



STUDENT CONDUCT SYSTEM HANDBOOK

2020 - 2021

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Syracuse University Statement of 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 believe that 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.

All members of the University community are further encouraged to endorse, support, and abide by the values expressed within these rights, which this community has deemed fundamental to its mission and integral to its growth.

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 being members of a protected category, 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 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 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 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.¹

¹ 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 Code of Student Conduct

All 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 population are values deemed fundamental to the Syracuse University community.

Syracuse University acknowledges that bias based conduct can threaten the mental health and safety of students and the community. Therefore, evidence that the student's conduct was motivated by bias regarding an individual or group's real or perceived race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, political or social affiliation, age, disability, sexual orientation, reproductive health decisions, gender identity and gender expression, and/or veteran status may result in more substantial sanctions.

The following behaviors, or attempted behaviors, are considered violations of the Syracuse University Code of Student Conduct:

1. Physical harm or threat of physical harm to any person or persons, including, but not limited to: assault, sexual abuse, or other forms of physical abuse.
2. Assistance, participation in, promotion of, or perpetuation of harassment, whether physical, digital, oral, written or video, including any violation of the Syracuse University Anti-Harassment Policy or Sexual Harassment, Abuse, and Assault Prevention Policy. Bias-related incidents, including instances of hate speech, may qualify as harassment under this Code and the University's Anti-Harassment Policy.
3. Assistance, participation in, promotion of, or perpetuation of conduct, whether physical, electronic, oral, written or video, which threatens the mental health, physical health, or safety of anyone.
4. Academic dishonesty,² including but not limited to: plagiarism and 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 lawful activities of the University or its members including their exercise of the right to assemble and to peaceful protest.

² Cases involving academic dishonesty are handled by the Academic Integrity office.

6. Theft of or damage to University, personal, public, or private property/services or illegal possession or use of the same.
7. Forgery, alteration or fabrication of identification cards, records, reports, grades, diplomas, University documents, possession or purchase of falsified identification cards or misrepresentation of any kind to a University office, University official, or law enforcement.
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, public intoxication, lewd, indecent or obscene behavior.
10. Illegal use or possession of alcohol, drugs or drug paraphernalia, or any other violation of the Syracuse University Policy on Alcohol, Other Drugs, and Tobacco.
11. Illegal purchase, distribution, manufacture, or sale of alcohol, drugs, or drug paraphernalia or any other violation of the Syracuse University Policy on Alcohol, Other Drugs, and Tobacco.
12. Failure to comply with the lawful directives of University officials who are performing the duties of their office, especially as they are related to the maintenance of safety or security.
13. Unauthorized possession 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, and improper use as a weapon of any otherwise permitted object or material. This includes violations of the University's weapons policy. Exceptions may be approved by the Office of Student Rights and Responsibilities for theatrical productions or athletic/recreational events.
14. Interference with or misuse of fire alarms, blue lights, elevators or other safety and security equipment or programs.
15. Assistance, participation in, promotion of, or perpetuation of hazing as defined in the Syracuse University Anti-Hazing Policy.
16. Assistance, participation in, or promotion of a student organization that has lost University recognition on a temporary or permanent basis.

17. For student leaders, failure to intervene or notify the University when a student knows of a situation that threatens the health and safety of another individual or the campus community.
18. Violation of any international, federal, state, or local law.
19. Violation of University policies, rules or regulations that are published in the Student Handbook, or other official University publications or agreements.

The Code of Student Conduct applies to all students and student organizations at Syracuse University. Violations can occur either on or off campus, and individuals and/or groups can be held accountable. Ignorance of the code and/or acts committed under the influence of alcohol or drugs do not diminish one's responsibility.

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

Syracuse University Bias Incident Response

Syracuse University seeks to foster an inclusive campus community where all members feel welcomed and supported. The University is committed to responding quickly and thoughtfully to bias incidents on campus. Bias incidents are defined by the University as expressions of hostility against a person or property of another because of the targeted person's legally protected personal characteristics, including their age, creed, disability, ethnic or national origin, gender, gender identity, gender expression, marital status, reproductive health decisions, race, religion, or sexual orientation. This process applies to incidents reported through the [STOP Bias portal](#). When the University receives a report of a bias incident, the following process occurs:

1. The incident is reviewed by the Manager of Bias Response and Education or designee.
2. If the incident is criminal in nature, the incident is referred to the Department of Public Safety.
3. If the alleged offender is a faculty or staff member, the incident is referred to the Office of Equal Opportunity, Inclusion, and Resolution Services. If the alleged offender is a student the Manager of Bias Response and Education or designee reaches out to the reporting and impacted parties to gather more information and provide support.
4. If the incident rises to the level of a violation of the Code of Student Conduct and if the impacted party (ies) would like the incident to be addressed as a code violation, the case will proceed according to the process outlined in this handbook.
5. Educational interventions may be most appropriate if the incident does not rise to the level of a violation of the Code, the impacted party does not want to initiate the conduct process, or there is not enough information to proceed.
6. The University may decide to proceed with the conduct process without the assistance of the impacted party (ies) if the incident poses a threat to the campus community or impacts bystanders or the community at large.

Syracuse University Sexual Harassment, Abuse, and Assault Prevention Policy Statements 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, Retaliation, 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; or, any act of intimidation or hostility, whether verbal or non-verbal, graphic, physical, or otherwise based on sex or gender, sexual orientation, gender identity, or gender expression, even if the acts do not involve conduct of a sexual nature; 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:

- a. the frequency, nature and severity of the conduct;
- b. whether the conduct was physically threatening;
- c. the effect of the conduct on the Complainant's mental or emotional state;
- d. whether the conduct was directed at more than one person;
- e. whether the conduct arose in the context of other discriminatory conduct;
- f. whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities;
- g. whether the conduct implicates academic freedom or protected speech; and,
- h. 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. **Retaliation:** Retaliation means any adverse action, intimidation, threat, coercion or discrimination against an individual for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the individual has made a report or Formal

Complaint of Prohibited Conduct, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding or hearing under this policy. Retaliation includes conduct through associates or agents of a Complainant, Respondent, or participant in any investigation or proceeding related to this policy.

6. **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.

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, Office of Equal Opportunity, Inclusion, and Resolution Services 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-Hazing Policy

Syracuse University is dedicated to promoting a safe and healthy campus environment for its students, faculty, staff, and visitors. In addition, Syracuse University is committed to promoting an environment that fosters respect for the dignity and rights of all its community members. As such, the University will not tolerate hazing activities by any individuals, groups, teams, or recognized student organizations. For more information regarding Syracuse University's Statement of Student Rights and Responsibilities, call the Office of Student Rights and Responsibilities at 315.443.3728 or the Office of the Senior Vice President for Enrollment and the Student Experience at 315.443.4357 for more information.

Enforcement: Syracuse University will enforce this policy through internal disciplinary procedures, the external prosecution of alleged offenders, or both. Individuals who participate in acts of hazing will be held accountable under this policy and the Code of Student Conduct. For more information regarding the Code of Student Conduct, call the Office of Student Rights and Responsibilities at 315.443.3728.

Definitions (as of May 21, 2002): Hazing is punishable under New York State Law as follows:

1. **New York Penal Law 120.16; Hazing in the First Degree:** A person is guilty of hazing in the first degree when, in the course of another person's initiation into or affiliation with any organization, he intentionally or recklessly engages in conduct which creates a substantial risk of physical injury to such other person or a third person and thereby causes injury. Hazing in the First Degree is a class A misdemeanor.
2. **New York Penal Law 120.17; Hazing in the Second Degree:** A person is guilty of hazing in the second degree when, in the course of another person's initiation or affiliation with any organization, he intentionally or recklessly engages in conduct, which creates a substantial risk of physical injury to such other person or a third person. Hazing in the second degree is a violation.

In addition, **Syracuse University defines hazing to include any action that intentionally or recklessly causes or poses a substantial risk of harm to the mental or physical health or safety of one or more persons.** Subjecting any person to and/ or encouraging any person to commit an act that violates human dignity, the Code of Student Conduct, or the law for the purpose of initiating, promoting, fostering, or confirming any form of affiliation with a group or organization is prohibited. The express or implied consent of participants or reporting individuals will not be a defense.

Examples: Examples of hazing include, but are not limited to: forced consumption of alcohol or other substances, sleep deprivation, threats of harm, actual physical harm (e.g., paddling, beating, branding), performing any service or action under coercion or duress. Sanctions: Hazing poses substantial risks to the safety and wellbeing of individual students and the University community. As such, violations of this policy will result in referral to the Office of Student Rights and Responsibilities. Possible disciplinary action may include, but is not limited to, any or all of the following: suspension or expulsion from the University, loss of University recognition and privileges, referral to law enforcement, participation in educational programs, and other educational or remedial action appropriate to the circumstances.

Sanctions imposed under this policy do not diminish or replace the penalties available under generally applicable federal, state, and local laws.

Reporting: To make a report of hazing, or to determine whether a proposed activity constitutes or will constitute hazing, contact the Department of Public Safety at 315.443.2224, the Office of Fraternity and Sorority Affairs at 315.443.2718, the Office of Student Rights and Responsibilities at 315.443.3728, or the Office of the Senior Vice President for Enrollment and the Student Experience at 315.443.4357. Anonymous reports also can be made to the Department of Public Safety through the Silent Witness Program or by calling 315.443.TIPS (8477).

Syracuse University Anti-Harassment Policy

I. 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, race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, veteran status, 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 \(policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention/\)](https://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](https://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/).

II. 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.

III. 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's race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, veteran status, 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.

1. **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).
2. **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.
3. **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 Student Rights and Responsibilities 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:

- His or her immediate supervisor, the supervisor's supervisor, or a dean;
- Office of Human Resources; or
- 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)

- a. Procedures The procedure for making a complaint of non-sexual harassment depends on the status of the parties involved as follows:
- If the accused is a non-faculty employee, the [Complaint Processing Guidelines for Complaints](#) against Non-Faculty Employees apply.
 - If the accused is a non-faculty employee, the [Complaint Processing Guidelines for Complaints against Non-Faculty Employees](#) apply.
 - If the accused is a faculty member, the [Complaint Procedure for Allegations of Inappropriate Conduct by Faculty Members](#) policy applies.
 - If the accused is a student, the [Code of Student Conduct](#) applies. Complaints may be filed with the [Office of Student Rights and Responsibilities](#).

For assistance in determining the appropriate course of action for your situation, please contact: Sheila Johnson-Willis, Interim 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.

Syracuse University Policy on Alcohol, Other Drugs, and Tobacco

The Policy on Alcohol, Other Drugs, and Tobacco is an extension of Syracuse University's commitment to make every effort to provide a safe and healthy environment for all members of our community. This policy is intended to articulate, affirm, and maintain community-wide norms that support abstinence and encourage low-risk choices regarding alcohol, other drugs, and tobacco; choices that will not compromise positive living, learning, and working experiences for each member of our community. This policy provides an umbrella framework for the University's approach to prevention and intervention, and defines acceptable and unacceptable behaviors with regard to alcohol, other drugs, and tobacco. In addition, the policy complies with the Drug-Free Schools and Communities Act Amendments of 1989, which requires the University to adopt a program to prevent and prohibit unlawful possession, use, or distribution of illegal drugs and alcohol by students and employees; and, New York State Public Health Law, which prohibits smoking in all indoor areas of the University.

Abuse is a matter of concern for the entire community. Abusing alcohol, other drugs, and tobacco, regardless of the user's age, poses a threat to health and interferes with one's ability to fully participate in the academic community. Abusing alcohol, other drugs, and tobacco creates serious problems for other members of the community. Secondhand effects of abuse include incidents of impaired sleep, study, and work time; injuries and other health complications, and criminal victimization including sexual and physical assault, theft, and vandalism. Abusing alcohol, other drugs, and tobacco takes a costly toll on the University community in the form of vandalism/property damage, lost productivity, and health service resources. The complete policy can be found at policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/alcohol-other-drugs-and-tobacco-policies.

SYRACUSE UNIVERSITY STUDENT CONDUCT SYSTEM PROCEDURES

Part 1. Organization and Philosophy

- 1.1 The Trustees and Chancellor of Syracuse University have delegated authority to the University Student Conduct System to adjudicate cases alleging violations of the Code of Student Conduct by Syracuse University students.
- 1.2 The procedures included herein apply to the resolution of social misconduct and related matters. Academic integrity cases are handled through a separate process administered by Academic Integrity Office.
- 1.3 Supervision of the University Student Conduct System is the responsibility of the Senior Vice President for Enrollment and the Student Experience. Implementation of these procedures is the responsibility of the Office of Student Rights and Responsibilities.
- 1.4 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.
- 1.5 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. Each student is responsible for conforming their conduct to the requirements of this code and applicable federal, state, and local laws.
- 1.6 Syracuse University considers student leaders to be those that hold positional offices in organizations (i.e., president, vice president, secretary, treasurer, recruitment chair) or those that influence the behaviors and decisions of an organization (i.e., unofficial membership coordinator or event planner).
- 1.7 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 manner in which it enforces its rules and regulations. The University views its student conduct process as a learning experience that is intended to result in the growth and understanding of individual responsibilities on the part of all persons.

- 1.8 Individuals who pursue allegations of student misconduct through the University Student Conduct System are deemed to have accepted the University's philosophy that any potential sanctions will be designed to address the safety and security of persons and property and to educate students with regard to higher standards of behavior.
- 1.9 Violations of the Code of Student Conduct will be adjudicated by the University Student Conduct System, which is designed to reflect and to support the educational mission of the institution and ensure the fair and equitable treatment of all individuals and groups charged with or reporting student misconduct.
- 1.10 Requests for disability accommodations should be made to the Office of Student Rights and Responsibilities. Students may also work directly with the Office of Disability Services (ODS). Since accommodations may require early planning and are not provided retroactively, students should contact the Office of Student Rights and Responsibilities regarding accommodation needs or the Office of Disability Services as soon as possible.
- 1.11 Timeframes mentioned in these procedures are estimates only. 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. University Student Conduct System has jurisdiction over all alleged violations of the Code of Student Conduct by any student or recognized student organization that may be brought to its attention. Students and student organizations may be responsible for the conduct of their guests. Jurisdiction of the University Student Conduct System extends to alleged misconduct that takes place on University owned or controlled property or on property close to the University, including the Greek chapter houses; alleged misconduct that takes place at any University sponsored event; and alleged misconduct that has an impact on the educational mission and well-being of the University community that takes place at any location off campus.
- 2.2. The University 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.

- 2.3. University student conduct proceedings are administrative in nature and independent of any criminal and/or civil legal proceedings that may be concurrently in process. University student conduct proceedings are intended to enforce the Code of Student Conduct at Syracuse University although the conduct in question may be simultaneously in violation of federal, state or local laws. The University may notify local and federal authorities when a crime is alleged to have been committed, but such notification will not modify the University's authority to adjudicate the alleged misconduct through its own student conduct system.

Part 3. Roles within the Conduct Process

- 3.1. The reporting individual or University office which files a complaint that proceeds to a formal conduct process is the "complainant". The student or student organization against whom the complaint is filed is the "respondent".
- 3.2. The Dean of Students Office is responsible for coordinating support and advisory resources that are available to complainants and respondents involved in the University Student Conduct System. The Dean of Students Office will guide parties to on- and off-campus resources, including available advisors.
- 3.3. Graduate Assistants and Practicum Assistants are graduate students who educate complainants and respondents with regard to University Student Conduct System procedures; act as conduct officers in reaching informal resolutions of conduct complaints; and manage student referrals to University and community resources designed to assist students in fulfilling conduct sanctions.
- 3.4. Residence Directors are master's level, live-on professional staff in the Office of Student Living who educate complainants and respondents with regard to University Student Conduct System procedures; act as conduct officers in reaching informal resolutions of conduct complaints; and manage student referrals to University and community resources designed to assist students in fulfilling conduct sanctions.
- 3.5. The Coordinators of Student Rights and Responsibilities are professional staff members who act as conduct officers in reaching informal resolution of student conduct complaints; advise the University Conduct Board; serve as administrative hearing officers; design and provide training and educational programming to the University community; and offer follow up support for students subsequent to the resolution of their conduct cases.
- 3.6. The Student Conduct Investigator investigates allegations of individual student and student organization misconduct; presents investigation materials to the University Conduct Board; and/or may file charges and serve as a complainant in the conduct process. The Student Conduct Investigator may serve as a conduct officer. Student conduct investigations may also

be completed by personnel from the Office of Equal Opportunity, Inclusion, and Resolution Services, the Department of Public Safety, other internal personnel, or external professionals as appropriate.

- 3.7. The Associate Director of Student Rights and Responsibilities acts as a conduct officer; advises the University Appeals Board; serves as an administrative hearing officer; provides training, advising, and educational programming to members of the University community concerning the University Student Conduct System; and acts at the direction and on behalf of the Director of Student Rights and Responsibilities.
- 3.8. The Director of Student Rights and Responsibilities directs the activities of the University Student Conduct System and acts as a conduct officer. The Director of Student Rights and Responsibilities approves informal resolutions to conduct complaints; appoints University Conduct Board members; assigns conduct officers; serves as an administrative hearing officer; confirms University Conduct Board decisions; advises or arranges for the legal advisement of the University Appeals Board; and assures that the overall functioning of the University Student Conduct System is consistent with applicable laws and regulations.
- 3.9. The Senior Vice President for Enrollment and the Student Experience or a designee is responsible for the overall supervision of the University Student Conduct System, the imposition of interim suspensions, the appointment of University Appeals Board members, and the confirmation of University Appeals Board decisions, except as otherwise provided herein. Certain administrators have been granted authority to take specific administrative actions to promote the safety and well-being of members of the University community and to enforce other administrative policies.
 - a. Senior Director of Student Living, or a designee, is authorized to respond to alleged violations of Office of Student Living Residential Policies consistent with the policies published by the Office of Student Living. These policies and procedures are independent of the University Student Conduct System. Questions about the Office of Student Living Residential Policies process should be directed to the Office of Student Living, 111 Waverly Avenue, Suite 200, or 315.443.3637.

The Senior Director of Student Living, or a designee, is also permitted to respond on an emergency basis to behavioral incidents alleged to violate the Code of Student Conduct by relocating a student within or removing a student from University housing on a temporary basis pending fulfillment of specific conditions and/or review of the matter by the University Student Conduct System.

- b. The Director of Health and the Director of Counseling are authorized to respond to significant psychological, physical, or substance-abuse related conditions or other

student behavior that poses a direct threat to members of the University community. A student who fails to attend and actively participate in an assessment, educational program, and/or other intervention as required or who engages in behaviors that pose a direct threat to members of the University community may be intermly suspended.

- c. The Chief Equal Opportunity & Title IX Officer, also known as the Title IX Coordinator, or a designee, is authorized to respond to alleged incidents of sex or gender-based discrimination or harassment, and other federal or state discrimination laws. This includes providing interim relief such as adjusting academic schedules, relocating students in housing, or issuing a temporary no contact order or other actions consistent with the University's responsibilities. Questions about discrimination or harassment, as well as the implications of Title IX, should be directed to Equal Opportunity, Inclusion and Resolution Services, 005 Steele Hall, 315.443.0211 or titleix@syr.edu.
- d. The Director of Recreation, or a designee, is authorized to respond to alleged violations of the Barnes Center Recreation published and/or posted policies. These policies and procedures are independent of the University Student Conduct System. Questions about Recreation policies should be directed to the Barnes Center, 150 Sims Drive, 315.443.8000 or syracuse.edu/bewell.
- e. The Assistant Dean of Fraternity and Sorority Affairs, or a designee, is authorized to respond to alleged violations of policies of the Office of Fraternity and Sorority Affairs consistent with published policies and procedures. These policies and procedures are independent of the University Conduct System. Questions about policies of the Office of Fraternity and Sorority Affairs should be directed to the Office of Fraternity and Sorority Affairs, 100 Women's Building, 315.443.2718 or fasa.syr.edu.

Part 4. Interim Suspension, No Contact Orders and Other Administrative Actions

- 4.1. The status of a respondent will not be changed while a case is pending, unless the Director of Student Rights and Responsibilities, or a designee, in consultation with the Dean of Students, or a designee, determines that an interim suspension or other measures are required to promote the safety and well-being of the University community. Interim suspension limits a student's ability to be physically present on University property, participate in classes, and/or participate in University activities.
- 4.2. The Dean of Students or a designee may intermly suspend a student or take other appropriate actions to protect the safety, security, or well-being of all members of the University community. Absent extenuating circumstances, within five (5) business days, a

student will be notified of tentative student conduct charges. Tentative charges are subject to change depending on the information gathered during an investigation. If tentative charges are filed, all efforts will be made to investigate the incident further and proceed with the student conduct process in a timely fashion.

- 4.3. A student who is suspended on an interim basis or subject to other interim safety restrictions or measures will be given the opportunity to be heard by the University Appeals Board. Such a request must be made by the student within thirty (30) University business days of the imposition of the interim suspension or other measures. The University Appeals Board will hear the case on the merits of the decision to impose the interim suspension or other measures within three (3) University business days of receipt of the student's written request for a hearing. The decision will be confirmed within three (3) days of the hearing. If no such request is made, the interim suspension or other measures will remain in effect pending a hearing or informal resolution meeting on the merits of the conduct case, or until the safety or security concern is resolved. All recommendations of the University Appeals Board reviewing the imposition of an interim suspension or other measures are confirmed by the Senior Vice President for Enrollment and the Student Experience or a designee, and when confirmed, the decision is final and no further review of the interim suspension status is available.
- 4.4. Where an interim suspension or other measures are imposed in a case involving the arrest of the respondent, the University may require the associated criminal matter to be resolved in full prior to the pending conduct case being heard on its merits. In cases of sexual misconduct, the University may be required to proceed with the conduct case prior to resolution of an associated criminal matter. In circumstances where a criminal matter remains pending or in other unusual circumstances, including those described herein at Part 3.9 and Part 6, students who still seek to have their cases heard on the merits must file a written request for a meeting before the Director of Student Rights and Responsibilities, or a designee, who will attempt an informal resolution. If informal resolution agreement is not reached, the Director of Student Rights and Responsibilities will determine if the case will be referred to a University Conduct Board, Administrative hearing officer, or held until the criminal case concludes. This determination will be made on case-by-case basis.

Unless modified pursuant to Part 13.1 of these procedures, University Conduct Board Hearings will conform substantially to the procedures outlined at Parts 9 through 12 herein. The results of the proceedings may be appealed in writing to the University Appeals Board in accordance with Part 12.1 of these procedures.

- 4.5. In certain circumstances, a Temporary No Contact Order (NCO) may be issued by the Department of Public Safety, the Office of Student Living, or the Title IX Officer, also known as the Title IX Coordinator, as a temporary directive to prohibit communication to, or among, designated students when there is reason to believe that continued contact is not in the best

interest of the involved students to promote their safety and security, or to prevent future negative interactions between the students.

- 4.6. No Contact Orders prohibit all forms of contact including, but not limited to, contact via social media, contact via a third party and/or in person contact.
- 4.7. If a No Contact Order is issued, both parties will receive a written copy of the Order and both parties are expected not to have contact with one another and to remove themselves from any public area where both are present. No Contact Orders impose mutual restrictions on the parties.
- 4.8. Temporary No Contact Orders will be reviewed by the Director of the Office of Student Rights and Responsibilities, or a designee, within two business day of its issuance. The Director, or designee, will determine if there is a need to continue the order, amend the order, or remove the order. Both parties will be notified in writing of the decision of the Director, or the designee.
- 4.9. No Contact Orders issued by the Office of Student Rights and Responsibilities remain in place unless or until amended or rescinded by the Director of the Office of Student Rights and Responsibilities, or a designee, upon appeal as outlined in Section 4.10, or by the University Conduct Board or by the University Appeals Board after the adjudication of a conduct case as appropriate.
- 4.10. No Contact Orders may be removed or amended through an [appeal](#) to the Office of Student Rights and Responsibilities. In the event of an appeal, either involved student may submit a written request to have the No Contact Order removed or amended. The letter must include:
 - a. A description of the events resulting in the No Contact Order being issued.
 - b. Names of those listed on the No Contact Order.
 - c. Reasons why the No Contact Order should be removed or amended.
 - d. Plans to prevent any negative incidents from occurring between parties listed in the order.
 - e. Communication of the understanding that Syracuse University is not responsible for negative behaviors that may result from removal or amendment of the No Contact Order if the individual requesting the removal or amendment of the No Contact Order is the person who requested its issuance.

No Contact Orders will not be considered for removal or amendment if all elements of the written appeal are not addressed or if there is evidence of the potential for future negative incidents between listed parties.

- 4.11. Violations of No Contact Orders by either student may result in the student's suspension on an interim basis, or Code of Student Conduct charges, from Syracuse University.
- 4.12. No Contact Orders are not part of a student's conduct file unless there is a related conduct case filed with the Office of Student Rights and Responsibilities.

Part 5. Overview of the Student Conduct Process

NOTE: FOR CASES INVOLVING SEXUAL ASSAULT, STALKING, GENDER-RELATED HARASSMENT, DATING OR DOMESTIC VIOLENCE, OR OTHER PROHIBITED CONDUCT AS DEFINED IN THE SEXUAL HARASSMENT, ABUSE, AND ASSAULT PREVENTION POLICY, SEE PART 10 FOR OVERVIEW OF PROCESS

- 5.1. A University Student Conduct System complaint may be filed against any student or recognized student organization by any member of the University community. Complaints may be filed by a student, faculty member, or staff member by filling out a standard complaint form, which is available at studentconduct.syr.edu. The Office of Student Rights and Responsibilities is also available for consultation prior to submitting a complaint. A non-University member may file a report with the Department of Public Safety. A report by a non-University member may be adjudicated if the interests of the University community are sufficiently implicated. All documentation and other information associated with the complaint, e.g., Department of Public Safety or police reports and witness statements, should be included with the standard complaint form and submitted to the Office of Student Rights and Responsibilities. More than one complaint may be filed arising out of the same incident.
- 5.2. The Office of Student Rights and Responsibilities will determine whether a complaint concerns students and/or recognized student organizations and whether the complaint concerns subject matter falling within the jurisdiction of the University Student Conduct System. The Office of Student Rights and Responsibilities further will determine whether the complaint demonstrates sufficient information of wrongdoing to warrant further investigation and/or commencement of the student conduct process. The Office of Student Rights and Responsibilities reviews all filed complaints and proposed charges; the office reserves the right to modify charges based on the information presented in the complaint. If there is insufficient information to commence the student conduct process, the complainant will be notified. A hold may be placed on the respondent's academic records until a final resolution of the complaint.
- 5.3. The standard of proof applied within the University Student Conduct System is a preponderance of the evidence, which requires a demonstration that it is "more likely than not" that the respondent has violated the Code of Student Conduct.

- 5.4. Some allegations of student misconduct require investigation prior to determining whether further student conduct proceedings are warranted. As appropriate, the University will conduct an investigation concerning the allegations. The investigation may be conducted by the Student Conduct Investigator, the Department of Public Safety or another appropriate University office or representative, or inter-departmental investigative teams. In cases involving alleged criminal conduct, the Department of Public Safety can assist a complainant in making a criminal complaint. A complainant need not pursue a criminal complaint in order to seek to hold the accused responsible through the University's Student Conduct System.
- 5.5. An individual may be permitted to withdraw a complaint subsequent to filing if the Office of Student Rights and Responsibilities is satisfied that the complainant's decision has not been influenced by pressure or intimidation. In the event that the complainant is determined to have been influenced by pressure or intimidation, or in other extenuating circumstances, or where the University's interests would be served by continuation of the case, the Senior Vice President for Enrollment and the Student Experience, or designee, or the Director of the Office of Student Rights and Responsibilities may appoint a University complainant to continue the case.
- 5.6. The University Student Conduct System is confidential and closed to persons not directly related to the case. All parties involved in the University Conduct System are expected to maintain the confidentiality of the process and proceedings. The University reserves the right to correct any misinformation with regard to University Student Conduct System actions that may be circulated in the media when the well-being of the community so requires. The University will publish data related to the activities of the University Student Conduct System on a periodic basis consistent with constraints imposed by law.

Part 6. Advisors and Representation During the Conduct Process

NOTE: FOR CASES INVOLVING SEXUAL ASSAULT, STALKING, GENDER-RELATED HARASSMENT, DATING OR DOMESTIC VIOLENCE, OR OTHER PROHIBITED CONDUCT AS DEFINED IN THE SEXUAL HARASSMENT, ABUSE, AND ASSAULT PREVENTION POLICY, SEE PART 10 FOR OVERVIEW OF PROCESS

- 6.1 Hearing Boards or officers may be advised throughout the process by an advisor appointed by the University. The advisor may be internal personnel or an external professional, and may include attorneys.
- 6.2 Complainants and respondents may be advised throughout the conduct process by a procedural advisor. Persons who may serve as procedural advisors are limited to fulltime fulltime 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 maintains a pool of trained University community members who may be available to provide procedural advice and support to complainants and respondents in standard conduct cases. 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. Advisors for cases involving sexual harassment or assault are discussed at part ## below.

6.3 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. In addition, 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.

6.4 Attorneys, when permitted to participate, are limited to the role of the procedural advisor. Procedural advisors, have no standing in University Student Conduct System proceedings, except to provide advice to their respective parties in a quiet, non-disruptive manner. Advisors, and attorneys when applicable, do not represent or speak for their respective parties. Any advisor who fails to conform their behavior to these requirements will be removed from the proceedings and barred from acting as a procedural advisor in future University Student Conduct System proceedings. In such circumstances the conduct officer, hearing panel, hearing officer, or Director of the Office of Student Rights and Responsibilities (or a designee) will determine whether to proceed with the meeting or hearing at issue without the presence of the procedural advisor. If a student has an attorney present, the University reserves the right to have one of its attorneys present as well.

Part 7. Investigation Process

NOTE: FOR CASES INVOLVING SEXUAL ASSAULT, STALKING, GENDER-RELATED HARASSMENT, DATING OR DOMESTIC VIOLENCE, OR OTHER PROHIBITED CONDUCT AS DEFINED IN THE SEXUAL HARASSMENT, ABUSE, AND ASSAULT PREVENTION POLICY, SEE PART 10 FOR OVERVIEW OF PROCESS

- 7.1. Definition of Student Conduct Investigation - An inquiry into an allegation of a student and/or organization of Syracuse University violating the Syracuse University Student Conduct Codes by the Student Conduct Investigator.
- 7.2. Student Conduct Investigation Process - Report Submitted-Initial report submitted to the Office of Student Rights and Responsibilities (OSRR) for review and determination if an investigation will take place.
- 7.3. Investigation Initiated - Student Conduct Investigator contacts the impacted department to make them aware that an investigation is taking place. Student Conduct Investigator collects any essential information from the department or any information that would be productive for an investigation.
- 7.4. Student's Notification - Students are notified of their interview appointment date and time through their Syracuse University email. *Students are required to attend their investigation appointment at the date and time accordance to Syracuse University policy*?
- 7.5. Interviews - Investigators review the student's rights prior to the interview as well as giving them an option to participate in the interview. If students choose to participate in the interview, the student will answer questions asked by the investigator. The information that is shared to the investigator, will be part of the investigation report written by the Student Conduct Investigator.
- 7.6. Investigation Report - At the end of the investigation, an investigation report is written and submitted to the Director of OSRR. Within the report, the Student Conduct Investigator recommends if/any charges to the alleged Respondent(s) and/or alleged organization. The Director has the authority to modify and/or approve the recommendation of the Student Conduct Investigator report.
- 7.7. Charges to the Respondent and/or Organization - If an alleged Respondent and/or Organization is being charged after the conclusion of the investigation, the Respondent and/or Organization would go through the Student Conduct Informal Resolution Process. Please see section (#section) of the handbook for more details about the resolution process.

- 7.8. Recording devices (audio and/or video) of any kind are not permitted for use during investigation meetings/interviews.

Part 8. Informal Resolution Process

NOTE: FOR CASES INVOLVING SEXUAL ASSAULT, STALKING, GENDER-RELATED HARASSMENT, DATING OR DOMESTIC VIOLENCE, OR OTHER PROHIBITED CONDUCT AS DEFINED IN THE SEXUAL HARASSMENT, ABUSE, AND ASSAULT PREVENTION POLICY, SEE PART 10 FOR OVERVIEW OF PROCESS

- 8.1. Upon determining that the complaint is appropriate for further processing, the Office of Student Rights and Responsibilities will contact the student or student organization. The respondent will be offered an opportunity to participate in an informal resolution meeting with a conduct officer to discuss the allegations, or offered an informal resolution in writing. If a student or student organization does not attend the meeting without prior notice to the Office of Student Rights and Responsibilities, or does not respond to the written resolution offer, a decision may be rendered in the student's or organization's absence. Complainants do not attend informal resolution meetings with the respondents, but are informed of the outcome of these meetings or resolutions to the extent legally permitted.

There are three possible results at this stage:

- (1) The respondent is found to have no responsibility and/or that there is insufficient basis to proceed against the respondent. If that occurs, the case does not proceed to a hearing; or
- (2) The respondent accepts responsibility and appropriate sanction(s) is/are agreed upon. If that occurs, the case is considered informally resolved; or
- (3) The respondent does not accept responsibility and the conduct officer determines that the complaint warrants a hearing. If that occurs, the case proceeds to a formal hearing either before the University Conduct Board or an administrative hearing officer.

Once an informal resolution is reached, the decision is final and will only be revisited based on one or more of the following:

- a. new information not reasonably available at the time of the informal resolution, the absence of which can be shown to have had a detrimental impact on the outcome of the informal resolution;
- b. procedural error that can be shown to have had a detrimental impact on the outcome of the informal resolution;
- c. errors in the interpretation of University policy so substantial as to deny fair informal resolution;
- d. grossly inappropriate sanction having no reasonable relationship to the charges.

In such a case, the student or student organization may submit a written petition for reconsideration of the case to the Director of the Office of Student Rights and Responsibilities, or designee, within three (3) business days of the informal resolution meeting. Requests for review must be written and signed by the student. The decision of the Director of the Office of Student Rights and Responsibilities, or designee, upon reconsideration is final.

8.2. If an informal resolution cannot be reached, and assuming the conduct officer finds that the complaint warrants a hearing, the case will be assigned to an appropriate hearing officer or hearing Board for formal resolution. The hearing process is described in Part 9.

8.3. Recording devices (audio and/or video) of any kind are not permitted for use during informal resolution meetings.

Part 9. Formal Hearing Process

NOTE: FOR CASES INVOLVING SEXUAL ASSAULT, STALKING, GENDER-RELATED HARASSMENT, DATING OR DOMESTIC VIOLENCE, OR OTHER PROHIBITED CONDUCT AS DEFINED IN THE SEXUAL HARASSMENT, ABUSE, AND ASSAULT PREVENTION POLICY, SEE PART 10 FOR OVERVIEW OF PROCESS

9.1. Student conduct cases that are not resolved through informal resolution will proceed to a formal hearing process. This process will take place in a timely manner, usually within thirty (30) business after the complaint is received. Each party will be given written notice of the charges stating: the alleged facts upon which the charges are based, the sections of the Code of Student Conduct alleged to have been violated, the procedures to be used in resolving the charges, and the date, time, and location of the hearing. Notice will be emailed at least five (5) University business days prior to the hearing to the parties' syr.edu email address. Parties will be granted access to the case file that is submitted to the administrative hearing officer or the University Conduct Board for review.

9.2. The order of the formal hearing is typically as follows:

- a. introductions and reading of the complaint/appeal by the chairperson or hearing officer;
- b. opening statements;
- c. presentation of testimony/information/witnesses by the complainant;
- d. presentation of testimony/information/witnesses by the respondent;
- e. closing statement by the complainant;
- f. closing statement by the respondent.

At the conclusion of the hearing, the University Conduct Board or administrative hearing officer begins deliberations regarding responsibility. If a finding of responsibility is made, deliberations continue regarding sanctions. In appropriate circumstances, the order of presentation at the hearing may be changed.

- 9.3. Formal hearings may involve the University Conduct Board or an administrative hearing officer to consider impartially all relevant testimony and other information, determine the facts, and impose appropriate sanctions. If there is a possibility that a student will be suspended or expelled, the formal hearing process involves the University Conduct Board. If there is no possibility of suspension or expulsion, the formal hearing process will be heard by an administrative hearing officer or board. Each party may present objections to the participation of any Board member or hearing officer for reason of conflict of interest. Any such objection will be ruled on by the Board chairperson, or by vote of the majority of the Board, if the objection is to the chairperson's participation, or by the Director of the Office of Student Rights and Responsibilities if the objection is to a particular hearing officer.
 - a. The University Conduct Board, typically comprised of a three (3) to five (5)-member panel, that may be comprised of students, faculty, staff, or external professionals as determined by the Office of Student Rights and Responsibilities. The University Conduct Board is advised by a trained designee of the Director of Student Rights and Responsibilities, and external professionals as necessary.
 - b. Administrative hearing officers, who may be internal faculty or staff or external professionals, are appointed by the Director of Student Rights and Responsibilities.
- 9.4. An audio recording will be made for all formal hearings. Recordings will not include deliberations. Either party may request that a written transcript of these recordings be made at the expense of the requesting party (except in cases of disability accommodation) or have access to the recordings by arrangement with the Director of Student Rights and Responsibilities. Printed transcripts will be redacted as needed by the Office of Student Rights and Responsibilities prior to being released. Additional recording devices (audio and/or video) of any kind are not permitted for use during University Conduct Board hearings.
- 9.5. If a party would like to call witnesses regarding the facts of the case, names of potential witnesses must be submitted to the Office of Student Rights and Responsibilities by the date stated in the formal hearing notice. Witnesses are limited to 10 people for a hearing. If there are more than 10 witnesses for a hearing they will be asked to submit written statements. Witness lists will be made available to the other party. The chairperson or administrative hearing officer will have the discretion to allow or exclude witnesses proposed by either party when the information offered by a witness would be cumulative or irrelevant, or the witness

would unnecessarily compromise the confidentiality of the hearing. The University Student Conduct System is not required to compel the appearance of any witness at a University Student Conduct System proceeding. Neither party nor anyone acting on their behalf are authorized to compel or attempt to compel the appearance of any person at a University Student Conduct System proceeding.

- 9.6. All parties are expected to appear at the hearing. If either party fails to appear at the hearing, the hearing Board may proceed with the hearing or reschedule the hearing. In cases in which either party is unable to appear, alternative means for participation may be made available.
- 9.7. Each party must act in a manner that is respectful of the proceedings and the rights of all individuals involved. It is the responsibility of each party to assure advisors, witnesses, and other affiliates act in a respectful manner. The chairperson or administrative hearing officer may discontinue the hearing and forward the case for administrative resolution by the Director of Student Rights and Responsibilities, or a designee, when the behavior of any person might be detrimental to the outcome of the hearing. Attendance at hearings is limited to the hearing Board or officer and their advisors, and the parties immediately involved and their procedural advisors. Witnesses are permitted in the hearing room solely for their own testimony. Only the University Conduct Board members or administrative hearing officers and their advisors are permitted for deliberations.
- 9.8. At the hearing, each party must offer all information known or available that they desire to be considered in the form of testimony, witnesses, questions or evidence.
- 9.9. Relevance of information and testimony will be determined by the chairperson or administrative hearing officer. The University Conduct Board members or administrative hearing officer may ask relevant questions at any time.
- 9.10. Each party will have the opportunity ask questions indirectly of the other party through the chairperson or administrative hearing officer. The chairperson or administrative hearing officer has the discretion to determine whether to permit questioning of witnesses indirectly through the chairperson or administrative hearing officer. Formal rules of evidence do not apply. Any information or statement may be admitted (including hearsay) at the discretion of the chairperson or administrative hearing officer. The parties may ask questions indirectly through the chairperson or hearing officer subject to reasonableness and relevance, as determined by the chairperson or administrative hearing officer.
- 9.11. At the conclusion of the closing statements by the complainant and respondent, the University Conduct Board or the administrative hearing officer will deliberate regarding the finding of responsibility for each alleged violation. Hearing Board decisions on responsibility are made by a majority vote of the Board members.

- 9.12. If a student or organization is found responsible for any violations, the University Conduct Board or administrative hearing officer will consider appropriate sanctions (see Part 11). Sanction decisions are made by a majority vote of the Board members.
- 9.13. Decisions of the University Conduct Board or administrative hearing officer are reviewed and confirmed by the Director of Student Rights and Responsibilities, or a designee. Decisions of the University Conduct Board or administrative hearing officer can be denied by the Director of Student Rights and Responsibilities if the Director determines that the Board or hearing officer acted in arbitrary, capricious, or unfair manner. In cases where the Director denies the Board decision for those reasons, a new University Conduct Board or administrative hearing officer will be convened to re-hear the case on its merits. The new hearing will conform to the procedures outline in Part 9 of the Student Conduct System Handbook.

Following the review and confirmation of the Board or hearing officer decision, each party will receive written notice of the confirmed decision within five (5) University business days after the hearing and associated deliberations are concluded. Decisions may become effective immediately, even while an appeal is pending, where the facts and circumstances warrant. The timing of any sanctions will be specified in the written notice of the decision.

Appeals from decisions of the University Conduct Board or administrative hearing officers that meet the criteria set forth in Part 12 are heard by the University Appeals Board.

Part 10. Overview of the Conduct Process for Alleged Sexual Harassment, Abuse, and Assault

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”).³ 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 with respect to other forms of misconduct. 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.

³ 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.

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 pursuant to these procedures to another appropriate University representative). The University will treat Complainants and Respondents equitably by offering Supportive Measures to a Complainant, and by following a formal 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; the need for language assistance or accommodation of disabilities; or other considerations that impact the timing of the investigation, hearing or appeal.

- 10.1. To make a report or file a Formal Complaint against a University student alleging conduct prohibited by 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.

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. 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.

10.2. 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 Prohibited Conduct), the outreach will also cover reasonably available Supportive Measures (available with or without filing a Formal Complaint), and 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 meeting 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.

10.3. 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.

10.4. 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.

10.5. 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.

10.6. 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 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 unlawful 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.

10.7. 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 remaining 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 Student Rights and Responsibilities (or a designee).

10.8. 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.

10.9. Process for Formal and Informal Resolution

A. Formal Resolution Process

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

- ii. 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.

- iii. 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.

iv. 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.

v. 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.

vi. 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 send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have ten (10) business 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 and conduct additional investigation if necessary.

vii. 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 provide the investigative report to the parties and their advisors, in an electronic format or a hard copy, at least five (5) business days before submitting the file to the Office of Student Rights and Responsibilities ("OSRR"). The Complainant and Respondent are provided the opportunity, in writing, to offer any additional comment or feedback with respect to the investigation report within that five (5) business day window. Once the parties' comments—if any—are received, or after the five (5) business day window has elapsed (which happens sooner), the investigator will share the case file, investigation report, and parties' responses to the report with OSRR. Unless extenuating circumstances exist, OSRR will convene a hearing within

fifteen (15) calendar days of the receipt of the investigation report and related materials.

viii. 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; other emergency or non-emergency circumstances or interruptions. The Title IX Coordinator (or designee) and investigator may grant temporary delays of the investigation or the 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.

ix. 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 OSRR (or designee) for sanctioning as described below.

x. Notice of Charge

Upon receipt of an investigation report, OSRR, in consultation with the Title IX Coordinator (or designee), will decide the final policy charges and schedule a hearing. The Notice of Charge will include a determination by the investigator whether the conduct alleged in the Formal Complaint falls within the scope of the Sexual Harassment, Abuse, and Assault Prevention Policy and the definitions of Sexual Harassment, including Title IX Sexual Harassment. In order to move forward with a Notice of Charge, OSRR 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.

OSSR 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.

xi. 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 OSSR. 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 OSRR 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 the hearing panel or officer 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.

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 not rely on statement of that party or witness in reaching a determination regarding responsibility. 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.

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.

At its sole discretion, the hearing panel or officer may rely upon the investigator's report, the parties' responses to the report, and any supplemental reports, for their understanding of the relevant facts, or they may conduct additional witness interviews and/or gather additional information. The hearing panel or officer may also interview the investigator.

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 OSRR 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 OSRR prior to being provided to the requesting party in accordance with applicable privacy laws.

xii. 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 OSRR (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.

xiii. Sanction

If a finding of responsibility is made, the Director of OSRR (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 (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 OSRR (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, OSRR, and the Dean of Students' Office are responsible for the effective implementation of remedies.

xiv. 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 OSRR (or a 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.

xv. 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 OSRR 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, OSRR 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 OSRR. 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 OSRR 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 Prohibited Conduct 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) 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.

10.10. 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.

10.11. 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.

10.12. 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.

10.13. Definitions

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

Part 11. Sanctions for All Conduct Cases

The primary goal of the University Student Conduct System is education. In addition to educational sanctions, the university may issue sanctions that affect a student or student organization's status at the university. All sanctions are official actions of the University. Failure to comply with sanctions or with specific conditions related to the safety and security of any persons or property while a case is pending, may result in immediate, suspension or expulsion from the University without benefit of further process.

11.1. Sanctions are assigned based on the context and nature of the behaviors and the status of the respondent. Specifically, conduct officer and University Conduct Boards will consider the following:

- 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 history of past conduct status 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, reproductive health decisions, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, and/or veteran status;
- f. whether the student or student organization engaged in help-seeking behavior (i.e. calling for assistance, remaining with another student while help arrived); and,
- g. sanctions issued in prior similar University conduct cases.

11.2. The following sanctions, or any combination thereof, may be applied to any individual student, group of students, or student organization, for violations of the Code of Student Conduct and related University policies:

- a. **EDUCATIONAL** The primary goal of the University Student Conduct System is education. Respective Boards and conduct officers may design sanctions that are specific to an individual case when it is determined that educational value may result and the interests of the University community are maintained. Examples of educational sanctions include, but are not limited to: community service, Community Involvement Assignment, Decision Making Assignment, Civility Workshop, monetary restitution, and research and writing assignments.
- b. **Residential Warning** This status is a formal admonition on behalf of the residential living program and is intended to clearly document in a student's disciplinary file that student's behavior has been deemed unacceptable.

- c. **Residential Probation** This status indicates that a student is no longer in good standing within the University's residential living program. Further violations may result in the immediate loss of eligibility to live in or visit the University's residence and/or dining facilities.
- d. **Residential Relocation/Suspension/Expulsion** These statuses indicate that a student is not eligible to live in or visit some or all of the University's residence and/or dining facilities. A residential relocation involves the reassignment of a student's living unit within University housing and usually prohibits the student from returning to the residential area associated with the former living assignment. A residential suspension or expulsion involves the student's removal from housing altogether. These statuses may extend for a specific period of time, until the completion of specific conditions, or permanently. These statuses may be limited to a specific facility or applied to all facilities.
- e. **Social Probation** This status is applied as a result of a breach of specific social regulations. Its primary effect is to suspend a privilege related to the nature of the offense and/or restrict access to specific campus facilities or programs.
- f. **Disciplinary Warning** This status is a formal admonition on behalf of the University community and is intended to clearly document in a student's or student organization's disciplinary file that their behavior has been deemed unacceptable. The length of this status will be determined by the conduct officer or formal hearing body.
- g. **Disciplinary Probation** This action constitutes a change in status between good standing and suspension or expulsion from the University. The student or student organization is permitted to remain enrolled at or retain recognition by the University under stated conditions, depending upon the nature of the violation and upon the potential learning value that may derive from specific restrictive measures. Further violations may result in immediate suspension, or expulsion from the University. The length of this status will be determined by the conduct officer or formal hearing body.
- h. **Interim Suspension** This action by the Dean of Students, or a designee, in consultation with the Senior Vice President for Enrollment and the Student Experience, or a designee, is a temporary suspension of certain rights or privileges while a conduct case is pending. An interim suspension may be broad and inclusive or may be restricted to a specific location and/or function and is based on the determination that the safety and well-being of the University community or specific persons are at risk.

- i. **Suspension** This action results in a student's involuntary withdrawal from the University, or in loss of University recognition and related privileges for a student organization, for a period of time. A suspended student or student organization is prohibited from any presence or activity on University owned, operated, or controlled property, including but not limited, to University-owned property leased to a non-University affiliated party, and from participation in any class or program offered by Syracuse University. A student or student organization placed on a status of suspension is permitted, after a minimum period of separation, to submit a petition demonstrating good citizenship in the time away from the University and potential for making positive contributions in the future.

Individual student petitions are required to include: a personal essay evidencing the learning the student has gained from the incident that led to the suspension; the manner in which the student has been occupied since departure from the University; and, the specific commitments the student will make to contributing positively to the University community if offered the opportunity for readmission; three (3) character references from non-family members; documented information of the student's completion of substantial service to the community; documented information of gainful employment and/or completion of academic course work at an accredited institution of higher education; and, documented information of completion of any special assignments identified for the student by the Office of Student Rights and Responsibilities at the time of or subsequent to the student's departure. This petition is reviewed by the Director of Student Rights and Responsibilities and the Senior Vice President for Enrollment and the Student Experience, or a designee, who will determine whether and under what conditions a student may be permitted to return to the University in a future semester.

Student organization petitions will include elements specific to the type of student organization, as determined by the Director of Student Rights and Responsibilities.

- j. **EXPULSION** This action results in the permanent separation of the student, or student organization, from the University, its programs and facilities. It is the most severe disciplinary action that the University Student Conduct System can impose.

11.3. Application of Sanctioning Guidelines

Sanctioning guidelines have been adopted by Syracuse University to respond to substance abuse-related and other serious violations of the Code of Student Conduct. Syracuse University is deeply concerned about the extent to which some students engage in underage consumption of alcohol, unlawful use of drugs, and/or consumption of alcohol or other drugs to a degree that renders them in need of emergency medical intervention or other

extraordinary assistance. In addition, Syracuse University seeks to deter students from engaging in conduct that poses risks to the safety and well-being of the individual student and/or the University community as a whole. Sanctioning guidelines are intended to alert students and other members of the University community to the seriousness of alcohol- and drug-related behaviors, violence, and safety violations; provide meaningful consequences for violations of University expectations; and, ensure that students are provided opportunities to access education, counseling, and support.

In all cases the appropriate sanctions will be determined on a case-by-case basis in light of all the circumstances. The presence of substantial mitigating or other appropriate circumstances may result in the reduction or augmentation of sanctioning guidelines.

11.4. Sanctioning Guidelines for Substance-Related Violations

CATEGORY	FIRST VIOLATION	SECOND VIOLATION	THIRD VIOLATION
Use or possession of alcohol under Prohibited circumstances	Disciplinary Warning and educational activities including: Community Involvement referral and/or Educational project(s)	Disciplinary Probation and educational activities including: Options Program referral and Community Involvement referral and/or other educational project(s)	Suspension
Supplying alcohol to underage person(s)	Disciplinary Probation and educational activities including: Community Involvement referral or Community Service project(s) and/or Educational project(s)	Suspension	
Extreme alcohol intoxication posing a substantial risk to the health and well-being of self and/or others	Disciplinary Warning and educational activities including: Options Program referral and Educational assignments	Disciplinary Probation and educational activities including: Options Program referral and Community Involvement referral and/or other educational project(s) Residential relocation	Suspension

<p>Manufacture or sale of alcohol under prohibited circumstances</p>	<p>Disciplinary Probation and educational activities including:</p> <p>Community Involvement referral or Community Service project(s) and/or Educational project(s)</p>	<p>Suspension</p>	
<p>Driving any motor vehicle while intoxicated or while under the influence of unlawful drugs</p>	<p>Suspension</p>	<p>Suspension or Expulsion</p>	
<p>Use or possession of marijuana or marijuana paraphernalia</p>	<p>Disciplinary Warning and educational activities including:</p> <p>Options Program referral and/or Community Involvement; Community Service referral and/or Other Educational project(s)</p>	<p>Disciplinary Probation and educational activities including:</p> <p>Options Program referral and/or Community Involvement; Community Service referral and/or Other Educational project(s)</p>	<p>Suspension</p>

<p>Use or possession of illegal drugs other than marijuana or controlled substances without an appropriate prescription</p>	<p>Disciplinary Probation and educational activities including:</p> <p>Options Program referral and/or Community Involvement; Community Service referral and/or Other Educational project(s)</p>	<p>Suspension</p>	
<p>Extreme drug intoxication or abuse-related behavior posing a substantial risk to the health and well-being of self and/or others</p>	<p>Disciplinary Probation and educational activities including:</p> <p>Options Program referral and/or Community Involvement referral and/or Other Educational project(s) Residential relocation</p>	<p>Suspension</p>	
<p>Manufacture, sale, purchase, or distribution of illegal drugs or controlled substances</p>	<p>Suspension or Expulsion</p>		

11.5. Sanctioning Guidelines for Weapons-Related Violations

CATEGORY	SANCTION
Possession of a prohibited weapon or other dangerous object, including, but not limited to firearms, BB-guns, sling shots, airsoft guns, air rifles, explosive devices, fireworks, or any other dangerous, unlawful, or hazardous object or material	Disciplinary Probation, Suspension, or Expulsion Expulsion from student housing Community Service and/or other Educational sanctions
Any improper use, attempted use, or threat of use of a weapon or other dangerous, illegal, or hazardous object; any improper use as a weapon of any otherwise permitted object or material	Suspension or Expulsion

11.6. Sanctioning Guidelines for Violence-Related Violations

CATEGORY	SANCTION
Physical harm or threat of physical harm without a weapon resulting in little or no physical injury to involved persons	Disciplinary Probation or Suspension Participation in the Conflict Resolution Program, and the Options Program referral if alcohol or other drugs were a factor in the incident Community service and/or other educational sanctions
Physical harm without a weapon resulting in significant physical injury to another person	Suspension or Expulsion

11.7. Sanctioning Guidelines for Safety and Fire-Related Violations

CATEGORY	SANCTION
Tampering with smoke detectors in on campus residential facilities	Disciplinary Warning, educational projects, and residential probation
Interference with, improper activation of, or damage to any elevator or safety or emergency equipment, including, but not limited to: fire alarms, fire extinguishers, sprinkler systems, and blue lights; lighting any unauthorized fire on University property	Disciplinary Probation with appropriate educational sanctions or Suspension

11.8. Sanctioning Guidelines for Gender Related Violence/Harassment

CATEGORY	SANCTION
Sexual harassment including unwanted sexual advances, requests for sexual favors and some visual and physical conduct of a sexual nature; Stalking	Suspension or Disciplinary Probation with appropriate educational projects
Sexual assault, including, but not limited to sexual touching without consent, forcible touching; stalking with threats of harm; use of physical violence in a dating or sexual relationship	Suspension or Expulsion
Sexual intercourse without consent	Suspension or Expulsion
Retaliation against an individual who has filed a report of gender related violence/harassment	Suspension or Expulsion or Disciplinary Probation with appropriate educational projects

11.9. Sanctioning Guidelines for Bias-Related Violations

CATEGORY	SANCTION
Evidence that the student's conduct was motivated by bias regarding an individual or group's real or perceived race, color, creed, religion, sex, gender, reproductive health decisions, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, and/or veteran status may result in more severe disciplinary action through the student conduct process.	Disciplinary Probation or Suspension
Evidence that a student's conduct was motivated by bias and threatened physical health, mental health, or safety of anyone.	Suspension or Expulsion

11.10. Sanctioning Guidelines for Hazing-Related Violations

CATEGORY	SANCTION
Assistance, participation in, promotion of, or perpetuation of hazing.	Suspension or Expulsion
Knowledge of hazing and failing to report or intervene in a situation that threatens the health and safety of another individual.	Suspension or Expulsion

Part 12. Appeals

NOTE: FOR CASES INVOLVING SEXUAL ASSAULT, STALKING, GENDER-RELATED HARASSMENT, DATING OR DOMESTIC VIOLENCE, OR OTHER PROHIBITED CONDUCT AS DEFINED IN THE SEXUAL HARASSMENT, ABUSE, AND ASSAULT PREVENTION POLICY, SEE PART 10 FOR OVERVIEW OF APPEALS PROCESS

12.1. Decisions of the respective Boards are effective immediately, unless a written notice of intention to appeal has been received by the Office of Student Rights and Responsibilities within one business day after the confirmed decision is made available.

12.2. Appeals must be based on one or more of the following:

- a. New information not reasonably available at the time of the original hearing, the absence of which can be shown to have had a detrimental impact on the outcome of the hearing.
- b. Procedural error that can be shown to have had a detrimental impact on the outcome of the hearing.
- c. Errors in the interpretation of University policy so substantial as to deny either party a fair hearing.
- d. Grossly inappropriate sanction having no reasonable relationship to the charges.

12.3. Either party may appeal the decision of the University Conduct Board or administrative hearing officer in writing within three (3) University business days after the written decision is made available or new information is discovered that was not reasonably available at the time of the conduct hearing. All appeals must be authored and signed by the submitting party. Appeal submissions must not be more than ten (10) pages, double-spaced, using 12-point font and 1-inch margins (not including attachments). An appeal by one party will be forwarded by the Office of Student Rights and Responsibilities to the other party. Extensions for appeals may be requested in the event there are extenuating circumstances. The Director in the Office of Student Rights and Responsibilities will review the request and will approve or deny the request. If the request for an extension is granted both parties will be notified and have the same extension. Appeals submitted late, or produced by procedural advisors or other non-parties will not be considered by the University Appeals Board.

12.4. When an appeal has been filed, the other party will be permitted to respond in writing, specifically addressing the issues raised in the appeal, within three (3) business days after the appeal has been made available. Responsive submissions must not be more than ten (10) pages, double-spaced, using 12-point font and 1-inch margins (not including attachments.) Any responsive document will be forwarded by the Office of Student Rights and Responsibilities to the appealing party.

12.5. The University Appeals Board is comprised of three (3) members who may be students, faculty, staff, or external professionals, as determined by the Office of Student Rights and Responsibilities. The University Appeals Board has authority to hear appeals from decisions

of any lower non-academic conduct Board that meet the criteria set forth in Part 12.2. In addition, the University Appeals Board has authority to review the decision rendered by any hearing officer described within these procedures. The University Appeals Board is advised by the Director of Student Rights and Responsibilities, if they have not been involved in the original hearing, or by a designee of the Senior Vice President for Enrollment and the Student Experience.

- 12.6. The University Appeals Board will determine whether the prescribed criteria for appeals have been met and what process, if any; will be required to resolve the case. The Board may re-hear cases or limit the proceedings to the specific issues outlined in the appeal, depending on the nature of the case. The University Appeals Board may uphold the decision, change the decisions, alter sanctions up or down, impose new sanctions or return cases to University Conduct Board or hearing officer. The University Appeals Board may impose sanctions up to and including expulsion from the University and may design educational and/or remedial sanctions appropriate to a given case.
- 12.7. Findings of fact will be accepted as determined by the University Conduct Board or hearing officer, unless the appellate body determines that the original Board or hearing officer acted in an arbitrary, capricious, or unfair manner.
- 12.8. The University Appeals Board will make a decision based on the written submissions within five (5) business days after all written submissions are received, or indicate in writing what further process is necessary for final resolution.
- 12.9. Decisions of the University Appeals Board will be final when reviewed and confirmed by the Senior Vice President for Enrollment and the Student Experience, or a designee. The Senior Vice President for Enrollment and the Student Experience, or a designee, as appropriate, may interview any participant in an earlier proceeding, change the decision, alter the sanction up or down, or return the case to the University Appeals Board or another hearing Board for further process. Decisions of the Senior Vice President for Enrollment and the Student Experience, or a designee, are final. Review and confirmation by the Senior Vice President for Enrollment and the Student Experience, or a designee, will be made within three (3) business days after the decision of the University Appeals Board is complete. Parties will be informed of the outcome of any appeals only upon confirmation by the Senior Vice President for Enrollment and the Student Experience, or a designee.

Part 13. Modification of Procedures

- 13.1. 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 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.

Part 14. Amnesty for Help Seeking Behavior

- 14.1. Syracuse University encourages all community members to care for themselves and others. Therefore, when a student or student organization initiates help from a campus or community resource, involved students or organizations will generally not be subject to the University's Code of Student Conduct. Students may be required to complete educational interventions designed to assist them in their decision-making process and/or the outcomes of their decisions and the University will generally alert emergency contacts. The University retains the right to hold individuals and organizations accountable when the health and safety of community members is at risk.
- 14.2. For information on amnesty reporting individuals related to sexual assault, sexual harassment, stalking or dating or domestic violence see [Amnesty for Reporting Students](#) in the Syracuse University Sexual Harassment, Abuse, and Prevention Policy.

Part 15. Disciplinary Records and Transcript Notations

- 15.1. Access to disciplinary records is provided in accordance with the Family Educational Rights and Privacy Act of 1974, as amended.

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 assignment of educational intervention, for a case involving amnesty for help-seeking behavior;
 - c. After final adjudication and finding of responsibility in all alcohol and drug-related offenses;
 - d. After final adjudication and finding of responsibility in all offenses resulting in disciplinary probation, suspension or expulsion
- 15.2. Disciplinary records 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. Students are advised to consult the Academic Integrity Office with regard to the records retention policies associated with academic dishonesty cases.
 - 15.3. Students found to be responsible for non-violence related violations who are suspended or expelled will have the following notation listed on their transcript: "Administrative

Withdrawal - University Initiated". 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:

- a. In cases of suspension - "suspended after a finding of responsibility for a code of conduct violation."
- b. In cases of expulsion - "expelled after a finding of responsibility for code of conduct violation."
- c. 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 via the process listed in section 15.4. Notations for expulsion will not be removed.

15.4. 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 13244 or via email at studentconduct@syr.edu.
Submissions should contain the following:
 - A brief description of the incident and the sanction imposed.
 - Reflections on the student's actions, how they have impacted the student as well as others.
 - An account of the student's decision-making and behavior since the incident.
 - An explanation as to why the student believes that the transcript notation indicating suspension should be removed from their transcript.
 - Any supporting material (letters of recommendation, verification of community service and/or employment).
- e. All requests will be responded to in writing. If the request is granted, the notation of suspension will be removed.

Part 16. Student Record Holds

16.1. The University reserves the right to place a hold on a respondent student's academic records, until an investigation and conduct case (if any) is resolved. The hold may prevent the student from registering from classes or obtaining a copy of their academic transcript. Absent special circumstances, students may not withdraw from the University while an investigation or conduct case is pending.

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 17. Good Standing

17.1. In order to obtain a Syracuse University degree (undergraduate or graduate), students must be in good standing with the University. "Good standing" includes a requirement that all matters pending before the University Student Conduct System have been fully and finally resolved (including, but not limited to, 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 18. Enforced Medical Withdrawal

18.1. Syracuse University reserves the right to withdraw a student from the institution to protect the safety, security, and well-being of all members of the University community. Such action of the Senior Vice President for Enrollment and the Student Experience and/or a designee, or the Director of Student Rights and Responsibilities or a 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 Enrollment and the Student Experience or one or more designee(s), as deemed appropriate under the circumstances.

Part 19. Rights to Amend

- 19.1. The procedures and policies outlined above supersede all previous statements and policies of Syracuse University with respect to student rights and responsibilities as may appear in any Syracuse University publication. The University reserves the right to amend these policies and procedures from time to time.

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 gender.⁴ Any complaint of discrimination or harassment related to any of these protected bases should be reported to Sheila Johnson-Willis, the University's Chief Equal Opportunity & Title IX Officer. 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, 005 Steele Hall, Syracuse University, Syracuse, NY 13244-2330; or by email: titleix@syr.edu; or by telephone: 315.443.0211. Questions or concerns may be directed externally to Office for Civil Rights (OCR), U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202 1100; Customer Service Hotline 800.421.3481; Facsimile: 202.453.6012; TDD 877.521.2172; www2.ed.gov/about/offices/list/ocr/index.html.

Office of Student Rights and Responsibilities
804 University Avenue
Suite 106
Syracuse, NY 13244
315.443.3728

studentconduct.syr.edu
studentconduct@syr.edu

⁴ Title IX prohibits harassment or discrimination based on sex, gender, sexual orientation, gender expression, or gender identity. Titles VI and VII prohibit harassment or discrimination based on race, national origin, or color. Sections 503 and 504 of the federal Rehabilitation Act and the Americans with Disabilities Act prohibit discrimination or harassment because of disability. In addition, New York law prohibits discrimination or harassment based on these and other protected categories.