object or material, or (ii) improper use as a weapon of any otherwise permitted object or material. This includes, without limitation, any conduct that violates the University's Weapons Policy. Exceptions may be approved in advance by the Department of Public Safety for theatrical productions or athletic/recreational events.
14. Interference with or misuse of fire alarms, blue light safety phones, elevators, fire doors, limited access or otherwise secured entry doors, security cameras, or other safety and security equipment or programs.
15. Active assistance or participation in, express promotion of, or perpetuation of hazing as defined in the Syracuse University Anti-Hazing Policy or applicable local, state, or federal law.
16. Active participation in, or promotion to other students of, a student organization the University has identified as having lost University recognition on a temporary or permanent basis.
17. For student leaders of Registered Student Organizations or Sport Clubs holding an executive position (president, vice president, treasurer, new member educator, recruitment chair, social chair, captain, co-captain, or the equivalent), failure to promptly take affirmative action to intervene, contact public safety, or otherwise notify a relevant University official when the student leader has reason to know of a situation that a reasonable person would perceive threatens the health or safety of another individual or the campus community.
18. Violation of international, federal, state, or local law if such violation (a) impacts or adversely affects the University's pursuit of its educational mission or other authorized activities, programs, or operations, or the local community, (b) limits or otherwise impairs a student's ability to fully engage in academic courses and requirements, or (c) indicates a threat to health or safety. Where such violation is the basis for a complaint under the Code of Student Conduct, the student will be provided a citation to the specific statute, ordinance, or law at issue.
19. Violation of University policies, rules, or regulations that are published in the Student Handbook, other official University publications, websites, or agreements.

The Code of Student Conduct applies to all students and student organizations at Syracuse University and students are expected to become familiar with its provisions. Violations can occur either on or off campus. Being under the influence of alcohol or drugs does not diminish one's responsibility for adhering to the Code.

Other policies of the University may be found on the Syracuse University website and in other University publications.

TITLE IX PROCEDURES

Part 1. Organization and Philosophy

- 1.1 Syracuse University is an institution of higher learning where individual growth and development are fostered, excellence is pursued, and the highest standards of integrity are expected in all areas of life. Syracuse University is committed to providing an environment where persons are safe, property is secure, individual rights of all persons are respected, and education of the highest quality is achieved.
- 1.2 The Trustees and Chancellor of Syracuse University have delegated authority to Student Title IX Case Management to investigate incidents of sexual harassment, including sexual assault, stalking, domestic/dating violence, stalking and sexual exploitation which involve students as the respondents. Additionally, authority is delegated to the University Student Conduct System to adjudicate cases alleging violations of the Code of Student Conduct and other University policies by Syracuse University students and student organizations. The procedures outlined in this handbook apply to the resolution of alleged misconduct in violation of the Code or other University policies, as well as any related matters. Academic integrity cases are handled through a separate process administered by the Center for Learning and Student Success (CLASS).
- 1.3 Oversight of Student Title IX Case Management and the Student Conduct System is the responsibility of the Senior Vice President for the Student Experience. Implementation of these procedures is the responsibility of Student Title IX Case Management and Community Standards. The Code of Student Conduct outlines the behavior that is expected of all students at Syracuse University. Having voluntarily enrolled at Syracuse University, all students have entered into an agreement to abide by the rules and regulations set forth in the Code of Student Conduct and other University policies. Each student is responsible for conforming their conduct to the requirements of this code and applicable federal, state, and local laws.
- 1.4 Syracuse University considers its Code of Student Conduct as a statement of minimal expectations and seeks to foster a commitment to the highest standards of ethical behavior by the coherent, consistent, and fair way it enforces its rules and regulations. The University views its student conduct process as a learning experience that is intended to result in personal growth, empathy, and understanding.
- 1.5 Timeframes mentioned in these procedures are estimates only. Investigations and conduct cases and specific components of cases may take shorter or longer depending on various factors, including but not limited to, the nature and complexity of the case; availability of parties and witnesses; time of year; numbers of parties; etc.

Part 2. Jurisdiction

- 2.1 The Student Conduct System has jurisdiction over complaints against students alleging sex discrimination including sexual and gender-based harassment, assault, and violence. The Syracuse University [Sexual Harassment, Abuse, and Assault Prevention Policy \(policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention\)](https://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention) applies to all University programs and activities, and the [conduct procedures for cases of sexual harassment](https://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention/student-procedures/) are available on the University policies website at <https://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention/student-procedures/>.

Part 3. Procedures for Alleged Sexual Harassment, Abuse and Assault Investigations

Syracuse University (“University”) is committed to providing a prompt and equitable response to reports of Prohibited Conduct under the Syracuse Sexual Harassment, Abuse, and Assault Prevention Policy (the “Policy”).³² These procedures apply to the conduct of students who are enrolled or have applied for admission in the University.

These procedures encompass Prohibited Conduct that occurs: 1) within the University’s Education Program or Activity within the United States; 2) outside the United States, but still in an Education Program or Activity; and, 3) under certain circumstances outside of the Education Program or Activity but within the scope of conduct regulated by the University. The intake, investigative, hearing and appeal process are the same for all forms of Prohibited Conduct. The informal and formal resolution processes outlined in these procedures follow the final Title IX regulations issued by the U.S. Department of Education’s Office for Civil Rights in May 2020.

Any person may make a report of Prohibited Conduct to the Title IX Coordinator or an appropriate designee (in any particular case, the Title IX Coordinator may delegate their authority to another appropriate University representative). The University will treat Complainants and Respondents equitably by offering Supportive Measures to a Complainant, and by following a resolution process that complies with the Title IX regulations before the imposition of any disciplinary sanction against a Respondent.

Upon receipt of a report of Prohibited Conduct, the matter may be resolved through:

1. Provision of Supportive Measures only;
2. Pursuing a formal resolution process, which is initiated by the filing of a Formal Complaint, and involves an investigation, hearing, and appeal;
3. Pursuing an informal resolution process, after the filing of a Formal Complaint, which requires the consent of the Complainant, the Respondent, and the University; or
4. Dismissal of a Formal Complaint.

All time frames mentioned throughout these processes are approximate and may be extended for good cause with written notice to the parties. Good cause may include considerations such as the absence of a party or witness; concurrent law enforcement activity or criminal proceedings; the need for language assistance or accommodation of disabilities; or other considerations that impact the timing of the investigation, hearing or appeal.

3.1 To make a report or file a Formal Complaint against a University student alleging Prohibited Conduct under the University’s Sexual Harassment, Abuse, and Assault Prevention Policy, an individual should contact the University’s Title IX Coordinator at 315.443.0211, 005 Steele Hall, or titleix@syr.edu. Confidential Resources are also available as described in the Policy.

To file a criminal complaint, an individual should contact the Department of Public Safety at 315.443.2224 or 005 Sims Hall, or contact the Syracuse Police Department at 911 (in an emergency) or 315.435.3016.

² Throughout this policy, the pronouns “they,” “them” and “their” are used intentionally to be inclusive of all genders. Capitalized terms in these procedures have the same meaning as in the Sexual Harassment, Abuse, and Assault Prevention Policy.

The University responds to reports of Prohibited Conduct discreetly and attempts to maintain privacy throughout the investigatory process, to the extent practicable and appropriate under the circumstances. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the person(s) responding to the allegations and other witnesses. Additionally, the University may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

The term “Complainant” refers to an individual who is reported to have experienced Prohibited Conduct, regardless of whether the individual makes a report or seeks disciplinary action. Although the University reserves the right to initiate a Formal Complaint under this process, the term “Complainant” refers to the individual who is reported to have experienced the Prohibited Conduct. The University reserves the right to act as the Complainant and initiate a Formal Complaint under this process. The term “Respondent” refers to an individual who has been accused of Prohibited Conduct. An individual may make a report to the University, to law enforcement, to neither, or to both. In particular, a Complainant has the right to report, or decline to report, potential criminal conduct to law enforcement.

If a Complainant also chooses to file a criminal report with law enforcement, the University will not unduly delay its investigation unless requested to do so by the appropriate legal authorities. The University will comply with law enforcement agency requests for cooperation. This may require the University to temporarily suspend the fact-finding portion of an investigation while the law enforcement agency gathers evidence. The University will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process. The University may be required to proceed with an investigation or hearing prior to resolution of an associated criminal matter.

- 3.2 Intake and Outreach: Upon receipt of a report of potential Prohibited Conduct from a Complainant, Responsible Employee, or other individual, the Title IX Coordinator (or designee) will promptly - typically within 48 hours - contact the reporting individual to request a meeting to gather supplemental information (if any) and explain the University’s processes. If the reporting individual is a potential Complainant (the individual who is reported to have experienced the Prohibited Conduct), the outreach will cover reasonably available Supportive Measures (available with or without filing a Formal Complaint); the process for filing a Formal Complaint; the Complainant’s right to report the alleged conduct to law enforcement (either on campus or off); the difference between privacy and confidentiality; and the right to be protected from Retaliation.

In addition to the initial conversation and any subsequent meetings with the Complainant, the University will provide the Complainant with written information about resources, procedural options, including local law enforcement resources as applicable, and reasonably available Supportive Measures. This written information will include a notification about the process for seeking disability-based accommodations, academic adjustments, and/or auxiliary aids under Section 504 of the Rehabilitation Act and/or the Americans with Disabilities Act.

As part of the Intake and Outreach, the Title IX Coordinator (or designee) will:

1. Promptly contact the Complainant to discuss the availability of Supportive Measures;
2. Consider the Complainant’s wishes with respect to Supportive Measures;

3. Assess the nature and circumstances of the report;
 4. Address immediate physical safety and well-being of the Complainant or other campus community members;
 5. Discuss the Complainant's expressed preference for manner of resolution and any barriers to proceeding;
 6. Notify the Complainant of the right to contact or decline to contact law enforcement, and if requested, assist them with notifying law enforcement;
 7. Notify the Complainant of the availability of medical and counseling resources to address physical and mental health concerns and to preserve evidence;
 8. Notify the Complainant of the importance of preservation of evidence;
 9. Enter the report into the University's Daily Crime Log if required by the Clery Act;
 10. Assess the reported conduct for the need for a timely warning under the Clery Act;
 11. Provide the Complainant with information about on- and off-campus resources;
 12. Provide the Complainant with a copy of the Sexual Harassment, Abuse, and Assault Prevention Policy and relevant procedures and an explanation of the procedural options, including seeking Supportive Measures and the process for filing a Formal Complaint;
 13. Inform the Complainant that they may seek an advisor of their choosing to assist them throughout the investigation and resolution of the report, that the advisor may accompany them to any meeting or proceeding under this process, and that the University will provide an advisor, without fee or charge, to conduct questioning on behalf of the party at the hearing if they do not have an advisor;
 14. Assess for evidence of a pattern or other similar conduct by the Respondent; and
 15. Explain the University's prohibition against Retaliation.
- 3.3 Supportive Measures: Upon receipt of a report of Prohibited Conduct, regardless of whether a Complainant chooses to pursue a Formal Complaint, the Title IX Coordinator (or designee) will provide Supportive Measures, as reasonable, available, and appropriate. Respondents are also eligible for Supportive Measures as reasonable, available, and appropriate. Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent, before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus community, or deter Prohibited Conduct. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties (also known as No Contact Orders), changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Additional relief such as protective orders may be available through the criminal and/or family court process. Individuals may contact the Sexual and Relationship Violence Response Team (24/7) at 315.443.8000 or the Title IX Coordinator at 315.443.0211 or TitleIX@syr.edu to discuss or request Supportive Measures. The University will maintain as confidential any

Supportive Measures provided to a Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. Complainants and Respondents will, upon request and consistent with these procedures and the Student Conduct System Handbook, be afforded a prompt review, reasonable under the circumstances, of the need for and terms of any Supportive Measures that directly affect them, and shall be allowed to submit evidence in support of their request. For example, students may request rescission of a No Contact Order per Part 4 of the Student Conduct System Handbook. Complainants and Respondents should request further review of other Supportive Measures—either the granting or denial of such measures—by contacting the Dean of Students’ Office. The Title IX Coordinator (or designee) will document each report or request for assistance, including requests for Supportive Measures, as well as the response to any such report or request. For more information on No Contact Orders, Interim Suspensions or other Administrative Actions, please see the Student Conduct System Handbook at communitystandards.syr.edu.

3.5 Emergency Removal Assessment: Based on the initial reported facts, the Title IX Coordinator (or designee) will determine whether to refer the incident to the University’s Threat Assessment Management Team (“TAMT”) to evaluate whether an emergency removal is required. If referred, the TAMT may conduct an individualized safety and risk analysis to determine whether the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the alleged conduct. If the TAMT determines the Respondent poses an immediate threat to the physical health or safety of any individual, the TAMT may recommend emergency removal (also referred to as interim suspension) according to the process set forth at Part 4 of the Student Conduct System Handbook. Students can challenge interim suspensions under that same process.

3.6 Preliminary Inquiry: Upon receipt of a report of Prohibited Conduct, the Title IX Coordinator (or a designee) will conduct a preliminary inquiry of the facts to determine whether the University must take any other actions, beyond those described in the outreach and Supportive Measures sections above, including whether the Title IX Coordinator (or designee) must initiate a Formal Complaint and investigation. The Title IX Coordinator (or designee) will first determine whether the reported conduct falls within the scope and jurisdiction of the Sexual Harassment, Abuse, and Assault Prevention Policy, and more specifically, within the jurisdiction of the Title IX regulations. Based on reasonably available information at the time of intake, the Title IX Coordinator’s (or designee’s) inquiry will include assessing whether:

- A. The reported conduct occurred within the University’s Education Program or Activity, meaning,
 - i. The University has substantial control over the Respondent; and
 - ii. The University has substantial control over the context in which the conduct is reported to have occurred; or
 - iii. The conduct occurred in a building owned or controlled by a student organization that is officially recognized by the University;
- B. The reported conduct occurred in the United States;
- C. The facts set forth by the report, if substantiated, would constitute a violation of Title IX Sexual Harassment as defined by the Title IX regulations; and
- D. The facts set forth by the report, if substantiated, would constitute a violation of other Prohibited Conduct as defined by the Sexual Harassment, Abuse, and Assault Prevention Policy.

The Title IX Coordinator (or designee) will provide written notice to the Complainant summarizing their conclusions from the preliminary inquiry and outlining next steps in the process.

- 3.7 Formal Complaint: The formal resolution process (investigation, hearing and appeal process) is initiated by the filing of a Formal Complaint. A Formal Complaint is a document submitted to the Title IX Coordinator by the Complainant alleging that a Respondent engaged in Prohibited Conduct and requesting an investigation. The Formal Complaint may be submitted to the Title IX Coordinator in person, by mail, or by electronic mail, using the Title IX Formal Complaint form [inclusion.syr.edu/report/]. The Complainant may also contact the Title IX Coordinator (TitleIX@syr.edu) directly for assistance. The Title IX Coordinator also has the discretion to file a Formal Complaint on behalf of a Complainant or the University.

The University endeavors to respect the wishes of a Complainant to not pursue a Formal Complaint, to not be identified and/or to not participate in the process. Where possible, the University attempts to address complaints in accordance with the Complainant's wishes.

However, the University may not always be able to do so, and may be limited in its ability to address incidents of Prohibited Conduct without full participation by a Complainant.

In evaluating the appropriate manner of resolution, including whether the Title IX Coordinator will file a Formal Complaint in the absence of a Formal Complaint by the Complainant, the Title IX Coordinator, in consultation with subject-matter experts as needed, will consider the following factors:

1. The seriousness, persistence or pervasiveness of the reported conduct;
2. Whether the Respondent has a history of violent behavior or there have been other complaints or reports of harassment, misconduct or Prohibited Conduct against the Respondent;
3. Whether the incident represents escalation in conduct on behalf of the Respondent from previously noted behavior;
4. Whether the circumstances suggest there is an increased risk of the Respondent committing additional acts of sexual violence or other violence, including but not limited to reported threats of sexual violence or other violence by the Respondent against the Complainant or others;
5. Whether the Respondent reportedly used a weapon or force;
6. Whether the conduct was reportedly committed by multiple individuals;
7. Whether the Complainant is a minor;
8. Whether the Respondent is an employee; and
9. Whether the institution possesses other competent means to obtain relevant evidence.

In order to protect the community, the University may be obligated to investigate and adjudicate serious incidents even when the Complainant would prefer otherwise. A Complainant may withdraw a Formal Complaint at any time, but the University may be compelled to continue the associated investigation or conduct process. The University reserves the right to take action in response to any incident that comes to its attention. The assessment of whether a Formal Complaint must be initiated will typically be concluded within fifteen (15) business days.

The University may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Prohibited Conduct arise out of the same facts or circumstances.

3.8 Dismissal of Formal Complaint: The Title IX Coordinator (or designee) will determine whether the conduct alleged in the Formal Complaint falls within the scope of the policy and the definition of Prohibited Conduct. The Title IX regulations require the Title IX Coordinator (or designee) to notify the parties in writing that the University is dismissing some or all of the allegations in the Formal Complaint related to Title IX Sexual Harassment as defined by the Title IX regulations if:

1. the conduct alleged, even if substantiated, would not constitute Title IX Sexual Harassment as defined in the Title IX regulations;
2. the conduct did not occur within the University's Education Program or Activity; or,
3. the conduct did not occur against a person in the United States. This means that the University may be required by law to dismiss some or all of the allegations in the Formal Complaint under Title IX and provide a Complainant the opportunity to appeal that dismissal.

However, where the allegations in the Formal Complaint include other forms of Prohibited Conduct, the conduct occurs outside of the United States, or the conduct is not within the Education Program or Activity (but still within the scope of conduct regulated by the University), these procedures will still apply and the allegations may proceed to the formal resolution process set forth below.

In addition to mandatory dismissal, the Title IX Coordinator (or designee) may dismiss the Formal Complaint or any allegations therein if:

1. the Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegation therein;
2. the Respondent is no longer enrolled or employed by the University; or
3. specific circumstances prevent the University from gathering sufficient evidence to reach a determination on the merits.

The decision about whether to dismiss a Formal Complaint, in whole or in part, may be made at any time in the process and will be communicated to all parties in writing. Either party may appeal the decision to dismiss the Formal Complaint to the Director of the Office of Community Standards (or a designee).

3.9 Advisors: Students participating in any University process for responding to a report or Formal Complaint of Prohibited Conduct may be advised by an advisor of their choice—including an attorney—throughout all phases of the process, including at interviews, other meetings, or hearings. Advisors have no standing in the process contemplated by these procedures, except to provide advice to their respective parties in a quiet, non-disruptive manner, and conduct questioning of other parties and witnesses at a hearing. Except for questioning during a hearing, advisors do not speak for their respective parties. Advisors must be respectful to parties, witnesses, and University administrators. Any advisor who fails to conform their behavior to these requirements or whose conduct interferes with the integrity and decorum of the process may be removed from the proceedings and barred from acting as an advisor in future University proceedings. In such circumstances the University will determine whether to proceed with the meeting or hearing at issue without

the presence of the advisor. If a Complainant or Respondent does not have an advisor present at a live hearing (see the Formal Complaint process below for more information on live hearings), the University will provide an advisor free of charge to the party for the sole purpose of facilitating questioning on the party's behalf of other parties and witnesses.

3.10 Process for Formal and Informal Resolution:

A. Formal Resolution Process

What follows in this sub-section is the process the University will use to respond to Formal Complaints of Prohibited Conduct lodged against students.

- i. Notice of Investigation: The Title IX Coordinator (or designee) will provide written notice of the Formal Complaint to all known parties. The written notice will include, at a minimum, (a) a link to, or copy of, these procedures; (b) details regarding the identities of the parties, date, time and location, and nature of the reported conduct; (c) the potential policy violations; (d) the name of the investigator; (e) how to challenge participation by the investigator on the basis of conflict of interest or bias; (f) a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Formal Complaint process; (g) the parties' rights to be accompanied by an advisor of their choice throughout the process (see section on Advisors above); (h) the importance of preserving any potentially relevant evidence; (i) information about the parties' rights and responsibilities; and (j) prohibition against making false statements during the process. If the investigation reveals the existence of additional potential policy violations, the University will issue a supplemental notice of investigation. This initial notice, and any supplemental notices, will be provided to the intended recipient in advance of any interview or meeting with investigators to allow the party sufficient time to prepare a response.
- ii. Appointment of Investigator: The Title IX Officer will assign an investigator to complete a fact finding investigation of the Formal Complaint. The investigator may be a University employee or an external professional. The Title IX Officer will ensure that the investigator has the appropriate training and experience and is free of a conflict of interest or bias for or against either party. The name of the investigator will be provided to the parties in the notice of investigation and the parties will be allowed to challenge the appointment of an investigator on the basis of conflict of interest or bias. The Title IX Officer will also ensure that the investigator has received training on the definition of Prohibited Conduct, including Sexual Harassment, the scope of the University's Education Program or Activity, how to conduct an investigation, how to serve impartially, conflicts of interest and bias, and issues of relevance to create an investigative report that fairly summarizes the relevant evidence.
- iii. Gathering of Information: The investigator is responsible for gathering relevant inculpatory and exculpatory evidence related to the Formal Complaint. The investigator will send written notice of the interview date, time, and location, name of participant(s) and purpose of the interview to the parties and witnesses, in sufficient time for the party to prepare and participate. The investigator will interview the parties, and any witnesses likely to have relevant, non-cumulative information regarding the alleged conduct. The investigator will also gather other evidence, if available (e.g., audio or video recordings; electronic communications; photographs; physical or

locational evidence). The investigator may also consider information publicly available from social media or other online sources that comes to the attention of the investigator. The University does not actively monitor social media or online sources, however, and as with all potentially relevant information, the Complainant, Respondent, or witness should bring online information to the attention of the investigator.

In general, the investigator has the discretion to determine the relevance and probative value of information proffered or received. Evidence is relevant if it makes a material fact more or less probable than it would be without the evidence.

The investigator may visit relevant sites or locations and record observations through written, photographic, or other means. In some cases, the investigator may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation.

The investigator will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. If a person voluntarily chooses to share medical or counseling records with the investigator, they must sign a written consent that acknowledges that relevant information from the medical or counseling records must be shared with the other party to ensure the other party has notice of that information and an opportunity to respond.

If parties wish to provide expert testimony or evidence, they are solely responsible for securing attendance of any expert witness at a hearing, and for the costs or fees associated with any expert report or testimony.

The parties will be given an equal opportunity to present information and evidence to the investigator, and the University encourages them to provide all potentially relevant information, whether inculpatory or exculpatory. The University will not restrict the ability of either party to gather and present relevant evidence. That said, the burden of proof and evidence gathering rests with the University.

For parties or witnesses wishing to submit evidence to the investigator, they must submit all known evidence in existence and in their possession prior to completion of investigation report. If a party or witness fails to provide known evidence in their possession during the investigation, they may be precluded from offering it at a later hearing. In addition, if a witness chooses not to participate in an investigation interview, they may be precluded from testifying at a later hearing.

During the course of the investigation, the parties should bring any new or evolving evidence, such as harassing or retaliatory conduct, to the attention of the investigator. The investigator may consider such information in the investigation and will also share any information about

retaliation or violation of the terms of an interim protective measure with the Title IX Coordinator (or designee) for further action.

- iv. Party and Witness Participation in the Investigation: Both the Complainant and Respondent have the option to provide names of potential witnesses to the investigator. Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, the disclosure, or related matters. Witnesses may also be offered to provide subject matter expert information. Witnesses may not participate solely to speak about an individual's character. The investigator has the discretion to determine which potential witnesses may have relevant information about the alleged conduct.

Where witnesses are interviewed as part of the investigation, the name of the witness and the information gathered in the interviews will be shared with the parties at the conclusion of the investigation.

Parties and witnesses have the choice to participate in an investigation, or not. However, the University may place a hold on the academic account of any student party or witness to compel them to attend a meeting with an investigator. Although the party or witness must attend such meetings, they can decline to speak to the investigator. Parties or witnesses who do choose to speak to the investigator may have their names shared in the investigation report. The investigator will provide written notice to parties and witnesses of any meetings. The written notice will include the date, time, location, participants, and purpose of the meeting, and will be sent with sufficient time for the recipient to prepare to participate (typically meaning at least two (2) business days prior to any meeting).

Although the University encourages all individuals involved in these investigations and processes to keep the matter private, the University cannot and will not restrict parties' rights to speak about their experiences.

- v. Parties' Access to Information: Prior to the completion of the investigation report, the investigator will make information gathered in the investigation available for review by the parties and their advisors. The parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The investigator will make available to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format, and the parties will have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. In the written submission, the parties may offer additional comment or feedback on the facts as gathered, clarify information previously shared, suggest additional witnesses, suggest additional lines of questioning or inquiry, or identify any other relevant information or evidence to assure the thoroughness, sufficiency and reliability of

the investigation. The investigator will review the written submissions from the parties, make the written submissions available to the parties, and conduct additional investigation if necessary.

- vi. **Written Investigative Report:** The investigator will produce a written investigation report that fairly summarizes the relevant information and facts gathered during the investigation and may include direct observations and reasonable inferences drawn from the facts and discussion of any consistencies or inconsistencies between the various sources of information.

The investigator has the discretion to determine the relevance of any witness or other evidence and shall exclude information in preparing the investigation report if the information is irrelevant, immaterial, or more prejudicial than informative. The investigator shall exclude statements of personal opinion by witnesses and statements as to general reputation for any character trait, including honesty. Likewise evidence pertaining to the mental health of either party is not relevant to the determination of responsibility.

Evidence about the Complainant's sexual predisposition or prior sexual behavior is not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The investigation report will be a fair and thorough summary of all relevant information gathered that is both inculpatory and exculpatory. The investigator will make the investigative report available to the parties and their advisors, in an electronic format, at least five (5) calendar days before submitting the file to the Office of Community Standards ("OCS"). The Complainant and Respondent are provided the opportunity, in writing, to offer any additional comment or feedback with respect to the investigation report within five (5) calendar days. Once the parties' comments—if any—are received, or after the five (5) calendar days have elapsed (whichever happens sooner), the investigator will make the parties' responses available to the parties and share the case file, investigation report, and parties' responses to the report with OCS. Unless extenuating circumstances exist, OCS will strive to schedule a hearing within fifteen (15) calendar days of the receipt of the investigation report and related materials.

- vii. **Time Period for Completion:** The University strives to complete investigations under this process within ninety (90) calendar days. The process may take shorter or longer depending on various factors such as the complexity of the case; number and cooperation of parties involved; number and availability of witnesses; whether there is a concurrent criminal process underway; academic calendars or demands; and/or other emergency or non-emergency circumstances or interruptions. The Title IX Coordinator (or designee) and investigator may grant temporary delays of the investigation or grant limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action.
- viii. **Acceptance of Responsibility:** At any point during the investigation, the Respondent may elect to accept responsibility for some or all of the policy violations at issue. Where there is an acceptance of responsibility as to some but not all of the charges, the investigation will continue

to conclusion. Where there is an acceptance of responsibility as to all of the potential policy violations, the investigator will complete an investigation report of all information gathered to date and refer the matter to the Director of OCS (or designee) for sanctioning as described below.

- ix. Notice of Charge: Upon receipt of an investigation report, OCS, in consultation with the Title IX Coordinator (or designee), will decide the final policy charges and schedule a hearing. In order to move forward with a Notice of Charge (also known as a Hearing Notice Letter), OCS must determine whether the alleged conduct, if substantiated, would constitute a potential policy violation. This is not a determination of responsibility, nor does it involve a determination about the credibility of the information gathered; those decisions are reserved for the decision-maker. Rather, this evaluation accepts all facts as presented by the Complainant as true in order to determine the potential policy violations that will be the subject of the hearing.

OCS will issue a written Notice of Charge to the Complainant and Respondent simultaneously. The Notice of Charge will include: the charges (specific policy violations) filed against the Respondent; the date, time and location of the hearing; the names of the hearing panel or officer; how to challenge participation by the hearing panelists on the basis of conflict of interest or bias; the right to have an advisor present at the hearing and conduct questioning on the party's behalf; that the University will provide an advisor, without fee or charge, to conduct cross-examination on behalf of the party at the hearing if the party does not have an advisor present for the hearing; how to request that witnesses be present at the hearing; and, information about the hearing format. Notice will be emailed at least ten (10) calendar days prior to the hearing to the parties' syr.edu email address or in any other manner reasonably designed to give notice to the parties.

If some or all of the allegations in the Formal Complaint have been dismissed, the parties will receive written information about how to appeal the dismissal of the Formal Complaint.

The University will reschedule a hearing one time per party based on legitimate scheduling conflicts or emergency circumstances, as decided by the University. Any rescheduled hearing will take place no later than fifteen (15) business days within the date of the original hearing.

- x. Hearing Format: Hearings will typically be conducted virtually with technology that enables the decision-maker(s) and parties to simultaneously see and hear the party and witnesses speaking.

The hearing will be heard or conducted by either a hearing panel or an individual hearing officer. Hearing panels or officers may be faculty or staff at the University, or external professionals, as determined in the sole discretion of OCS. Any individuals serving as a hearing panel member or hearing officer will be free from conflicts of interest and bias for or against either party, and trained as set forth in the Training and Conflict/Bias Prevention section of these procedures. The hearing panel or officer may consult with or be advised by OCS staff and/or an attorney, although the hearing panel or officer retains full discretion and decision-making authority.

Hearings will generally consist of the following steps, allowing the parties equal opportunities at

each stage: (a) introductions; (b) review of procedural rules; (c) presentation of information and testimony by the parties and their witnesses; (d) the advisor for each party will ask the other party and any witnesses all relevant questions and follow-up questions, including those assessing credibility; and (e) closing remarks.

All parties and witnesses will be invited to speak at the hearing, but no party or witness is required to attend the hearing. The parties must submit to OCS a list of witnesses they believe have relevant information to the outcome of the hearing at least three (3) business days prior to the hearing. The hearing panel or officer will review the parties' requested witnesses and consider any other witnesses. The hearing panel or officer has discretion to determine which witnesses are relevant and may decline to hear from witnesses where they conclude that the information is not necessary for a decision. Witnesses will only be permitted inside the hearing location during their own testimony. Hearing officers and panels have discretion to pose questions to parties and witnesses during the hearing.

If a party or witness declines to attend a hearing, or attends but declines to submit to questioning by the other party's advisor, the hearing panel or officer may rely on statements of that non-appearing party or witness in reaching a determination regarding responsibility, after assessing the relevance of each statement and weighing the reliability of each statements against the fact that the statements was not further tested through questioning at a hearing. The hearing panel or officer will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or declination to answer cross-examination or other questions. If, despite being notified of the date, time, and location of the hearing, either party is not in attendance, the hearing may proceed, factual findings may be resolved, and applicable sanctions may be imposed. Neither party is required to participate in the hearing in order for the hearing to proceed. A hearing officer or panel may consider prior findings of responsibility, if relevant, as pattern evidence for sanctioning purposes only.

Rules of evidence and criminal standards of proof do not apply. The hearing panel or officer will determine the relevance of questions asked by the parties, and preclude questions that seek irrelevant information. However, both parties have the right to exclude their own irrelevant prior sexual history with persons other than the other party in the conduct process or their own mental health diagnosis and/or treatment during the finding of responsibility phase of the hearing. In particular, questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and

never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the hearing panel or officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the University will provide without fee or charge to that party, an advisor of the University's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

Attendance at a hearing is limited to the hearing panel or officer; the hearing panel or officer's advisor; the Title IX Coordinator or a designee; the parties and their advisors; Public Safety representatives, if appropriate; witnesses (for their own testimony only); and anyone else the hearing officer deems necessary to administer the hearing. The parties must provide the names of their advisors to the Director of OCS (or designee) at least three (3) business days prior to the hearing.

The hearing will be recorded. Recordings will not include deliberations. Either party may request access to a written transcript of the recording at no cost to the party. Printed transcripts may be redacted by OCS prior to being provided to the requesting party in accordance with applicable privacy laws.

- x. Hearing Panel or Officer's Decision: Based on an objective review of all relevant evidence, hearing panels or officers will decide whether Respondents violated University policy by using a preponderance of the evidence or "more likely than not" standard of evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

Typically, within fifteen (15) business days of a hearing, the hearing panel or officer will issue to the Director of OCS (or a designee) a written decision regarding responsibility. The written decision will include the following elements: (1) identification of the allegations potentially constituting Prohibited Conduct; (2) a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the application of the Sexual Harassment, Abuse, and Assault Prevention Policy to the facts; and (5) a statement of, and rationale for, the result as to each alleged policy violation.

- xii. Sanction: If a finding of responsibility is made, the Director of OCS (or designee) will set sanctions or remedies. Prior to setting sanctions or remedies, the Director (or designee) will consider any other relevant information including, without limitation:
 - a. the extent of harm caused to or impact on individuals and the community (i.e. living environment, University community, and the surrounding community) including the level of intervention necessary;
 - b. the potential for ongoing risk to the student, other individuals, the community, or property;
 - c. a student's disciplinary record and status of any prior conduct sanctions;
 - d. level of intent, remorse, cooperation, and willingness to take responsibility;

- e. evidence that the student’s conduct was motivated by bias regarding an individual or group’s real or perceived race, color, creed, religion, political or social affiliation, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, and/or veteran status;
- f. sanctions issued in prior similar University conduct cases;
- g. impact statements submitted by either party;
- h. the nature or violence of the conduct at issue; and
- i. any other mitigating, exacerbating, or compelling circumstances.

Sanctions will be designed to eliminate the Prohibited Conduct, prevent its recurrence, and remedy its effects.

The Sexual Harassment, Abuse, and Assault Prevention Policy prohibits a broad range of conduct, all of which is serious in nature. In keeping with the University’s commitment to foster an environment that is safe, inclusive, and free from discrimination and harassment, the Director of Community Standards (or designee) has great latitude in the imposition of sanctions tailored to the facts and circumstances of each report, the impact of the conduct on the Complainant and surrounding community, and accountability for the Respondent. The full range of possible sanctions appear at Part 11 of the Student Conduct System Handbook.

Regardless of the outcome, the Director of OCS (or designee) may recommend to the Title IX Coordinator (or designee) additional Remedies for the Complainant to address the effects of the conduct on the Complainant, restore or preserve the Complainant’s access to University programs and activities, and restore to the Complainant, to the extent possible, benefits and opportunities lost as a result of the Prohibited Conduct. The Director (or designee) may also identify remedies to address the effects of the conduct on the University community.

The Title IX Coordinator (or designee) will review the remedies recommended by the Director (or designee) and will consider the appropriateness of continuing Supportive Measures on an ongoing basis. The Title IX Coordinator, OCS, and the Dean of Students’ Office are responsible for the effective implementation of remedies.

- xiii. Written Outcome: Hearings are considered complete when the hearing panel or officer complete a final written decision regarding responsibility. Hearing panel and officer decisions are made in private, and by a majority vote (in the instance of a panel). Sanctions will be issued by the Director of OCS (or designee) who will issue the outcome letter simultaneously to both parties. The written outcome letter will attach the hearing panel or officer decision, and include sanctions and the rationale for the sanctions, as well as an overview of the appellate rights of the parties.
- xiv. Appeal: Any party may appeal the decision of a hearing panel or officer on one or more of the following grounds:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

- c. The Title IX Officer, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- d. Errors in the interpretation of University policy so substantial as to deny either party a fair hearing; or
- e. Grossly inappropriate sanction having no reasonable relationship to the charges.

Appeals are limited to ten (10) pages in length and must be received by OCS no later than five (5) business days after transmission of the hearing panel or officer decision. Late appeals will not be considered. When an appeal is submitted, OCS will notify the non-appealing party in writing and provide an opportunity to submit a response to the appeal within five (5) business days.

Appeals will be decided by an appeals panel who will be faculty or staff from the University, or external professionals, as determined in the sole discretion of OCS. Any individuals deciding appeals will be different from the Title IX Coordinator, the investigators, and those serving on the hearing panel or as hearing officer, and will be trained and free from conflicts of interest or bias for or against either party (see section on Training and Conflict/Bias Prevention below). The name(s) of the appeal panelists will be provided to the parties and the parties will be allowed to challenge their appointment on the basis of conflict of interest or bias. The appeals panel may interview parties, witnesses, investigators, or the hearing panel or officer. The appeal officer may be advised by OCS staff and/or an attorney.

Appeals panels will objectively consider all relevant evidence and the case file to either uphold, reverse, or modify the decision at issue. Appeals panels can order new hearings, request further investigation, or take any other steps to address the issues raised by the parties on appeal. Appeals panels will issue written decisions simultaneously to all parties within fifteen (15) business days of receiving the appeal and response (if any).

The determination regarding responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

University Conduct System proceedings, including interviews, meetings, hearings, and deliberations, are confidential and closed to persons not directly related to the case. The results of University conduct cases are held confidential in accordance with applicable law and University policy. The University reserves the right to correct any misinformation with regard to a University conduct case that may be circulated in the media when the well-being of the community so requires.

- B. Informal Resolution Process: The University may resolve reports informally, as appropriate based on the circumstances. An Informal Resolution provides a mechanism for the University to take prompt action through the imposition of individual and community remedies designed to maintain or restore access to the educational, extracurricular, and employment activities at the

University and to remedy the impacts of conduct on members of the community. Informal Resolution is available only once a Formal Complaint has been filed, prior to a determination of responsibility, and if all impacted parties and the University voluntarily consent to the process in writing. Informal Resolution is not available in cases in which an employee or faculty member is alleged to have engaged in Title IX Sexual Harassment with a student.

Any person who facilitates an informal resolution will be trained and free from conflicts of interest or bias for or against either party (see Section IX Training and Conflict/Bias Prevention below).

If the parties are interested in pursuing Informal Resolution, the Title IX Coordinator (or a designee) will send written notices to the parties describing:

1. The allegations at issue;
2. The requirements of the Informal Resolution;
3. The circumstances under which the parties are precluded from resuming a Formal Complaint arising from the same allegations;
4. Parties' rights to end the Informal Resolution process at any time prior to resolution and resume the Formal Complaint process;
5. The consequences resulting from participating in the Informal Resolution;
6. The fact that records and communications created or maintained as part of the Informal Resolution process may be viewed by parties, but will not later be used or considered by the University in a Formal Complaint process, including at a hearing.

All parties will be required to return signed copies of the written notices agreeing to the Informal Resolution process.

If a resolution is reached between the parties in an Informal Resolution, the matter will be considered closed, and the parties would be precluded from filing another complaint arising from the same conduct or set of facts. Prior to reaching a resolution, any party can withdraw from the Informal Resolution process and resume the Formal Complaint process. The University strives to complete an Informal Resolution within thirty (30) calendar days of the parties' written agreement to participate in the process.

Any statements made during an Informal Resolution process, records and communications created or maintained as part of an Informal Resolution process will not be used or considered in a subsequent investigation or hearing involving the same conduct or facts but may be used in determining sanctions of any subsequent or separate instances of misconduct by the same Respondent(s).

3.11 Record-Keeping and Transcript Notations: The University will maintain records related to reports or complaints of Prohibited Conduct for a period of seven (7) years. Such records may include, without limitation, investigation reports and evidence, hearing records, disciplinary decisions or communications,

appeals, informal resolution documents, requests for and provision of Supportive Measures, and other records demonstrating actions the University took to respond to the reported conduct. The University will also maintain training records for the same period of time. The records will be kept private to the extent required or permitted by law. If a student Respondent is found responsible for violence-related conduct as defined by the Clery Act (including Sexual Assault, Dating or Domestic Violence, or Stalking) and they are suspended or expelled as a result, the University will place the following notations on their academic transcripts:

1. In cases of suspension - “suspended after a finding of responsibility for a code of conduct violation.”
2. In cases of expulsion - “expelled after a finding of responsibility for code of conduct violation.”

If a student who has alleged to have been involved in an incident involving violence-related violations withdraws from the University with an investigation or conduct case pending, the following notation will be listed on their University transcript: “withdrew with conduct charges pending.”

Students found responsible for other forms of Prohibited Conduct, and who are suspended or expelled as a result, will have the following notation listed on their transcript: “Administrative Withdrawal - University Initiated.”

Students who have been suspended who would like to appeal the suspension notation on their transcript may do so one year after the conclusion of the suspension via the process listed in Part 15 of the Student Conduct System Handbook. If their appeal is successful, the notation will be revised to read “Administrative Withdrawal - University Initiated.” Notations for expulsion will not be revised or removed.

3.12 Training and Conflict/Bias Prevention: The Title IX Officer, investigators, decision-makers, and any person who facilitates an Informal Resolution process, will receive annual training on: (a) the definition of Prohibited Conduct; (b) the scope of the University’s Education Program or Activity; (c) how to conduct an investigation and grievance process including hearings, appeals, and Informal Resolution processes; (d) how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; (e) the presumption of “not responsible” until any appropriate process concludes; and, (f) how to conduct an investigation and hearing process that protects the safety of complainants and promotes accountability. Hearing panels and officers will receive additional training on: (a) any technology to be used at a live hearing; (b) how to determine relevance of for cross-examination questions and other evidence, including when questions and evidence about the parties’ sexual predisposition or prior sexual behavior are not relevant. Investigators will receive additional training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Any materials used to train the Title IX Officer, investigators, decision-makers, and any person who facilitates an Informal Resolution process, will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Prohibited Conduct. The University will publish on its website training materials used for its most recent training sessions. The University also provides prevention and awareness programs for students, faculty, and staff to prevent Prohibited Conduct and promote a learning and working environment free from discrimination or harassment. Throughout any Formal or Informal Resolution process described above, the University will take steps to reasonably ensure the Title IX Coordinator, investigators, decision-makers, or any person designated by the University to facilitate an Informal Resolution process, not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

3.13 Modification of Procedures: Syracuse University reserves the right to modify these procedures with written notice to the parties in circumstances where, in the University's sole discretion, the procedures described herein are insufficient to meet the objectives of educating and protecting members of the University. This includes, without limitation, when classes are not in session, while any involved individual is studying abroad, during the summer session, when safety and security so demand, or when special expertise is needed to ensure fairness. Modified procedures, nonetheless, will provide students with required elements of fundamental fairness.

3.14 Definitions: All capitalized terms have the same meaning as written in the Sexual Harassment, Abuse, and Assault Prevention Policy.

Part 4. Modification of Procedures

4.1 Syracuse University reserves the right to modify its conduct procedures and appeals processes with written notice to the Complainant and the Respondent in circumstances where, in the University's sole discretion, the procedures described herein are insufficient to meet the objectives of educating and protecting members of the University. This includes, without limitation, when classes are not in session, while any involved individual is studying abroad, during winter or summer breaks, when safety and security so demand, or when special expertise is needed to ensure a well-reasoned decision. Modified procedures, will provide students with required elements of fundamental fairness.

Part 5. Medical Amnesty Policy - Alcohol and Other Drugs

5.1 Syracuse University encourages all community members to care for themselves and others. Therefore, when a student(s) or student organization initiates help from a campus or community resource for medical assistance related to alcohol and other drugs, the health and safety of the student at risk will be the University's priority.

Part 6. Student Record Holds

6.1 The University reserves the right to place a hold on a Respondent student's academic records until an investigation and subsequent conduct case (if any) is resolved. The hold may prevent the student from registering for classes or obtaining a copy of their academic transcript.

A student who attempts to withdraw from the University rather than participate in the conduct process may be classified as having been withdrawn for disciplinary reasons. This status will be noted on the student's transcript as "Withdrew with Conduct Charges Pending." A student who withdraws under these circumstances is not permitted to enter onto Syracuse University owned, operated, or controlled property, including but not limited to, University-owned land leased to a non-University affiliated party, and may not participate in any course or program offered by Syracuse University until the pending matter is resolved.

Part 7. Degree Holds

7.1 In order to obtain a Syracuse University degree (undergraduate or graduate), students must be in good standing with the University. That includes a requirement that all matters pending before the University

Student Conduct System have been fully and finally resolved including full satisfaction of any sanctions imposed. Students who are not in good standing will not be granted a degree, will not have access to transcripts, and are not eligible to participate in graduation ceremonies.

Part 8.1. Enforced Safety Withdrawal

8.1 Syracuse University reserves the right to involuntarily withdraw a student from the institution to protect the safety, security, and well-being of the student and all members of the University community. Such action of the Dean of Students, or designee, will be done with appropriate professional consultation. The student will be provided written notice of the reason(s) for the withdrawal and an opportunity to be heard by the Senior Vice President for the Student Experience, or designee, as deemed appropriate under the circumstances.

SYRACUSE UNIVERSITY NON-DISCRIMINATION AND EQUAL OPPORTUNITY STATEMENT

The University does not discriminate and prohibits harassment or discrimination related to any protected category including creed, ethnicity, citizenship, sexual orientation, national origin, sex, gender, pregnancy, disability, marital status, political or social affiliation, age, race, color, veteran status, military status, religion, sexual orientation, domestic violence status, genetic information, gender identity, gender expression or perceived gender¹.

Complaints of discrimination or harassment related to any of these protected bases involving faculty or staff should be reported to Sheila Johnson-Willis, the University's Chief Equal Opportunity & Title IX Officer (also the designated Title IX Coordinator for Faculty/Staff). She is responsible for coordinating compliance efforts under the various laws including Titles VI, VII, IX and Section 504 of the Rehabilitation Act. She can be contacted at Equal Opportunity, Inclusion, and Resolution Services, 621 Skytop Road, Syracuse, NY 13244; or by email: equalopp@syr.edu; or by telephone: 315.443.1520.

Reports of discrimination or harassment involving students should be reported to Pam Peter, Director/Coordinator of Student Title IX Case Management (also the designated Title IX Coordinator for Students). Pam is located in 005 Steele Hall, Syracuse, NY 13244-2130. She can be reached by email at titleix@syr.edu; or by telephone at 315.443.0211.

Contact Information: Student Title IX Case Management

- Location: 005 Steele Hall, 131 Crouse Drive, Syracuse, NY 13244
- Phone Number: 315.443.0211, Website: srv.syr.edu