Syracuse University

2019-20
Sexual and Relationship Violence Resource Guide for Syracuse University Students

Available Online: *TitleIXResources.syr.edu*

Dear Students:

Syracuse University strives to maintain a community free of harassment, discrimination, and sexual violence. Our Code of Ethical Conduct provides that all of us will respect the rights and dignity of all people. It further provides that all of us support a respectful environment through our own actions, encourage respectful behavior in others, and speak out against hatred and bias. This guide will assist you in complying with these and other University expectations and will provide you with information and resources if you have a concern about any form of sexual or relationship violence.

Thank you for your review of this guide. Keep it. Use it. We are here for you.

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What is Title IX?

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs and activities that receive federal financial assistance. In 2001 and again in 2011, the Office for Civil Rights stated that "the sexual harassment of students, including sexual violence, interferes with students' right to receive an education free from discrimination and in the case of sexual violence, is a crime."

Title IX requires that institutions of higher education take immediate and effective steps to end sexual harassment and sexual violence on campus.

This guide is one way that Syracuse University hopes to educate students on their rights under Title IX, resources to assist students on how to get support after an incident has occurred, where students can go to file a report, what interim actions can be taken to support students, information about the investigation and conduct process, and information on how bystanders can get involved in preventing incidents before they occur.

Advocacy and Support 24/7

Advocacy and supportive services are available for all Syracuse University students. Students are encouraged to speak with a member of the **Sexual and Relationship Violence Response Team** (SRVR) at 315.443.8000, to discuss options and learn what supports are available.

If you have been impacted by sexual assault, relationship violence, harassment or stalking, the Sexual and Relationship Violence Response Team is available to assist you 24/7. The Sexual and Relationship Violence Response Team offers **privileged and confidential** crisis counseling, referrals, advocacy, safety planning and ongoing assistance to students. Housed in the Counseling Center located in the Barnes Center at The Arch, members of the Sexual and Relationship Violence Response Team are available to discuss medical and reporting options and to accompany students to file a complaint. Should a student impacted by sexual assault, relationship violence, sexual harassment or stalking choose to file a formal complaint with the University, the Sexual and Relationship Violence Response Team will provide support and advocacy to the reporting student throughout the entire process. The decision to seek medical care or report an incident lies with the person who has experienced sexual assault, harassment, and stalking or relationship violence.

Accessing Immediate Support

- **During regular University business hours:** Students can walk in and speak with a member of the Sexual and Relationship Violence Team at the Barnes Center. Students can also call the Counseling at the Barnes Center at The Arch at 315.443.8000 and ask to speak with a member of the Sexual and Relationship Violence Response Team.

- **After business hours or on weekends:** Students can speak with a member of the Sexual and Relationship Violence Response Team by calling the Counseling Center at 315.443.4715, press "0" when prompted by the voicemail, and then ask to speak with the on-call counselor.
- **If you have an immediate safety concern or have a serious injury:** Contact the Department of Public Safety 315.443.2224 or 711 from campus phones, #SU from cellular phones, or the police (911), 005 Sims Hall. You are under no obligation to file a report with the police. In some cases, a Syracuse Police Department officer might ask to speak with you about the crime. The Sexual and Relationship Violence Response Team can assist you with questions and concerns you might have about this.

Privacy and Confidentiality

Syracuse University is committed to providing safe and supportive spaces for students who have been impacted by sexual and relationship violence. The University simultaneously strives to maintain a safe learning and living environment for all students in a manner that is consistent with state and federal laws. It is important for students to be well informed regarding the confidential resources available to them in the event that they have experienced sexual or relationship violence.

The Sexual and Relationship Violence Response Team, Counseling Center Therapists, University Health Services Providers, and the Chaplains at Hendricks Chapel are all considered to be privileged and confidential resources. These individuals are neither required nor permitted to provide any identifying information regarding an incident of sexual assault or relationship violence to any outside party without the consent of the student involved in the incident. More specifically, these individuals will not provide any identifying information about a reported incident of sexual assault or relationship violence to the Syracuse University Title IX Officer or any law enforcement agency without a survivor's permission.

- The Sexual and Relationship Violence Response Team in Counseling, 315.443.8000, the Barnes Center at The Arch, provides privileged and confidential support, advocacy and counseling for survivors of sexual and relationship violence and can be accessed 24 hours a day, seven days a week.
- Syracuse University Health Services, 315.443.9005, 111 Waverly Avenue
- Hendricks Chapel, 315.443.2901.

All employees of Syracuse University other than those mentioned above are considered "responsible employees." As such, they are responsible for the culture of the University and compliance with University policies. Thus, they are required to report any incident of sexual harassment, sex discrimination, sexual or relationship violence, including the identities of both the affected student and alleged perpetrator, to the Title IX Officer. Examples of "responsible employees" include staff members who work in Student Experience or Academic Affairs (e.g., Office of Student Living, Academic Deans, and Athletic Department staff).

ADDITIONAL CAMPUS SUPPORT

The Dean of Students Office (315.443.4357) serves as a central support hub to help students and their families manage crises, life traumas, and other concerns or barriers that impede success. The office works to address the needs of students who are impacted by sexual assault, relationship violence and other forms of gender related bias through a variety of interventions, referrals, and advocacy and follow-up services. The Dean of Students Office is available to provide support to all students involved in University processes, including the University Student Conduct Process, and with all Title IX related concerns as well as providing interim relief explanations and follow up.

ADDITIONAL RESOURCES, OFF-CAMPUS

- **Vera House (315.468.3260—24 hour crisis and support line)** is an off-campus agency providing confidential and privileged resources to those affected by domestic and sexual violence.
- **New York State Domestic and Sexual Violence Hotline 1.800.942.6906**
- **New York State Division of Human Rights** *(http://www.dhr.ny.gov/)*
- **U.S. Equal Employment Opportunity Commission** *(http://www.eeoc.gov/)*
- **U.S. Department of Education, Office for Civil Rights** *(http://www2.ed.gov/about/offices/list/ocr/know.html)*
- **Syracuse Police Department Abused Persons Unit (315.435.3016)**

Reporting Options

Should a student impacted by sexual assault, relationship violence, sexual harassment or stalking choose to disclose such behavior, as the reporter, you have the right to make a report to University police or campus security, local law enforcement, and/or state police or choose not to report; to report the incident to your institution; to be protected by the institution from retaliation for reporting an incident; and to receive assistance and resources from your institution.

Members of the Sexual and Relationship Violence Response Team, 315.443.8000, provide confidentiality and are available to discuss reporting options with students and to accompany them throughout any processes should they choose to report.

If a student chooses to file a complaint, the following resources are available for reporting:

- Title IX Officer, 005 Steele Hall, 315.443.0211, *titleix@syr.edu*
- Office of Human Resources, Skytop Office Building, 315.443.5462
  (If the accused is an employee of the University)

- Emergency access is available for reporting at:
  - >> Department of Public Safety, 005 Sims Hall, 315.443.2224
  - >> Syracuse Police Department, 511 South State St., 315.435.3016 (Abused Persons Unit)
  - >> New York State Police, 24-hour dedicated hotline, 1.844.845.7269
- In addition, **anonymous reporting** is available through "TIPS" at 315.443.TIPS (8477) or online at: *http://publicsafety.syr.edu/*.

Students have the option to pursue a criminal complaint with the appropriate law enforcement agency, to pursue a formal complaint through the University Conduct process, or to pursue both processes consecutively or concurrently or to pursue neither option. In cases involving alleged criminal conduct, the **Department of Public Safety will assist a student in making a criminal complaint if desired.** Any criminal complaint will be forwarded to the appropriate law enforcement agency.

Role of the Title IX Officer

The Title IX Officer has primary responsibility for coordinating the efforts of Syracuse University to comply with and carry out its responsibilities under Title IX. The Title IX Officer oversees the University's response to reports and complaints that involve possible sex discrimination, including reports of sexual violence, gender-based harassment, relationship and domestic violence, and stalking. The Title IX Officer ensures a fair, equitable and prompt process for all involved; monitors outcomes; identifies and addresses any patterns; and assesses effects on the campus climate so that the University can address issues that may impact the community. All reports of violations the Syracuse University Policy on Sexual Harassment, Abuse, and Assault are directed to the Title IX Officer. The Title IX Officer will oversee investigations involving sex discrimination.

Upon learning of a report or complaint of sex discrimination, the Title IX Officer takes steps to ensure the complainant's equal access to University programs and activities. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of investigations, and providing information on all available resources.

Members of the Sexual and Relationship Violence Response Team and the Dean of Students Office are available to accompany students to meetings with the Title IX Officer.

Interim Relief

Interim relief such as no-contact orders, changes in living, working and/or academic situations, protective escort services, and referrals to counseling may be provided as requested. **Interim relief can be sought without regard to whether the student chooses to file a complaint with the University or with local law enforcement.** Additional relief such as protective orders may be available through the criminal and/or family court process. Contact the Sexual and Relationship Violence Response Team (24/7) at 315.443.8000 or the Title IX Officer at 315.443.0211 to discuss these options.

When the respondent is not a student, but is a member of the University's community and presents a continuing threat to the health and safety of the community, the University may subject the respondent to interim measures in accordance with applicable collective bargaining agreements, the employee handbook, and rules and policies of the University.

University Processes for Resolution of Complaints

Members of the Sexual and Relationship Violence Response Team, the Dean of Students Office, and the Title IX Officer are available to discuss all University options for resolving complaints. When a student has decided to officially report an incident of sex discrimination to the University, the Title IX Officer will discuss informal and formal options for resolving the complaint. The Title IX Officer will honor the request of affected students whenever possible. However, if students request that their name not be revealed or asks that the University not investigate or seek action against the respondent, the Title IX Officer will inform them that honoring the request may limit its ability to respond fully to the incident, including pursuing disciplinary action against the respondent.

If the affected student still requests their name not be disclosed to the respondent or that the University not investigate or seek action against the respondent, the Title IX Officer will need to determine whether or not the University can honor such a request while still providing a safe and nondiscriminatory environment for all students, including the student who reported sex discrimination. The Title IX Officer may determine the need to move forward as the complainant in a case where the complainant does not wish to act as the complainant.

If the respondent is an employee of the University, the incident may be reported to the University's Office of Human Resources.

The complainant may withdraw a complaint or involvement from the University's process at any time.

INFORMAL RESOLUTION

Informal resolution is the process through which the complainant expresses a desire for resolution other than through the Office of Student Rights and Responsibilities or through criminal processes. For example, the complainant might want some interim relief such as a no contact order, class or work schedule adjustment, or an educational conversation with the respondent. Once a report is filed with the University, options for informal resolution will be reviewed with the Title IX Officer, who coordinates the informal resolution process. The Sexual and Relationship Violence Response Team members are available to advocate for interim relief on behalf of students.

The University will never require a student who complains of sexual harassment or violence to work out the complaint directly with the respondent through mediation or other types of conflict resolution. Complainants may withdraw formal complaints at any time, but the University may be compelled by law to continue the associated investigation or conduct process. The University will evaluate the appropriateness of resolution options on a case-by-case basis. However, if all parties voluntarily agree to participate in an informal resolution process rather than a formal process, and the University determines that a particular complaint is appropriate for informal resolution, the University may facilitate an informal resolution of a complaint, including through mediation, to assist the parties in reaching a voluntarily resolution.

FORMAL RESOLUTION

Formal resolution is the process through which a formal complaint is filed with the Syracuse University Title IX Officer for the purpose of investigation and formal resolution though the Office of Student Rights and Responsibilities. In these cases, the matter is evaluated using a preponderance of evidence standard (more likely than not) as to whether the respondent violated the Code of Student Conduct.

Overview of the Conduct Process for Cases Involving Sexual Assault, Stalking, Gender-Related Harassment or Dating or Domestic Violence

1. To file a formal complaint against a student alleging behaviors prohibited by the University's Sexual Harassment, Abuse, and Assault Prevention Policy, an individual (complainant) should contact the University's Title IX Officer at 315.443.0211, 005 Steele Hall, or TitleIX@syr.edu. If the complainant would like to file a criminal complaint they 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. 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 domestic violence, dating violence, stalking, or sexual assault 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 domestic violence, dating violence, stalking or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault 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 domestic violence, dating violence, stalking, or sexual assault.

3. If a reporting individual files a complaint that proceeds to an investigation or formal conduct process, that person is the "complainant." The student against whom the complaint is filed is the "respondent." In cases in which the Title IX Officer files a complaint without the cooperation of the reporting individual(s) in a specific incident the Title IX Officer serves as the "complainant."

4. The University handles complaints 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 allegation and other witnesses. Additionally, the University may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

5. Complaints may be made anonymously. While the University endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while the University attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

6. Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that a witness or other third party reports an incident, and the impacted person declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the reporting party may not wish to be personally identified. The University endeavors to respect the wishes of a reporting party to either not be identified and/or not participate in the process. In these situations, the University attempts to investigate and address complaints in accordance with the reporting party's wishes. However, the University may not always be able to do so. In order to protect the community, the University may be obligated to investigate and adjudicate serious incidents even when the reporting party would prefer otherwise. Complainants may withdraw formal complaints at any time, but the University may be compelled by law 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.

7. 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 and, if a delay is requested, the delay will only be temporary. The University will comply with law enforcement agency requests for cooperation and such cooperation 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. If the University investigation leads to conduct charges being filed, the University may be required to proceed with the conduct case prior to resolution of an associated criminal matter.

8. The University will evaluate the appropriateness of resolution options on a case-by-case basis. The University will never require a student who complains of sexual harassment or violence to work out the complaint directly with the respondent through mediation or other types of conflict resolution. However, if all parties voluntarily agree to participate in an informal resolution process rather than a formal process, and the University determines that a particular complaint is appropriate for informal resolution, the University may facilitate an informal resolution of a complaint, including through mediation, to assist the parties in reaching a voluntarily resolution.

9. Interim relief such as no-contact orders, changes in living and/or working and/or academic situations, protective escort services, and referrals to counseling may be provided as requested, necessary, and available. Such relief can be sought without regard to whether the complainant chooses to report the matter to the Department of Public Safety or to local law enforcement. Additional relief such as protective orders may be available through the criminal and/or family court process. Interim relief can be requested at any time even if such relief was refused when initially offered. The processes for issuance of no contact orders and interim suspensions as well as appeal processes for both are outlined in Section 4 of the Student Conduct System Handbook.

10. Upon the receipt of a complaint that, on its face, appears to violate the University's Sexual Harassment, Abuse, and Assault Prevention Policy, or related policies, the Title IX Officer will designate an investigator who will take appropriate steps to understand what occurred, and, where necessary and appropriate, conduct a prompt, adequate, reliable and impartial investigation. The investigator will have the authority to meet with both the complainant, respondent, and witnesses to the alleged incident to gather information. The investigator may also investigate related violations of the Code of Student Conduct or other University policies that may arise during the Title IX investigation. Both the complainant and the respondent will have an equal opportunity to provide the investigator information, names of witnesses, electronic communications, or other evidence related to the complaint. Both the complainant and the respondent should be prepared to offer all information of which they are aware that they desire to be considered in the investigation when they meet or speak with the investigator. The University strives to complete such investigations within sixty (60) business days. In certain circumstances (including, but not limited to, especially complex cases or when the University is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed in writing of the expected timeline for completion. Both the complainant and the respondent will be notified at regular intervals of the status of the investigation.

    A hold will be placed on the respondent's academic records until the investigation and conduct case (if any) is resolved.

11. Complainants and respondents may be advised throughout the conduct process by a procedural advisor. Persons who may serve as procedural advisors are limited to full-time students, faculty, and staff of Syracuse University. Parents/guardians are not permitted to serve as procedural advisors, except in cases involving allegations of sex-based discrimination or harassment, such as sexual assault, sexual harassment, dating/domestic violence, or stalking.

    The Dean of Students Office 315.443.4357 maintains a pool of trained University community members who may be available to provide procedural advice and support. Assignment of a procedural advisor from the Dean of Students Office is based on availability and is not guaranteed. Excluding interim suspension hearings, requests for a procedural advisor should be made at least 72 hours prior to the hearing.

    Complainants and respondent may not be advised by attorneys, except where criminal or civil proceedings are also pending against a party, or the case involves allegations of sex-based discrimination or harassment, such as sexual assault, sexual harassment, dating/ domestic violence, or stalking.

    In cases involving sexual assault, sexual harassment, dating or domestic violence or stalking, the complainant and the respondent have an equal opportunity to be advised by an advisor of their choice—including an attorney—throughout all phases of an investigation and conduct process involving allegations of sex-based discrimination or harassment, such as sexual assault, sexual harassment, dating/domestic violence, or stalking. When criminal or civil proceedings are pending, regardless of the nature of the alleged conduct, the complainant and respondent may be advised by an attorney.

12. Once the investigation report is complete, both the respondent and the complainant will be given the opportunity to review the report and provide a written response within three (3) business days. The Title IX Investigator will review the written responses to determine whether additional investigation is required. The original report, the parties' responses, and any supplemental reports will be provided to the Office of Student Rights and Responsibilities and the parties by the Title IX Investigator.

    Files will be redacted in accordance with applicable laws. Complainants and respondents will not be permitted to create copies of the files.

13. Based on the investigation report, the parties' responses to the report, and any supplemental reports, the Director of the Office of Student Rights and Responsibilities will determine, in consultation with the Title IX Officer (or a designee), whether there is sufficient cause to proceed to a University Conduct Board hearing, and will determine appropriate Code of Student Conduct charges as necessary.

14. Unless extenuating circumstances exist, a hearing will typically be convened within ten (10) business days of the receipt of the full investigative file by the Office of Student Rights and Responsibilities. The University Conduct Board is comprised of three (3) members who are full-time faculty or staff from Syracuse University and who are trained annually on the handling of Title IX related complaints, the University's applicable policies and procedures, and confidentiality. Members of the University Conduct Board are appointed by the Senior Vice President for Enrollment and the Student Experience, or designee, from a pool of at least ten (10) members. The University Conduct Board is advised by the Director of Student Rights and Responsibilities, by the Associate Director of Student Rights and Responsibilities or an attorney appointed by the Director of Student Rights and Responsibilities.

    Chairpersons, appointed by the Director of the Office of Student Rights and Responsibilities, or a designee, will preside at each University Conduct Board hearing.

15. The complainant and respondent will be notified simultaneously in writing of the charges filed against the respondent, the date, time and location of the hearing. Notice will be emailed at least three (3) University business days prior to the hearing to the parties' syr.edu email address or in any other manner reasonable designed to give notice to the parties.

16. At its sole discretion, the University Conduct Board may rely upon the investigator's report, the parties' responses to the report, and any supplemental reports, for its understanding of the relevant facts, or it may conduct additional witness interviews and/or gather other additional information. The University Conduct Board may also interview the investigator. The complainant and respondent will be invited to speak to the University Conduct Board, but neither party is required to attend the hearing. Neither party will be permitted to directly cross-examine the other party, but they may submit questions to the University Conduct Board advisor for the Board to consider asking to the other party during the hearing. The University Conduct Board, in its sole discretion, will determine the relevance of the proposed questions. Rules of evidence and criminal standards of proof do not apply. However, both parties have the right to exclude their own 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.

    The University Conduct Board hearing will be recorded. Recordings will not include deliberations. Either party may request that a written transcript of these recordings be made at the expense of the University. Printed transcripts may be redacted by the Office of Student Rights and Responsibilities prior to being provided to the requesting party in accordance with the applicable laws.

17. Based on the information contained in the final report, any written statements, and witness or investigator information will be provided to the Board, the Board will determine whether it is more likely than not that the respondent violated the Code of Student Conduct using the preponderance of the evidence standard. The University Conduct Board will render a decision on all Code of Student Conduct charges listed in the complaint.

18. If a finding of responsibility is made, and prior to deliberations regarding sanctions, the Board will consider any other relevant information including, without limitation:
    - 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;
    - the potential for ongoing risk to the student, other individuals, the community, or property;
    - a student's disciplinary record and history of past conduct status sanctions;
    - level of intent, remorse, cooperation, and willingness to take responsibility;
    - evidence that the student's conduct was motivated by bias regarding an individual or group's real or perceived race, color, creed, religion, sex, political affiliation, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, and/or veteran status;
    - sanctions issued in prior similar University conduct cases;
    - impact statements submitted by either party;
    - the nature or violence of the conduct at issue; and
    - any other mitigating, exacerbating, or compelling circumstances in order to reach a just and appropriate resolution.

    Sanctions will be designed to eliminate the prohibited conduct, prevent its recurrence, and remedy its effects. The University Conduct Board may impose sanctions up to and including expulsion from the University and may design sanctions that are educational and/or remedial specific to the facts of a given case. Sanctioning guidelines are listed in Part 10 of the Student Conduct System Handbook.

19. Hearings are considered complete when the Board has agreed upon the final written version of the Board's decision. University Conduct Board decisions are made in private and by a majority vote of the Board members. Decisions of the University Conduct Board are confirmed by the Director of Student Rights and Responsibilities or a designee. Each party will receive written notice of the decision of the University Conduct Board including a finding of responsibility, a rationale for the finding, and sanctions (if any).

20. University Conduct System proceedings including interviews, meetings, and hearings 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.

21. The process of investigation and the Board's decision will typically be concluded within ninety (90) business days of the original complaint, pending special circumstances. If circumstances arise that delay either the investigation or the Board's determination of an outcome, both parties will be sent written notification of the delay and its cause.

22. In some cases of sex-based discrimination or harassment, decisions of the University Conduct Board are effective immediately. Information on how to appeal decisions of the University Conduct Board can be found in Part 11 of the Student Conduct System Handbook.

Parental Notification

Except in unusual circumstances as determined in its sole discretion, and consistent with federal law, Syracuse University will seek to notify parents or guardians of conduct issues involving dependent students as follows:

a. In an emergency;

b. After final adjudication and finding of responsibility in all alcohol and drug-related offenses; and,

c. After final adjudication and finding of responsibility in all offenses resulting in disciplinary probation, suspension or expulsion.

A student is not a dependent student if the student:

- is or will be 24 years old during the academic year;
- is enrolled in a graduate or professional program;
- is married;
- is a veteran of the U.S. Armed Forces;
- is an international student.

The University will not notify parents of complainants or victims of the outcome of any investigation, formal complaint, or the conduct process in accordance with FERPA.

Disciplinary records maintained are retained for seven (7) years from the date of the most recent incident in the student's file or until one (1) year after the student has graduated from the University, whichever is longer. Records of students who were suspended, expelled, prohibited from future enrollment or otherwise withdrawn for disciplinary reasons are retained indefinitely.

Transcript Notations

Students found to be responsible for violence related violations as defined by the Clery Act who are suspended or expelled will have their University transcripts issued with the following notations:

- In cases of suspension—"suspended after a finding of responsibility for a code of conduct violation."
- 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 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. Notations for expulsion will not be removed.

Students who choose to appeal a suspension notation on their transcript may do so via the following process:

a. Appeals submitted prior to one year after the completion of the suspension will not be considered.

b. In order to appeal a suspension notation on a University transcript, all readmission or other sanction requirements must be completed at the time of the request.

c. If a student has been determined to be responsible for any additional conduct related incidents which took place after the start of the suspension, appeals will not be considered.

d. Submissions for a request for removal of a suspension notation should be submitted in writing to the Office of Student Rights and Responsibilities at, 804 University Ave., Suite 106, Syracuse, NY 13210 or via email at *studentconduct@syr.edu*. Submissions should contain the following:
   - A brief description of the incident and the sanction imposed.
   - Your reflections on your actions, how they have impacted you as well as others.
   - An account of your decision-making and behavior since the incident.
   - An explanation as to why you believe that the transcript notation indicating suspension should be removed from your transcript.
   - Any supporting material (letters of recommendation, verification of community service and/or employment)

e. All requests will be responded to in writing. If your request is granted, the notation of suspension will be changed to "Administrative Withdrawal—University Initiated."

Bill of Rights

All students have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violation and participate in the judicial or conduct process and criminal justice process free from pressure by the institution.
4. Participate in a process that is fair, impartial, and provides adequate notice and meaningful opportunity to be heard.
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services where available.
6. 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.
7. Describe the incident to as few institution representatives a practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by the institution, any student, the accused, and/or the respondent and/or their friends, family, and acquaintances within the jurisdiction of the institution.
9. Access to at least one level of appeal of a determination.
10. 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.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

If You Have Recently Experienced a Sexual Assault

- Call the SRVR Team at 315.443.8000.
- Call the SRVR Team at 315.443.8000 to discuss options and support services available.
- Try to preserve all physical evidence. Do not bathe, shower, drink, brush your teeth, wash your hands or change your clothes until you have a medical examination in the event there is any possibility that you want to make a police report now or sometime in the future. If you remove your clothing, place it in a paper bag to prevent deterioration of evidence.
- Seek medical attention as soon as possible after a sexual assault even if you choose not to have an examination to collect evidence. A healthcare professional can assess for any possible injuries, provide emergency contraception (if needed) and screen for sexually transmitted infections.
- This examination needs to be done at an area emergency department. There are specially trained nurses known as Sexual Assault Nurse Examiners (SANE) at all Syracuse emergency departments.
- Testing and treatment for sexually transmitted infections, HIV, and pregnancy are available by appointment at Syracuse University Health at the Barnes Center at The Arch at 315.443.8000.
- Please know that you can still choose to have an exam done even if you have changed clothing, bathed, showered or douched. If you changed, take the clothing worn at the time of the assault to the hospital in a paper bag, as plastic may destroy important evidence.
- If you suspect that you might have been given a drug, testing is available through Health at the Barnes Center at The Arch during their office hours, however, this testing cannot be used as evidence for criminal prosecution. If you are considering prosecution, a urine sample should be collected through a hospital emergency department.
- If you would like to report the incident for criminal prosecution, contact the Department of Public Safety at 315.443.2224 or 711 from campus phones, #SU from cellular phones, or the Syracuse Police Department at 315.435.3016. The SRVR Team is available to discuss your reporting options.
- If you would like to report the incident as a complaint for resolution through the student conduct system contact the University's Title IX Officer at 315.443.0211. The SRVR Team is available to discuss your reporting options.
- If you are concerned about payment of medical expenses related to examination after a sexual assault, Counseling at the Barnes Center at The Arch can inform you of available financial assistance.
- The aftermath of sexual violence can be emotional and difficult. As a survivor, self-care is a key part of the healing process. Listen to your emotions, intuition, and instincts, and do not feel pressured to do anything beyond your level of comfort. Many survivors of sexual assault find it helpful to talk with a counselor while coping with the effects of trauma following an assault.

Syracuse University Policy Statement on Sexual Assault, Sexual Harassment, Stalking, and Dating or Domestic Violence

Syracuse University is committed to fostering an environment that is supportive of its primary educational mission and free from discrimination, harassment, exploitation, and intimidation. The University does not tolerate rape, sexual assault, domestic or dating violence, stalking, sexual coercion and non-contact sexual abuse such as voyeurism, and sexual exploitation or other forms of sexual violence or non-consensual sexual activity. All students must comply with the University's Sexual Harassment, Abuse, and Assault Prevention Policy, available at *policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention/*, which prohibits sexual harassment, sexual assault, and other forms of sexual and relationship violence and discrimination. The following definitions apply:

1. **Sexual Harassment** - unwelcome behavior of a sexual nature that relates to the gender or sexual identity of an individual and that has the purpose or effect of creating an intimidating, offensive, or hostile environment for study, work, or social living. Sexual harassment includes a full range of coercive and unwelcome behaviors, such as unwelcome sexual advances, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, including rape and other forms of sexual assault, sexual coercion, and non-contact sexual abuse such as voyeurism and sexual exploitation.

2. **Sexual assault** - any actual or attempted sexual intercourse or sexual contact with another individual without affirmative consent.

   Sexual intercourse can involve anal, oral, or vaginal penetration, no matter how slight, with a body part (penis, tongue/mouth, finger, hand) or object.

   Sexual intercourse without affirmative consent is rape, which is a form of sexual assault. Sexual contact in this context is defined as intentionally and for no legitimate purpose touching the sexual or other intimate parts of another person for the purpose of degrading or abusing such person or for gratifying sexual desires; causing another person to touch one's intimate parts or disrobing or exposure of another without permission. Intimate parts include breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

   Intoxication of the respondent cannot be used as a defense to an alleged sexual assault.

3. **Stalking** - engaging in a course of conduct directed at a specific person that would cause a reasonable person to -
   - Fear for the person's safety or the safety of others; or
   - Suffer substantial emotional distress.

4. **Dating violence and domestic violence** - patterns of behavior in which an individual uses physical violence, coercion, threats, intimidation, isolation, or other forms of emotional, sexual, verbal, and/or economic abuse to control their current or former intimate partner.

THE SYRACUSE UNIVERSITY DEFINITION OF CONSENT

Affirmative consent 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 consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

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.

AMNESTY FOR REPORTING INDIVIDUALS

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 domestic violence, dating violence, stalking, or sexual assault, 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 domestic violence, dating violence, stalking, or sexual assault to institution officials. A bystander acting in good faith or a reporting individual acting in good faith who discloses any incident of domestic violence, dating violence, stalking, or sexual assault 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 domestic violence, dating violence, stalking, or sexual assault.

Risk Reduction

Individuals who commit acts of sexual violence are responsible for their actions. While it may not be possible to prevent a sexual assault, **there are some steps that can be taken that might reduce the risk**.

- Respect yourself and others.
- Trust your instincts. If a place or person makes you feel uncomfortable, remove yourself from the situation.
- Be aware of nonverbal clues that can alert you to a potential aggressor, such as someone who is sitting or standing too close, staring at you, or pressuring you to be alone together.
- Learn about the Department of Public Safety (DPS) programs such as Shuttle U Home and walking escorts. Program the DPS phone number (315.443.2224) into your phone.
- Talk with your friends about watching out for one another as much as possible. Let your friends know where you are going and who you are with. Get your friend to a safe place if you suspect your friend might have been drugged or is intoxicated.
- Know how alcohol affects you and your judgment. If you choose to drink alcohol, get your own drink and watch it being poured. Don't share drinks, drink from a large open container such as a punch bowl, or drink anything that tastes unusual.
- Consider carefully what you post online about yourself. It is not advised to post your phone number, address, class schedule, or where you are.

Primary Prevention

Becoming a Community of Empowered Bystanders

Research has shown that one of the most powerful approaches to preventing sexual and relationship violence is to encourage people to become "empowered bystanders." The EMPOWERED BYSTANDER approach to violence prevention recognizes that everyone has a role to play in preventing sexual and relationship violence. Rather than focusing prevention efforts solely on potential perpetrators or victims/survivors, Syracuse University encourages anyone who witnesses potentially harmful behavior to take some sort of action that has the potential to lead to a positive outcome, such as speaking up about abusive behavior and supporting individuals who have been abused.

Many people mistakenly believe that they have only two options in instances of actual or potential violence—intervene physically and possibly expose themselves to personal harm, or do nothing. There are multiple ways to respond safely to any situation.

An individual who has carefully considered options for action prior to witnessing a potentially harmful situation is more likely to respond to violence or abuse by others rather than remain passive and silent.

Steps to Becoming an Empowered Bystander:

To be an empowered bystander, one must trust one's feelings of discomfort and then think about how best to respond in a particular situation.

1. Empowered Bystanders will interpret a situation as one of concern and choose an action based on their evaluation about whether the situation is an emergency or one in which someone needs assistance.
2. Empowered Bystanders assume responsibility for giving help. (Keep in mind that research studies show that a bystander is less likely to help if there are other bystanders present.) Therefore, if you notice something happening that you know is not right, step up, even if there are other people in the room.
3. It is important to choose a form of safe intervention that fits the needs of the moment and one's own unique personality. Intervention can be either indirect or direct, can take place at the moment of awareness or at another time.

Tips for Intervening

The purpose of the action is to help the person leave a potentially harmful situation, confront a behavior, diffuse a situation, or call for other support/security.

In a situation potentially involving sexual assault, harassment, relationship violence, or stalking:

- Say something to a friend
- Interrupt the situation
- Distract from the situation
- Avoid using violence
- Recruit help if necessary
- Keep yourself safe
- If things get out of hand or become too serious, contact the Department of Public Safety (DPS) or the police

How to File a Title IX Complaint With the Office for Civil Rights

Anyone who believes that an education institution that receives federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability or age can file a complaint with the Office for Civil Rights (OCR). The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group.

Timeliness

A complaint must be filed within 180 calendar days of the date of the alleged discrimination, unless the time for filing is extended by OCR for good cause shown under certain circumstances.

Institutional Grievance Procedures

Prior to filing a complaint with OCR against an institution, a potential complainant may want to find out about the institution's grievance process and use that process to have the complaint resolved. However, a complainant is not required by law to use the institutional grievance process before filing a complaint with OCR.

If a complainant uses an institutional grievance process and also chooses to file the complaint with OCR, the complaint must be filed with OCR within 60 days after completion of the institutional grievance process.

How to File a Complaint

Complainants wishing to file a complaint may do so by:

Mail or Fax: Complainants may mail or send by facsimile a letter or use the OCR's Discrimination Complaint Form available from one of OCR's enforcement. In your correspondence, please include:

- The complainant's name, address and, if possible (although not required), a telephone number where the complainant may be reached during business hours;
- Information about the person(s) or class of persons injured by the alleged discriminatory act(s) (names of the injured person(s) are not required);
- The name and location of the institution that committed the alleged discriminatory act(s); and
- A description of the alleged discriminatory act(s) in sufficient detail to enable OCR to understand what occurred, when it occurred, and the basis for the alleged discrimination (race, color, national origin, sex, disability, age or the Boy Scouts of America Equal Access Act).

E-mail: Complainants may file a complaint, using the following e-mail address: *ocr@ed.gov*. Use the same procedures as above.

Online: Complainants may file a complaint with OCR using OCR's electronic complaint form at the following website: *http://www.ed.gov/about/offices/list/ocr/complaintintro.html*.

Note: A recipient of federal financial assistance may not retaliate against any person who has made a complaint, testified, assisted or participated in any manner in an investigation or proceeding under the laws listed on the first page of this brochure. If you believe that you have been retaliated against for any of these reasons, you may file a complaint with OCR. The OCR office for New York is located at:

New York Office
Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
Telephone: 646.428.3900
FAX: 646.428.3843; TDD: 800.877.8339
Email: *OCR.NewYork@ed.gov*

The OCR National Headquarters is located at:
U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: 800.421.3481
FAX: 202.453.6012; TDD: 800.877.8339
Email: *OCR@ed.gov*

(Source: *http://www2.ed.gov/about/offices/list/ocr/index.html*)

Syracuse University

TitleIXResources.syr.edu