Faculty, Teaching, and Research

Sexual Harassment, Abuse, and Assault Prevention

Scope
Faculty, staff, and students

Policy Statement

I. STATEMENT OF PRINCIPLES

Syracuse University's mission of educational excellence and public engagement is rooted in its vision of Scholarship in Action. The fulfillment of this mission is tied deeply to access, opportunity, and cross-institutional collaboration. The Syracuse University community serves and partners with a broad array of internal and external constituents from a variety of communities, near and far, of all ages, in an intentionally open environment.

Inherent to fulfilling this mission is the recognition by all who serve the institution that there is a human obligation to provide safety for all persons of all ages who participate in its programs. All members of the University community are stewards of these relationships and must recognize the differences of power that often exist in them. As members of the community, we all have the responsibility to protect those who are in a position of vulnerability. This is fulfilled when all individuals share in accountability for this obligation. In this way, members of the University community accept and endorse the basic principle of safety that supports our institutional commitment to access, opportunity, and cross-institutional collaboration all of which exists to serve the core mission.

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II. TITLE IX POLICY STATEMENT

Title IX of the Education Amendments of 1972 (“Title IX”) protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Syracuse University not only complies with the letter of Title IX's requirements but also endorses the law's intent and spirit. The University is committed to compliance in all areas addressed by Title IX, including access to higher education, career education, employment, math and science, standardized testing, athletics, education for pregnant and parenting students, learning environment, and technology, as well as sexual harassment.

Discrimination
"Discrimination" is defined as any conduct that violates the Non-Discrimination and Equal Opportunity policy of Syracuse University. Syracuse University is an equal-opportunity, affirmative-action institution. The University prohibits discrimination and harassment based on race, color, creed, religion, sex, gender, national origin, citizenship, ethnicity, marital status, age, disability, sexual orientation, gender identity and gender expression, genetic information, veteran status, or any other status protected by applicable law to the extent prohibited by law. This nondiscrimination policy covers admissions, employment, and access to and treatment in University programs, services, and activities.

**Sexual Harassment**

Syracuse University defines sexual harassment as unwelcome behavior of a sexual nature that relates to the gender or sexual identity of an individual and that has the purpose or effect of creating an intimidating, offensive or hostile environment for study, work, or social living. The policy covers activity both on campus and off. This policy applies to all interactions between Syracuse University Faculty Members and other faculty, staff, graduate students, undergraduate students, and administrative personnel. State or federal laws may also apply in some instances.

The courts have recognized two forms of sexual harassment claims under Title VII of the Civil Rights Act of 1964: "quid pro quo" claims and "hostile environment" claims.

- **The "quid pro quo" claim** (literally "this for that") involves harassment in which a supervisory employee or academic superior demands sexual favors in exchange for job or academic benefits over which that supervisor has some control or influence.

- **The "hostile work environment" claim** involves unwelcome behavior of a sexual nature that creates an intimidating or hostile environment. This standard prohibits not only behavior intended to create a hostile environment, but also behavior that has the reasonably foreseeable effect of interfering with an individual's work, academic performance, or social living. Anyone who contributes to the creation of a "hostile work environment" may be held liable for sexual harassment, including the employer or its agents, if they knew of or reasonably should have known of the harassing conditions.

Sexual harassment is conduct that focuses on a person's sexuality and/or gender, rather than on that person's contributions, as a student or employee, to the University. It encompasses the full range of coercive, unwelcome behavior, from subtle psychological force, to gross physical abuse. These acts may be visual (e.g., leering, ogling, and physical gestures conveying a sexual meaning), verbal (e.g., sexual innuendoes, suggestive remarks, sexually derogatory jokes), written (e.g., sexually suggestive e-mail, cartoons or letters), or physical (e.g., hugging, pinching or fondling). Sexual harassment may encompass acts of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. Sexual harassment also includes requests for sexual relations combined with threats of adverse consequences if the person refuses.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, location, context, and duration of the questioned behavior. Repeated incidents or a pattern of harassing behavior may be cause for serious corrective action. However, a more serious incident, even if isolated, may be sufficient cause for action under this policy.

**Consensual Relationships**

Sexual or romantic relationships that might be acceptable in other circumstances always pose inherent risks that they will result in sexual harassment when they occur between University community members and any person for whom they have a professional responsibility. These relationships, even when not harassing, may develop into professional conflicts of interest, or at least create the perception of such a conflict of interest, that may make it difficult to carry out a role as educator or supervisor. Conduct within a consensual relationship may become part of a subsequent complaint of sexual harassment.

**III. ABOUT THIS POLICY**
This Sexual Harassment, Abuse, and Assault Prevention Policy works in concert with the University's existing sexual harassment and nonconsensual sexual activity policies affecting both educational and employment opportunities. The purpose of this Policy is to ensure that the University's policies are applied and interpreted in ways consistent with Title IX and other applicable law. This Policy will be revised from time to time as necessary to reflect changes in applicable law. If and to the extent any existing University policy conflicts with this Policy, this Policy controls.

IV. THE UNIVERSITY'S TITLE IX COMPLIANCE OFFICER

The University appoints a Title IX Compliance Officer. This individual oversees all of the University's Title IX compliance efforts. The Title IX Compliance Officer is responsible for educating the University community, developing initiatives, and responding to incidents of gender inequality.

The Title IX Compliance Officer also serves as the University Sexual Harassment Officer. The University Sexual Harassment Officer is available to receive and assist in the University's response to complaints of sex discrimination, including sexual harassment and nonconsensual sexual activity. The University's Title IX Compliance Officer/Sexual Harassment Officer is:

Sheila Johnson-Willis sjohnson@syr.edu (315) 443-0211
Interim Chief, Equal Opportunity and Title IX Officer
005 Steele Hall, Syracuse University
Syracuse, NY 13244-1120

V. THE UNIVERSITY'S POLICIES AND COMPLAINT PROCEDURES

This policy and the Nonconsensual Sexual Activity Policy apply to all members of the campus community. Together, these explain and prohibit all forms of sex discrimination, including but not limited to sexual harassment, sexual assault, and sexual violence.

For the purpose of this policy, the term "community member" includes current students, employees (administrators, faculty, staff and any other person employed by the University), Trustees, and individuals accepted for admission to the University but not matriculated. The term "non-community member" includes all others (e.g., visitors, parents, former students, vendors, contractors, members of the public, volunteers, etc.).

A. Procedures for Complaints against Students, Faculty, and Staff

The University has distinct procedures for the investigation and resolution of:

- complaints against students (Student Conduct System Handbook);
- complaints against faculty (Inappropriate Conduct by Faculty Members Policy/Complaint Procedure for Allegations of Inappropriate Conduct by Faculty Members);
- complaints against staff (Exempt and Non-exempt Staff Sexual Harassment Prevention Procedures)

Any community member may make a complaint pursuant to these policies. The applicable procedure for remedying a complaint depends on whether the accused is a student, member of the faculty, or member of the staff. For instance, a complaint brought by a faculty member against a student would be processed pursuant to the student policy; a complaint by a staff member against a faculty member would be processed pursuant to the faculty policy; a complaint by a student against a staff member would be processed pursuant to the staff policy; and so on.

A non-community member's complaint against a community member may or may not be appropriate for addressing via the University's policies and procedures. The question is whether the interests of the University as a campus community are implicated. Further, the University expects that community members will act as engaged members of the campus community by initiating their own complaint as opposed to a parent or friend acting on the individual's behalf. For these reasons, a complaint made by a non-community member will be reviewed in the first instance by the Title IX Compliance Officer/Sexual Harassment Officer. The Title IX Compliance Officer/Sexual Harassment Officer will determine if the situation is appropriate for the University's
internal processes. If the complaint will not be processed in accordance with the University's policies, the complainant will be so informed.

A complaint made against an individual accepted to the University but not yet matriculated will be handled in accordance with the procedures applicable to students.

B. Procedures for Complaints against Non-Community Members

Students, faculty and staff may make complaints against a visitor or other non-campus member by contacting the Department of Public Safety (DPS) or the Title IX Compliance Officer/Sexual Harassment Officer. These complaints will be investigated by DPS. DPS will report its findings to the University's Executive Director of Equal Opportunity, Inclusion, and Resolution Services or his/her designee, who will determine what, if any corrective or remedial actions will be taken. The complainant, the accused, the Senior Vice President of Human Capital Development, and the Chief of the Department of Public Safety will be informed of the outcome of the complaint and any action taken. If the complainant or the accused is dissatisfied, either may request reconsideration in writing to the Title IX Compliance Officer/Sexual Harassment Officer.

C. Minors

Minors are unable to consent to any sexual activity with an adult; therefore, there is no such thing as consensual sexual activity between a minor and an adult member of the University community. The University strictly prohibits unlawful sexual activity involving minors in connection with any of its programs. For the purpose of this policy, a minor is any person under the age of 17. The University prohibits not only unlawful bodily contact with a minor, if engaged in for purposes of sexual gratification or arousal, but also any unlawful non-contact sexual activity (e.g., voyeurism, exposure to pornography, "sexting", etc.). Any reports or complaints of unlawful sexual activity involving minors will be reported to appropriate law enforcement and social services agencies.

D. Investigation of Complaints

Upon the receipt of a complaint, the University will initiate the applicable procedure to ensure prompt investigation.

For the investigation process for complaints against faculty, see Complaint Procedure for Allegations of Inappropriate Conduct by Faculty Members

For the investigation process for complaints against staff, see Exempt and Non-exempt Staff Sexual Harassment Prevention Procedures

The following clarifies the University's process for investigating complaints against students.

A complaint that a student has committed sexual harassment or engaged in nonconsensual sexual activity may be made to the Title IX Compliance Officer/Sexual Harassment Officer, the Department of Public Safety (DPS), or Residence Life. The University will conduct an investigation, as appropriate under the circumstances. In most cases involving sexual harassment or sexual misconduct, DPS or the Syracuse Police Department conducts the investigation.

The investigatory process involves interviewing the parties involved and any witnesses and also gathering documentary or other evidence. In cases involving alleged criminal conduct, DPS will assist a complainant in making a criminal complaint if he/she wishes, and any criminal complaint will be forwarded to the Abused Persons Unit of the Syracuse Police Department. A complainant need not pursue a criminal complaint in order to seek to hold the accused responsible through the University's Student Conduct System system. As soon as possible, the complainant and the accused will be offered appropriate assistance from one or more of the following areas: Syracuse University Counseling Center, Housing Office and Residence Life if a move is required, and Academic Affairs if course adjustments are required.
Based on the outcome of the investigation, the Director of the Office of Student Rights and Responsibilities will determine if there is sufficient cause to proceed with the Student Conduct System. If so, the Director will arrange for an informal resolution conference with the accused. (Complainants do not attend informal resolution meetings but are apprised of the meeting's outcome.) If the accused does not accept responsibility for the allegations and/or the proposed sanction, the Director will determine if the evidence warrants a formal hearing before a Hearing Board. In cases where the victim does not wish to proceed as the complainant, the University may opt to appoint a University complainant (usually a DPS officer). For a detailed explanation of these procedures, refer to the Student Conduct System Handbook.

E. Remedial Action

The exact nature of responsive action depends on the circumstances, but may include discipline up to and including suspension or dismissal from the University for a student who is found to have violated University policies; and suspension or discharge from employment for a faculty or staff member found to have violated University policies; or a ban from University property. In some cases, remedial action will be considered during the investigation period itself if interim action is necessary. In some cases, at the end of the investigation, there may be lingering effects of discrimination/harassment, such as an unfair grade or performance evaluation, or there may be a need to change housing assignments, etc. The University will remedy those situations as appropriate and will take other steps to prevent further discrimination or harassment.

F. Reporting to Law Enforcement

The University will report allegations of criminal conduct and potential criminal conduct to the appropriate local law enforcement agency or agencies for potential investigation. This will occur independent of actions by individual complainants if allegations of criminal conduct or potential criminal conduct are made. The fact that the University reports an incident to local law enforcement does not obligate the complainant to pursue criminal charges.

G. Implementing Provisions

The University will implement the following:

i. The University will take appropriate action (i.e., an investigation, adjudication and disciplinary and remedial/corrective steps) in response to a complaint made pursuant to the complaint policies/procedures listed above. The University will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains and the rights of the accused.

ii. The University handles complaints discreetly and attempts to maintain privacy throughout the investigatory process, to the extent practicable and appropriate under the circumstances. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, the University may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

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

iv. In appropriate cases as determined by the University, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal resolution procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain
cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence.

v. Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. The University endeavors to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, the University attempts to investigate and address complaints in accordance with the victim's wishes. However, the University may not always be able to do so. In order to protect the community, the University may be obligated to investigate and adjudicate serious incidents even where the victim would prefer otherwise. The University reserves the right to take action in response to any incident that comes to its attention.

vi. If a victim wishes to talk about an incident with the assurance that the discussion will be confidential and will not result in an investigation or follow up action, the University offers confidential resources. Students seeking emotional support only may contact: The Counseling Center (443-4715), or the Chaplaincies at Hendricks Chapel. Employees may contact the Faculty and Staff Assistance Program (443-1087). Communication with these sources does not result in a complaint being filed with the University or result in action being taken by the University. Anyone wishing to have an incident investigated, mediated or adjudicated must make a complaint in accordance with the procedures described above.

vii. In determining whether sex discrimination, sexual harassment or sexual misconduct occurred, the University does not apply the criminal standard of "beyond a reasonable doubt," nor do formal court rules of evidence apply. Instead, the University uses a "preponderance of the evidence" standard, and the University may consider any evidence it deems relevant. A "preponderance of the evidence" means the evidence which is of greater weight or is more convincing than opposing evidence such that it is "more likely than not" that an act occurred.

viii. If the applicable investigatory or adjudicatory process allows for parties to offer witnesses and evidence, the complainant and the accused will have an equal opportunity to do so.

ix. The complainant and the accused will be informed in writing of the outcome of the complaint, to the extent permitted by law. Either party may appeal the outcome to an impartial decision maker. The particular method and grounds for appeal are explained in the student, faculty and staff specific policies listed above.

x. The University endeavors to resolve complaints promptly. Ordinarily, the investigative stage will take no longer than 60 calendar days from the time the complaint is received by DPS or the Title IX Compliance Officer/Sexual Harassment Officer, and the decisional or adjudicatory stage will take no longer than 15 calendar days from the start of the adjudicative or hearing process to the time a decision is rendered. If a decision is appealed, a decision will be reached and communicated to the parties within 15 calendar days. In exceptional circumstances (including but not limited to especially complex cases or when the University is not in session), it may be necessary to extend these timelines. If that occurs, the parties will be informed of the expected timeline for completion.

The University prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment or sexual misconduct or participates as a witness in a proceeding under this or any other University policy. Retaliation is also unlawful pursuant to Title IX and other laws.

VI. ADDITIONAL AVENUES AND RESOURCES

http://supolicies.syr.edu/fac_teach/sexual_harass.htm
Students seeking emotional support may contact: The Counseling Center (443-4715). Employees seeking emotional support may contact the University Wellness Initiative (443-5472), or the Faculty and Staff Assistance Program (800-437-0911).

Some cases of sex discrimination, such as those involving sexual assault or violence, may constitute crimes. By filing a complaint with the University, a complainant does not forego the right to file and pursue a criminal complaint with local law enforcement. The University’s Department of Public Safety (315) 443-3611 can assist a community member in the filing of a criminal complaint.

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; www.ocr.gov.

**Policy Administration**

- Equal Opportunity, Inclusion, and Resolution Services
- Human Resources
- Office of Academic Affairs
- Division of Student Affairs

**Links to Procedures and Related Information**

- Non-Discrimination and Equal Opportunity Policy
- Non-Discrimination and Anti-Harassment in Employment Policy
- Sexual Harassment Prevention Procedures (Exempt and Non-Exempt Staff)
- Non-Consensual Sexual Activity Policy
- Inappropriate Conduct by Faculty Members
- Complaint Procedure for Allegations of Inappropriate Conduct by Faculty Members
- Student Conduct System Handbook

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For technical assistance contact supolicy@syr.edu