

# Equal Opportunity, Inclusion & Resolution Services

Conversations about Diversity, Harassment and Sexual Assault

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# A Culture of Caring, Understanding and Connection

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## Syracuse University's Core Principles

The **Code of Ethical Conduct** is a statement of principles guiding the activities of all faculty, staff, and students. It provides, in part:

We **respect the rights and dignity** of all persons and recognize that discrimination or harassment in any form undermines the fundamental principles of the University.

We support a respectful environment

**through our own actions,**

**By encouraging respectful behavior in others,  
and speaking out against hatred and bias.**

## Syracuse University's Core Principles\*

Inherent to fulfilling the University's mission:

is the recognition by all who serve the institution that there is a human obligation to provide safety for all persons of all ages who participate in its programs. All members of the University community are stewards of these relationships and must recognize the differences of power that often exist in them.

**As members of the community, we all have the responsibility to protect those who are in a position of vulnerability.**

This is fulfilled when all individuals share in accountability for this obligation. In this way, members of the University community accept and endorse the basic principle of safety that supports our institutional commitment to access, opportunity, and cross institutional collaboration all of which exists to serve the core mission.

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## Non-Discrimination and Equal Opportunity Policy Statement

The University does not discriminate and prohibits harassment or discrimination related to any protected category including creed, ethnicity, citizenship, 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.





## Title IX – SU Policy

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Syracuse University is committed to the maintenance of an environment which is supportive of its primary educational mission and free from all exploitation and intimidation.

### **The University does not tolerate:**

- **Harassment** (including sexual harassment)
- **Sexual assault** (including rape)
- **Domestic or dating violence**
- **Stalking**
- **Sexual coercion and non-contact sexual abuse such as voyeurism**
- **Sexual exploitation or other forms of sexual violence or non-consensual sexual activity.**

Students found to be responsible for violations of this policy are at risk for expulsion from the university.

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 a notation of a code of conduct violation.





# A Culture of Caring, Understanding and Connection

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## Federal Protected Classes

Age  
Race  
Religion  
Sex  
Color  
National Origin  
Ethnicity  
Disability  
Veteran Status



## New York State Protected Classes

Age  
Race  
Creed and/or Religion  
Sex  
Sexual Orientation  
Color  
National Origin  
Disability  
Military Status  
Predisposing genetic characteristics  
Marital Status  
Domestic violence status  
Arrest record - when resolved in person's favor or disposed of as a youthful offender adjudication  
Conviction record - when sealed or when no direct relationship between the offense and the employment and no unreasonable risk to property, safety or welfare of others



# A Culture of Caring, Understanding and Connection

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## The Basics

**Discrimination** related to any protected category is **prohibited**

**Harassment**, related to any protected category is a type of discrimination, and is **prohibited**

**Retaliation** against complainant or anyone involved in the investigation process is **prohibited**

Violations of any of these prohibitions can result in discipline up to and including discharge, and if an outside agency or court is involved, **monetary damages against** the University and/or the **individual(s)**

# Harassment & Sexual Harassment

# Harassment

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Under Syracuse University policy, **harassment** is verbal or physical conduct, or written or electronic communications that denigrate or express hostility or aversion toward an individual because of their race, color, creed, religion, 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, and that:

- Has the purpose or effect of creating an intimidating, hostile or offensive work environment OR
- Has the purpose or effect of unreasonably interfering with an individual's work performance; OR
- Otherwise adversely affects an individual's employment

# Harassment

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**Using epithets, slurs**  
**Denigrating jokes**  
**Abusive, profane, defamatory, offensive e-mail, texts**

**Threatening**  
**Intimidating**  
**Conditioning employment terms on submission to harassing conduct**  
**Written/graphic material on walls or circulated in the workplace**

# Sexual Harassment

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**Sexual harassment** is **unwelcome** behavior of a sexual nature that relates to the gender or sexual identity of an individual

- The behavior has the **purpose or effect** of creating an intimidating, offensive or hostile environment for study, work or social living.

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## Types of Sexual Harassment

### **Quid Pro Quo** (literally “this for that”)

When employment or academic decisions, expectations or benefits (such as hiring, promotion, raises, assignments, grades, etc.) are based on whether a student or employee will go along with sexual conduct. This always involves an **imbalance of power** (e.g., faculty/student or supervisor/staff member).

### **Hostile Environment**

Anything that creates fear, intimidates, ostracizes, psychologically or physically threatens, embarrasses, or in some other way has the reasonably foreseeable effect of interfering with the individual’s work, academic performance, or social living.



# Sexual Harassment

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**Telling sexual jokes**

**Making sexual gestures**

**Ogling**  
**Sexually suggestive e-mail, texts**

**Leering**

**Sexual innuendoes**  
**Cat calling**

**Asking questions about sexual history**  
**Playing sexually explicit music**

**Persistent and unwelcome flirting**

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## Hostile Environment Sexual Harassment

### Verbal/audible

- jokes, teasing, nicknames, suggestive remarks, flirting, sexual advances, music with graphic lyrics, inappropriate sexual conversations, etc.

### Non-verbal

- gestures, leering

### Other visual

- graphic pictures, screen savers, email jokes, text messages, cards, etc.

### Physical

- touching, especially private areas of the body

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## Key concept: Intent v. Impact

Whether harassment has occurred is **determined by the impact** on the Reporter and **not by the intent** of the harasser.

- “I was only joking”;
- “I did not mean to offend”;
- “I thought it was ok”;
- “I thought it was all just in good fun”

These are not legal defenses

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## Communicating - Unwelcome Behavior

Reporter has no legal obligation to express discomfort with the behavior or to tell the person to stop or to have filed any kind of internal complaint.

The Reporter may have even appeared to go along with behavior such as laughing and joking along with the others.

To tolerate something or to consent to something does not mean it is welcome.

# Retaliation

# Retaliation

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Syracuse University **prohibits** and will not tolerate **any form of retaliation** toward a University trustee, officer, faculty or staff member, or volunteer for filing a good faith report of suspected fraudulent or unethical behavior or suspected violations of applicable laws, regulations, or University policy.

Any individual who has been found to have participated in such retaliatory action will be subject to disciplinary action, up to and including termination.

Protection from retaliation under “whistleblower protection” means that an employer cannot take an “adverse action” against workers, such as:

Firing or laying off

Blacklisting

Fail to hire/rehire

Demoting

Intimidating/Harassing

Making Threats

Denying overtime/promotion

Reducing pay/hours

Denial of benefits



# Examples of retaliation

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- Intimidation
- Bullying
- Starting rumors about an individual
- Giving “cold shoulder”
- Excluding individual from events or meetings



# **Title IX – Understanding your Role & Responsibilities**

# Understanding Your Role

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## Under Title VII

- If an employee is being harassed by a faculty member, the faculty member and the University could be held liable.
- If an employee is being harassed, the University can be liable if the University **knew or should have known** of the matter and did not take **immediate action** to ensure the matter is investigated and, if problematic behavior is occurring) corrected.

## Under Title IX

- If a student is harassed by another student, the University can be liable if the University has notice of the hostile environment and fails to take **immediate and effective** corrective action.
- The University has “notice” if a **“responsible employee”** knew or should have known about the harassment.

# Understanding Your Role - Title IX

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## Your Duty to Report Information

Members of the campus community, without legal “privilege”, including faculty and staff, are designated as “responsible employees.”

- **Must-** discuss information shared by students that implicates our policies with the Title IX Coordinator
- **Goal-** to ensure that:
  - student/reporter’s needs are met,
  - that the accused/respondent is treated fairly, and
  - campus safety needs are met.

## Why are you considered a Responsible Employee:

- Have the authority to take action to redress the harassment
- Have the duty to report to appropriate school officials sexual harassment or any other misconduct by students or employees or
- A student could reasonably believe has the authority or responsibility

# University Resources

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## CONFIDENTIALITY (PRIVILEGED)

May be offered by an individual who is **not required by law to report** known incidents of sexual assault or other crimes to University officials.

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Sexual and Relationship Violence Response Team in the Counseling Center (SRVR)

Counseling Center therapists

Athletics Dept. physician

Health Services healthcare providers

Hendricks Chapel chaplains

## PRIVACY

May be offered by an individual when such individual is **unable to offer confidentiality under the law** but shall still not disclose information learned from a reporting individual or bystander to a crime or incident more than necessary to comply with laws.

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Title IX Coordinator

Office of Health Promotion

Department of Public Safety

Office of Student Assistance

Academic Coordinators

Coaches/Faculty/Staff/Athletic Trainers

All Responsible Employees

## How to Respond: IX Things to Keep in Mind

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- Before obtaining all of the detail, explain your role/duty to report.
- If concerned about safety contact the police
- Remember to keep our community goals in mind, so seek to connect the student to the SRVR Team **(315-443-4715)** and provide the student with the necessary information.
- **Listen** without judgment or defensiveness and avoid asking questions that begin with “why.”
- **Remember** that the student chose you to talk to and you are now their primary resource to get help;
- Understand that in matters involving students, the **student/survivor drives the process**. Therefore, the student can determine the extent to which they would like intervention by the University.
- Keep the matter private. Refrain from sharing information with individuals that do not need to know.
- Understand that you should not investigate the matter further or contact/confront the alleged offender
- Inform the Title IX Coordinator within **24 hrs: 315-443-0211, titleIX@syr.edu**



# Understanding Title IX

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## Informing the Title IX Coordinator

Within 24 hours by telephone (315-443-0211) and/or email (titleIX@syr.edu), inform Coordinator of:

- **who** reported it, to whom, about whom, and who else has been notified;
- **what** was reported (focus on facts not on conclusions);
- **when** did it happen (without regard as to when) and when was it reported;
- **where** did it occur (such as specific address, name of residence hall, etc.)

(and if you know that many people know—make sure at least someone reports to the Coordinator):

# Understanding Your Role - Title IX

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Don't do or say anything that could be perceived as harassing.

Watch for warning signs and intervene when appropriate.\*

Listen carefully and without judgment or defensiveness when a person voices a concern.

Connect students to resources that provide support.

Contact Equal Opportunity, Inclusion & Resolution Services with the information.

Intervene when you hear any comments or observe any conduct between others (such as between students, a faculty member or a third party) that could be perceived as harassing and immediately contact Equal Opportunity, Inclusion & Resolution Services or [reportbias.syr.edu](http://reportbias.syr.edu)

Don't retaliate and prevent others from retaliating against anyone involved in the process.

Collaborate with the Title IX office to protect student survivors.

## Our Office

005 Steele Hall – (315) 443-4018 – [TitleIX@syr.edu](mailto:TitleIX@syr.edu) – <http://inclusion.syr.edu>

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# Questions?

**Please don't  
forget to sign in**