

SYRACUSE UNIVERSITY INFORMATION Regarding SEXUAL MISCONDUCT and OTHER TYPES OF HARASSMENT and DISCRIMINATION

SU Cares, Understands, and is a place of Connection: this is about our Syracuse University community and our culture at SU. This document summarizes key policies and other information essential to caring and respectful behavior towards each other.

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.¹ The STOP BIAS website provides additional information regarding resources and ways to report problematic comments and conduct: <https://www.syr.edu/currentstudents/stopbias/>. **Any complaint of discrimination or harassment related to any of these protected bases should be reported to the University's Chief Equal Opportunity, Inclusion, and Resolution Services Officer. She is responsible for coordinating compliance efforts under the various laws including Titles VI, 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 13244-1520; or by email: cmcurtin@syr.edu; or by telephone: 315-443-4018.**

Sexual harassment is prohibited. It is a form of sexual discrimination. It is unwelcome behavior of a sexual nature that relates to the gender or sexual identity of an individual. Even without creating an intimidating or hostile environment for study, work, or social living, unwelcome behavior of a sexual nature is a violation of the University's Code of Ethical Conduct. If it has the purpose or effect of creating an intimidating or hostile environment, it also may create legal liability. Note that welcome is a different standard than consent. In some circumstances, there may be consent (for criminal law purposes) but the conduct is unwelcome. Unwelcome sexual conduct is against University policy and can result in charges under the Code of Student Conduct and/or the Code of Ethical Conduct.

Syracuse University is committed to the maintenance of an environment which is supportive of its primary educational mission and free from all discrimination and harassment. The University does not tolerate harassment or discrimination including rape, sexual assault, domestic or dating violence, stalking, sexual coercion and non-contact sexual abuse such as voyeurism, and sexual exploitation or other forms of sexual violence or nonconsensual sexual activity. Prohibited behaviors include:

1. Any form of nonconsensual sexual intercourse, committed by physical force, coercion, threat, or intimidation, actual or implied, by a person(s) known or unknown to the victim. Sexual intercourse can involve anal, oral, or vaginal penetration, no matter how slight.
2. Any actual or attempted nonconsensual sexual activity including, but not limited to: sexual intercourse, or sexual touching, committed without physical force, coercion, threat, or intimidation; exhibitionism or sexual language of a threatening nature by a person(s) known or unknown to the victim.
3. Stalking, which is defined as intentionally and for no legitimate purpose engaging in a course of conduct directed at a person knowing (or should reasonably know) that such conduct is likely to cause reasonable

¹ 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.

fear of material harm or does cause substantial harm to the other person or that person's family or another party of their acquaintance. This includes cyberstalking—using technology to stalk another person.

4. Forcible touching, a form of sexual assault, which is defined as intentionally and for no legitimate purpose forcibly touching the sexual or other intimate parts of another person for the purpose of degrading or abusing such person or for gratifying sexual desires.
5. Domestic or dating violence, which is a pattern of behavior in which an individual uses physical violence, coercion, threats, intimidation, isolation or other forms of emotional, sexual, verbal and/or economic abuse to control their current or former intimate partner.

Lack of consent under New York's criminal law encompasses forcible compulsion or incapacity to consent (as in the case of a minor—under the age of 17; or someone mentally incapacitated or physically helpless). In the case of forcible touching, there is lack of consent when the victim does not expressly or impliedly acquiesce to the conduct.

The University's policy on Nonconsensual Sexual Activity includes situations in which the victim is unable to consent because he/she is physically helpless, or is mentally incapacitated due to drug or alcohol consumption, or is unconscious, regardless of whether the consumption was with the victim's consent. Consent should be expressed in mutually understandable words and actions, informed, voluntary, freely given, clear, sober, and agreed upon by all participants in sexual activity. In order to consent to sexual activity, an individual must understand to whom they are consenting, what specific activity or activities they are consenting to, when the specific sexual activity will take place, where and how. Consent can be withdrawn at any time. Consent to one form of sexual activity cannot be assumed to be consent to any other form of sexual activity. Silence or the absence of resistance is not consent.

It is important to preserve evidence related to any of these prohibited behaviors.

It is against University policy and against the law to retaliate against a person for making a complaint of sexual violence or any kind of harassment or discrimination. Any retaliation should be promptly reported to the Title IX Compliance Coordinator at 315-443-0211.

Effective prevention of sexual and relationship violence, sexual harassment, and other types of harassment and discrimination requires the commitment of community members to foster a respectful community. We need to take care of each other. We need to examine our own actions, attitudes and beliefs and explore how they might create concerns. By raising our awareness of many forms of violence, harassment and discrimination, we can develop strategies for intervening safely before violence occurs. By recognizing that sexual violence is connected to many other forms of bias, we can develop effective ways to promote equality and respect for all.

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

- Respect yourself and others.
- Trust your instincts. If a place or person makes you feel uncomfortable, remove yourself from the situation.
- Be aware of nonverbal clues that can alert you to a potential aggressor, such as someone who is sitting or standing too close, staring at you, or pressuring you to be alone together.
- Learn about the Department of Public Safety (DPS) programs such as Shuttle U Home and walking escorts. Program the DPS phone number (315-443-2224) into your phone.
- Talk with your friends about watching out for one another as much as possible. Let your friends know where you are going and who you are with. Get your friend to a safe place if you suspect your friend might have been drugged or is intoxicated.

- Know how alcohol affects you and your judgment. If you choose to drink alcohol, get your own drink and watch it being poured. Don't share drinks, drink from a large open container such as a punch bowl, or drink anything that tastes unusual.
- Consider carefully what you post online about yourself. It is not advised to post your phone number, address, class schedule, or where you are.

Privileged and Confidential advocacy and supportive services are available. If you are a **Victim/Complainant**, please call the **Sexual and Relationship Violence Response Team** of licensed professionals at **315-443-4715, 200 Walnut Place**. This team offers **24/7 privileged and confidential** crisis counseling, referrals, advocacy, safety planning, and ongoing assistance for students addressing sexual misconduct and relationship violence. The services provided by the team include: advocacy, safety planning, emotional and psychological support, trauma-informed counseling, facilitating medical evaluation and evidence collection, and reviewing legal and procedural information regarding reporting options. This team works with others on campus to address academic and housing needs and in obtaining no-contact orders.

Other Assistance and Supportive services are available for both the accused/respondent and victim/complainant. All University resources (except communications within a privilege²) share information only with those who have a need to know in order to ensure that the complainant's needs are met, the respondent is treated fairly and campus safety needs are met. Such information could be the nature, date, time, and general location of an incident.

- **Office of Student Assistance (315-443-4357)** serves as a central support hub to help students and their families manage crises, life traumas, and other concerns or barriers that impede success. The office works to address the needs of students who struggle in areas such as psychological health, physical health, crime victimization, sexual misconduct, relationship violence, and social adjustment through a variety of interventions, referrals, advocacy, and follow-up services. This Office, working with others as necessary, provides support to the complainant including supporting students through the University conduct process, and/or supporting the student through the legal/criminal system. This Office also designates a person to support the respondent including explaining the reasons for interim relief and process.
- **The Counseling Center (315-443-4715)** offers privileged and confidential crisis counseling, referrals, advocacy and ongoing assistance for students addressing mental health, sexual misconduct, relationship violence, and substance abuse issues. It has experienced, licensed mental-health professionals, including psychologists, and social workers. Help is available 24 hours a day.
- **Hendricks Chapel (315-443-2901)** provides privileged support for students, faculty and staff by listening, nurturing and guiding them through concerns related to human dignity, ethics, and spiritual welfare.
- **Faculty and Staff Assistance Program (315-443-1087)** provides privileged counseling services for faculty and staff.

People concerned about conduct or comments related to these policies should contact Equal Opportunity, Inclusion, and Resolution Services at 315-443-4018 and/or the **Title IX Coordinator/Sexual Harassment Officer at 315-443-0211 and/or DPS at 711 or 315-443-2224 and/or Syracuse Police Department Abused Persons Unit at 315-435-3016** as soon as possible after the incident. A person reporting a concern may be the victim or anyone else with knowledge of the incident. **Anonymous reporting** is available: "TIPS" at 315-443-TIPS (8477) or online: http://publicsafety.syr.edu/display.cfm?content_ID=%23%28%28M%2E%0A.

When the University is informed, it will conduct a fair, prompt (typically within 60 days), and impartial process using the preponderance of evidence standard to resolve sexual misconduct complaints and other complaints of

² Privileged resources are those who are, by reason of statute, barred from sharing information except in unusual circumstances.

harassment or discrimination. Who is involved in this process varies depending on the circumstances, but typically student matters regarding sexual misconduct are handled by DPS, the Office of Student Rights and Responsibilities (OSRR), and the Title IX Coordinator. The people involved receive annual training on these issues including protecting the safety of the complainant and promoting accountability. The University will take steps to prevent recurrence and remedy any discriminatory effects as appropriate.

In situations in which students have experienced or know of sexual misconduct and request to not have his or her name revealed, honoring this request may limit the University's ability to fully respond to the incident. The Clery Act requires that some basic information about certain crimes be reported publicly but that information does not include a complainant's name.

Interim relief such as no-contact orders, moving the alleged offender, changes in living and/or working and/or academic situations, protective escort services, and referrals to counseling may be provided as requested and when available (contact the Title IX Coordinator at 315-443-0211, the Office of Student Assistance at 315-443-4357 or the Sexual and Relationship Violence Response team at 315-443-4715). **Interim relief can be sought without regard to whether the complainant chooses to report the matter to DPS or to local law enforcement.** Additional relief such as protective orders may be available through the criminal and/or family court process. DPS (315-443-2224) can assist in these areas.

In cases involving alleged criminal conduct, **DPS will assist a victim/complainant in making a criminal complaint if he/she wishes**, and any criminal complaint will be forwarded to the appropriate law enforcement agency. For the main campus in Syracuse, this is the Abused Persons Unit (315-435-3016) of the Syracuse Police Department. A criminal complaint can be filed in addition to University processes.

Complaints against students will be forwarded to the OSRR for resolution within the University Student Conduct System. Complaints against University employees will be forwarded to the Office of Equal Opportunity, Inclusion, and Resolution Services for resolution within the University's respective grievance procedure systems. These processes provide for fairness to both the complainant and the respondent, including the opportunity to be heard, present witnesses and evidence, the right to appeal and notice of the outcome. For more detail regarding student processes, please see the Student Handbook and Code of Student Conduct.

Members of the University community found to be in violation of its policies through the procedures and systems described above shall be subject to sanctions, including the possibility of suspension and permanent expulsion.

For more detail, please contact Equal Opportunity, Inclusion, and Resolution Services at 315-443-4018 or the Title IX Coordinator at 315-443-0211, 005 Steele Hall, cmcurtin@syr.edu. Please also see the Sexual Harassment, Abuse, and Assault Prevention Policy at http://supolicies.syr.edu/univ_senate/sexual_harass.htm.

ADDITIONAL EXTERNAL RESOURCES

- **Vera House (315-468-3260—24-hour crisis and support line)** is an off-campus agency providing confidential and privileged resources for those in need because of domestic and sexual violence.
- **New York State Division of Human Rights** (<http://www.dhr.ny.gov/>)
- **U.S. Equal Employment Opportunity Commission** (<http://www.eeoc.gov/>)
- **U.S. Department of Education, Office for Civil Rights** (<http://www2.ed.gov/about/offices/list/ocr/know.html>)
- **Syracuse Police Department Abused Persons Unit: 315-435-3016**