SYRACUSE UNIVERSITY STATEMENT OF STUDENT RIGHTS AND RESPONSIBILITIES

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, 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.

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.

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) Harassment, whether physical, digital, oral, written or video, or any violation of the Syracuse University Anti-Harassment Policy or Sexual Harassment, Abuse, and Assault Prevention Policy.

3) 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.

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

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.

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, use, or occupation 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.

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.

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

SYRACUSE UNIVERSITY POLICY STATEMENT ON SEXUAL ASSAULT, SEXUAL HARASSMENT, STALKING OR DATING OR DOMESTIC VIOLENCE

Syracuse University is committed to fostering an environment that is supportive of its primary educational mission and free from discrimination, harassment, exploitation, and intimidation. The University does not tolerate rape, sexual assault, domestic or dating violence, stalking, sexual coercion, and non-contact sexual abuse such as voyeurism, and sexual exploitation or other forms of sexual violence or non-consensual sexual activity. All students must comply with the University’s Sexual Harassment, Abuse, and Assault Prevention Policy, available at http://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention, which prohibits sexual harassment, sexual assault, and other forms of sexual and relationship violence and discrimination. The following definitions apply:
1. **Sexual Harassment**—unwelcome behavior of a sexual nature that relates to the gender or sexual identity of an individual and that has the purpose or effect of creating an intimidating, offensive, or hostile environment for study, work, or social living. Sexual harassment includes a full range of coercive and unwelcome behaviors, such as unwelcome sexual advances, request for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, including rape and other forms of sexual assault, sexual coercion, and non-contact sexual abuse such as voyeurism and sexual exploitation.

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

Sexual intercourse can involve anal, oral, or vaginal penetration, no matter how slight, with a body part (penis, tongue/mouth, finger, hand) or object. Sexual intercourse without affirmative consent is rape, which is a form of sexual assault.

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

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

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

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

**The Syracuse University Definition of Consent**

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

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

**Amnesty for Reporting Individuals**

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

**Bill of Rights**

All students have the right to:

1. Make a report to local law enforcement and/or state police.
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously.
3. Make a decision about whether or not to disclose a crime or violations and participate in the judicial or conduct process and/or criminal justice process free from pressure by the institution.
4. Participate in a process that is fair, impartial, and provides adequate notice and meaningful opportunity to be heard.
5. Be treated with dignity and to receive from the institution courteous, fair, and respectful health care and counseling services where available.
6. Be free from any suggestion that the reporting individual is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations.
7. Describe the incident to as few institutional representatives as practicable and not be required to unnecessarily repeat a description of the incident.
8. Be protected from retaliation by the institution, any student, the accused, or the respondent and/or their friends, family, and acquaintances within the jurisdiction of the institution.
9. Access to at least one level of appeal of a determination.
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, accused, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process.
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice, or judicial or conduct process of the institution.

**If 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:

- **Department of Public Safety**
  005 Sims Hall, 315.443.2224
- **Title IX Officer**
  005 Steele Hall, 315.443.0211
- **Syracuse Police Department**
  511 South State Street, 315.435.3016
- **New York State Police**
  24-Hour dedicated hotline, 1.844.845.7269

Anonymous reporting is available: “TIPS” at 315.443.TIPS (8477) or online: [http://publicsafety.syr.edu](http://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 well-being 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 (http://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention). The University’s non-discrimination policies are available here: University Governance, Ethics, Integrity, and Legal Compliance (http://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance).

II. Reason for Policy/Purpose

This policy (http://policies.syr.edu/policies/free-speech/anti-harassment-policy) is intended to ensure that 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
The following policy defines prohibited Harassment.

a. **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).

b. **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 their participation in the filing or investigation of an allegation of Harassment.

c. **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:

- Their immediate supervisor, the supervisor’s supervisor, or a dean;
- Office of Human Resources;
- 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.
Appendices

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 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, 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.

b. Definitions

- “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.

- “Protected Category”—Protected Category is defined in this policy as a personal characteristic that is protected by law, including 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.

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 http://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/alcohol-other-drugs-and-tobacco-policies.

SYRACUSE UNIVERSITY STUDENT CONDUCT SYSTEM
PROCEDURES 2019–2020

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.
PART 2. JURISDICTION

2.1 The 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. 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 (http://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention) applies to all University programs and activities. The University processes sex discrimination complaints regardless of where the alleged conduct occurs to determine whether the conduct occurred in the context of its educational program or if it had continuing effects on campus or in an off-campus program or activity.

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. A pool of University community members have been trained to provide procedural advice or personal support to participants in the University Student Conduct System.

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.

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 interimly suspended.

c. The Chief Equal Opportunity & Title IX Officer, 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 removing a student from a class on a temporary basis, 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 http://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 http://fasa.syr.edu/.

Except in emergency circumstances as outlined in Sections 4.2 and 4.5, or in situations where a student is in violation of local, state, or federal laws or regulations, a student is entitled to an opportunity for a hearing before a hearing officer or board prior to withdrawal pursuant to this subsection. Such a hearing will be held in accordance with the procedures described in Section 4.4, except that the hearing officer or board in such a case will be advised by an appropriately trained professional. The results of such a hearing may be appealed in writing to the University Appeals Board in accordance with Part 11 of these procedures.

In emergency circumstances, as outlined in Sections 4.2 and 4.5, students may be removed immediately from the University pursuant to Part 17 of these procedures.

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 interimly suspend a student 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 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. The University Appeals Board will hear the case on the merits of the decision to impose the interim suspension 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 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 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 is 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 Sections 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, or held until the criminal case concludes. This determination will be made on case-by-case basis.

Unless modified pursuant to Part 12.1 of these procedures, University Conduct Board Hearings will conform substantially to the procedures outlined at Parts 8 through 11 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, 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. In certain circumstances, as indicated on the No Contact Order, a student who receives a No Contact Order that is issued on behalf of another student is required to remove themselves from any public area in which both individuals are present.

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.

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 4.11, 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 the student to whom it is issued may result in the student's suspension on an interim basis 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 CONDUCT PROCESS

NOTE: FOR CASES INVOLVING SEXUAL ASSAULT, STALKING, GENDER-RELATED HARASSMENT OR DATING OR DOMESTIC VIOLENCE, SEE PART 9 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

6.1 Hearing Boards or officers may be advised throughout the process.

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 full-time students, faculty, and staff of Syracuse University. Parents/guardians are not permitted to serve as procedural advisors, except in cases involving allegations of sex-based discrimination or harassment, such as sexual assault, sexual harassment, dating/domestic violence, or stalking.

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

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. INFORMAL RESOLUTION PROCESS

NOTE: FOR CASES INVOLVING SEXUAL ASSAULT, STALKING, GENDER-RELATED HARASSMENT OR DATING OR DOMESTIC VIOLENCE, SEE PART 9, FOR OVERVIEW OF PROCESS

7.1 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. If a student or student organization does not attend the meeting without prior notice to the Office of Student Rights and Responsibilities, 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 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 within three (3) business days of the informal resolution meeting or the discovery of new factual information that was not reasonably available at the time 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 upon reconsideration is final.

7.2 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 8.

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

PART 8. FORMAL HEARING PROCESS

8.1 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.

8.2 The order of the formal hearing is 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.

8.3 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 is typically comprised of five (5) Syracuse University students. When the respondent is an undergraduate student, at least two (2) Board members are undergraduate students; when the respondent is a graduate student, at least two (2) Board members are graduate students. When students are unavailable, such as during summer months, University Conduct Boards may be composed of three (3) full-time faculty or staff members from Syracuse University. Chairpersons appointed by the Director of Student Rights and Responsibilities, or a designee, will preside at each hearing before a University Conduct Board. The University Conduct Board is advised by a trained designee of the Director of Student Rights and Responsibilities.

b. Administrative hearing officers are appointed by the Director of Student Rights and Responsibilities.

8.4 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. Additional recording devices (audio and/or video) of any kind are not permitted for use during University Conduct Board hearings.

8.5 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. 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.

8.6 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.

8.7 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 an advisor, 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 advisor are permitted for deliberations.

8.8 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.

8.9 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. 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.

8.10 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.

8.11 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.

8.12 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 10). Sanction decisions are made by a majority vote of the Board members.

8.13 Decisions of the University Conduct Board or administrative hearing officer are confirmed by the Director of Student Rights and Responsibilities, or a designee. 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 11 are heard by the University Appeals Board.

PART 9. OVERVIEW OF THE CONDUCT PROCESS FOR CASES INVOLVING SEXUAL ASSAULT, STALKING, GENDER-RELATED HARASSMENT OR DATING OR DOMESTIC VIOLENCE

9.1 To file a complaint against a student alleging behaviors prohibited by the University’s Sexual Harassment, Abuse, and Assault Prevention Policy, an individual should contact the University’s Title IX Officer at 315.443.0211, 005 Steele Hall, or titleix@syr.edu. If an individual would like to file a criminal complaint they should contact the Department of Public Safety at 315.443.2224 or 005 Sims Hall, or contact the Syracuse Police Department at 911 (in an emergency) or 315.435.3016.

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

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

9.4 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.

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

9.6 If a complainant also chooses to file a criminal report with law enforcement, the University will not unduly delay its investigation unless requested to do so by the appropriate legal authorities and, if a delay is requested, the delay will only be temporary. The University will comply with law enforcement agency requests for cooperation and such cooperation may require the University to temporarily suspend the fact-finding portion of an investigation while the law enforcement agency gathers evidence. The University will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process. If the University investigation leads to conduct charges being filed, the University may be required to proceed with the conduct case prior to resolution of an associated criminal matter.

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

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

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

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

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

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

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

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

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

9.13 The complainant and respondent will be notified simultaneously in writing of the charges filed against the respondent, the date, time and location of the hearing.

Notice will be emailed at least three (3) University business days prior to the hearing to the parties’ syr.edu email address or in any other manner reasonably designed to give notice to the parties.

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

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

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

9.16 If a finding of responsibility is made, and prior to deliberations regarding sanctions, the Board 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 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, 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 in order to reach a just and appropriate resolution.

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

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

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

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

9.20 In some cases of sex-based discrimination or harassment, decisions of the University Conduct Board may become effective immediately. Information on how to appeal decisions of the University Conduct Board can be found in Part 11.

PART 10. 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.

10.1 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, 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.

10.2 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.

10.3 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. See Part 13 for the policy on Help Seeking Amnesty. 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.
<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>FIRST VIOLATION</th>
<th>SECOND VIOLATION</th>
<th>THIRD VIOLATION</th>
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</thead>
<tbody>
<tr>
<td>Use or possession of alcohol under prohibited circumstances</td>
<td>Disciplinary Warning and educational activities including: Community Involvement referral and/or Educational project(s)</td>
<td>Disciplinary Probation and educational activities including: Options Program referral and Community Involvement referral and/or other educational project(s)</td>
<td>Suspension</td>
</tr>
<tr>
<td>Supplying alcohol to underage person(s)</td>
<td>Disciplinary Probation and educational activities including: Community Involvement referral or Community Service project(s) and/or Educational project(s)</td>
<td>Suspension</td>
<td>Suspension</td>
</tr>
<tr>
<td>Extreme alcohol intoxication posing a substantial risk to the health and well-being of self and/or others</td>
<td>Disciplinary Warning and educational activities including: Options Program referral and Educational assignments</td>
<td>Disciplinary Probation and educational activities including: Options Program referral and Community Involvement referral and/or other educational project(s)</td>
<td>Suspension</td>
</tr>
<tr>
<td>Manufacture or sale of alcohol under prohibited circumstances</td>
<td>Disciplinary Probation and educational activities including: Community Involvement referral or Community Service project(s) and/or Educational project(s)</td>
<td>Suspension</td>
<td>Suspension</td>
</tr>
<tr>
<td>Driving any motor vehicle while intoxicated or while under the influence of unlawful drugs</td>
<td>Suspension</td>
<td>Suspension or Expulsion</td>
<td></td>
</tr>
<tr>
<td>Use or possession of marijuana or marijuana paraphernalia</td>
<td>Disciplinary Warning and educational activities including: Options Program</td>
<td>Disciplinary Probation and educational activities including: Options Program referral and/or other educational project(s)</td>
<td>Suspension</td>
</tr>
<tr>
<td>CATEGORY</td>
<td>FIRST VIOLATION</td>
<td>SECOND VIOLATION</td>
<td>THIRD VIOLATION</td>
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<tr>
<td>Use or possession of illegal drugs other than marijuana or controlled substances without an appropriate prescription</td>
<td>Disciplinary Probation and educational activities including: Options Program referral and/or Community Involvement; Community Service referral and/or Other Educational project(s)</td>
<td>Suspension</td>
<td></td>
</tr>
<tr>
<td>Extreme drug intoxication or abuse-related behavior posing a substantial risk to the health and well-being of self and/or others</td>
<td>Disciplinary Probation and educational activities including: Options Program referral and/or Community Involvement referral and/or Other Educational project(s) Residential relocation</td>
<td>Suspension</td>
<td></td>
</tr>
<tr>
<td>Manufacture, sale, purchase, or distribution of illegal drugs or controlled substances</td>
<td>Suspension or Expulsion</td>
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</tbody>
</table>

10.5 SANCTIONING GUIDELINES FOR WEAPONS-RELATED VIOLATIONS

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>SANCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>Disciplinary Probation, Suspension, or Expulsion Expulsion from student housing Community Service and/or other Educational sanctions</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>SANCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical harm or threat of physical harm without a weapon resulting in little or no physical injury to involved persons</td>
<td>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</td>
</tr>
<tr>
<td>Physical harm without a weapon resulting in significant physical injury to another person</td>
<td>Suspension or Expulsion</td>
</tr>
</tbody>
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<tr>
<th>CATEGORY</th>
<th>SANCTION</th>
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<tbody>
<tr>
<td>Tampering with smoke detectors in on campus residential facilities</td>
<td>Disciplinary Warning, educational projects, and residential probation</td>
</tr>
<tr>
<td>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</td>
<td>Disciplinary Probation with appropriate educational sanctions or Suspension</td>
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</tbody>
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<tr>
<th>CATEGORY</th>
<th>SANCTION</th>
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10.8 SANCTIONING GUIDELINES FOR GENDER RELATED VIOLENCE/HARASSMENT
<table>
<thead>
<tr>
<th>Sexual harassment including unwanted sexual advances, requests for sexual favors and some visual and physical conduct of a sexual nature; Stalking</th>
<th>Suspension or Disciplinary Probation with appropriate educational projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>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</td>
<td>Suspension or Expulsion</td>
</tr>
<tr>
<td>Sexual intercourse without consent</td>
<td>Suspension or Expulsion</td>
</tr>
<tr>
<td>Retaliation against an individual who has filed a report of gender related violence/harassment</td>
<td>Suspension or Expulsion or Disciplinary Probation with appropriate educational projects</td>
</tr>
</tbody>
</table>

**PART 11. APPEALS**

11.1 In cases of violence-related violations, sexual assault, stalking, gender-related harassment, or domestic/relationship violence, decisions of the respective Boards are effective immediately. In all other cases, 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.

11.2 Appeals must be based on one or more of the following:
   - 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.
   - Procedural error that can be shown to have had a detrimental impact on the outcome of the hearing.
   - Errors in the interpretation of University policy so substantial as to deny either party a fair hearing.
   - Grossly inappropriate sanction having no reasonable relationship to the charges.

11.3 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. Appeals submitted late, or produced by procedural advisors or other non-parties will not be considered by the University Appeals Board.

11.4 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.
11.5 The University Appeals Board is comprised of three (3) members who are full-time faculty or staff from Syracuse University. Members of the University Appeals Board are appointed by the Senior Vice President for Enrollment and the Student Experience, or a designee, from a pool of at least ten (10) members. 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 11.2. 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.

11.6 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.

11.7 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.

11.8 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.

11.9 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 12. MODIFICATION OF PROCEDURES

12.1 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 13. AMNESTY FOR HELP SEEKING-BEHAVIOR

13.1 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.
13.2 For information on amnesty reporting individuals related to sexual assault, sexual harassment, stalking or dating or domestic violence see pg. 4.

PART 14. DISCIPLINARY RECORDS AND TRANSCRIPT NOTATIONS

14.1 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.

14.2 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.

14.3 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 14.4. Notations for expulsion will not be removed.

14.4 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.
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).

All requests will be responded to in writing. If the request is granted, the notation of suspension will be removed.

PART 15. STUDENT RECORD HOLDS

15.1 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 for 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 16. GOOD STANDING

16.1 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 17. ENFORCED SAFETY WITHDRAWAL

17.1 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 18. RIGHTS TO AMEND

18.1 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. 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; http://www2.ed.gov/about/offices/list/ocr/index.html.

3 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.

Contact Information:
Syracuse University
804 University Ave.
Suite 106
Syracuse, NY 13244-2330
315.443.3728
http://studentconduct.syr.edu/
studentconduct@syr.edu