


DPS STANDARD OPERATING PROCEDURE			
	SUBJECT: Title IX Complaints, Investigations & Training	SECTION(s): ALL	DISTRIBUTION: ALL PERSONNEL
	DPS SOP 2015-08		
ISSUING AUTHORITY: ROBERT MALDONADO CHIEF OF CAMPUS SAFETY AND EMERGENCY MANAGEMENT SERVICES (ELECTRONICALLY SIGNED)		EFFECTIVE DATE: October 16, 2015 REVISED DATE: December 1, 2021	SUPERSEDES:

Title IX Complaints, Investigations, & Training

INDEX	PAGE
References, Attachments	2
Applicability, Purpose & Policy	2
Procedures	3
SU Policy	3
Role of the SU Title IX Coordinator	3
Role of DPS in Title IX, Reporting of Title IX Matters	4
Title IX Investigations, Duties & Responsibilities of a Title IX Investigator	5
Title IX Training	6

IACLEA STANDARDS

Standards	Page
4.1.5	4
6.3.5 a, b, c	6
13.2.7 a, b	5
13.2.8 a, b, c	6

NO CALEA STANDARDS:

REFERENCES:

- Title IX Checklist (Forms Folder on G Drive)
- Title IX Complainant Interview Guide (Forms Folder on G Drive)
- Title IX Respondent Interview Guide (Forms Folder on G Drive)
- SOP 2010-20 Harassment & Discrimination in the Workplace
- SOP 2011-41 Sexual Assault Investigations
- SOP 2011-65 Child Abuse - Child Abuse Mandated Reporting
- SOP 2010-13 Domestic Violence
- SOP 2007-10 Hate Crime and Bias Incidents
- SOP 2011-52 SPD/DPS Authorizing MOU
- SOP 2011-51 SPD/DPS Joint Operations Procedures
- SOP 2011-53 Notifications to DPS & other University Officials
- *Sexual & Relationship Violence Resource Guide for SU Students*
Available on line: TitleIXResources.syr.edu and in Forms Folder on G Drive

ATTACHMENTS: None

I. APPLICABILITY: This Standard Operating Procedure is applicable to all Syracuse University Department of Public Safety (DPS) employees.

II. PURPOSE: Title IX of the Education Amendments of 1972 (Title IX) prohibits discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. The law, which was originally associated with gender equity in college sports programs causing colleges and universities to ensure that men and women had equal opportunities for participation, has since been interpreted to include sexual harassment and sexual violence and other forms of harassment involving students. Sexual harassment of students, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. The purpose of this SOP is to establish guidelines and procedures for initiating and handling Title IX Complaints and the associated reporting and training required.

III. POLICY: The Department of Public Safety has a duty to protect all students from sexual discrimination, harassment or sexual violence and to report those matters known or reported to them to the University Title IX Coordinator. The DPS will respond to, and investigate related matters coming to their attention. DPS employees becoming aware of any related matter will provide timely and appropriate service and to both report the incident to, and work cooperatively with, the University's Title IX Coordinator. DPS employees are defined as "Responsible Employees" who have the authority, mandate and duty to take action to address sexual violence and related acts of harassment involving students and/or University employees and to report those instances to their DPS Supervisor and to the SU Title IX Coordinator.

IV. PROCEDURES: Objectives of the Educational Amendments of 1972: Title IX

As used in this SOP, "Title IX" refers to all forms of sexual harassment and sexual violence. Title IX compliance is clearly an institutional responsibility. However, several areas of the law have clear implications for the DPS. This SOP represents the requirements for DPS employees in contributing to the institution's overall Title IX responsibilities. The DPS Investigations Section works collaboratively with Syracuse University's Title IX Coordinator so that DPS's efforts are fully integrated with overarching University institutional services and policies.

A. Syracuse University Policy on Title IX Matters:

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 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. Behaviors prohibited by Title IX include:

1. Harassment
2. Sexual Assault
3. Rape
4. Stalking, and
5. Retaliation for making a related Title IX Report

B. SU Title IX Coordinator: (Office at 005 Steele Hall (315-443-0211))

1. Role of the Title IX Coordinator: The Title IX Coordinator's office will coordinate with the DPS and other persons or agencies reporting an incident to ensure the conduct of a fair, prompt (typically within 60 days), and impartial process using the preponderance of evidence standard to resolve sexual misconduct complaints and other complaints of harassment or discrimination. The Title IX Coordinator is also responsible to prepare reports to the US Department of Education Office of Civil Rights (OCR).
2. Training: DPS personnel acting as "Responsible Employees" receive annual training that is overseen by the Title IX Coordinator on these issues including protecting the safety of the complainant and promoting accountability.
3. Anonymous Reporting: If the complainant does not desire the use of his/her name, the Title IX Coordinator's office will evaluate the request. It can typically look into and resolve matters without revealing a victim's name. However, honoring this request may limit the University's ability to fully respond to the incident.

This does not conflict with the separate statutory requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act that requires general information about campus crimes be reported publicly. That information does not include a victim's name.

C. Role of the DPS in Title IX Reporting and Notifications: (4.1.5)

1. All complaints Accepted, Investigated and/ or Reported: The DPS will accept and investigate all known or reported cases of sexual harassment or sexual violence involving a student, whether reported by the victim, another person or anonymously.
2. Includes behavior that may not be Criminal: It is important also to note that behavior that violates Title IX may not constitute a violation of criminal law. DPS still has a duty to resolve complaints promptly and equitably, even when the complainant does not request such resolution.
3. DPS as a Reporter, Investigator, First Responder: The DPS is always (at least) a "Reporter" of all related matters to the SU Title IX Coordinator, and depending on the facts of the matter, it may also institute an investigation of reports of Harassment, Stalking or Sexual Assault within the Geographical Area of Employment (GAOE). In these cases DPS must follow the protocols set forth in the Authorizing MOU with the City of Syracuse Police Department.
 - a. SPD Not a Title IX Reporting Agency: It is noted that while the authorizing MOU with the City of Syracuse Police Department (SPD) requires our department to turn over the investigation of serious crimes and sexual assaults to the SPD, that the SPD does not have a Title IX reporting responsibility. Further, it is noted that DPS is not relieved of their reporting responsibilities when such a case is turned over to the SPD.
4. Reporting Procedures for a DPS Employee regarding a Title IX matter:
 - a. Notify Immediate Supervisor: Any employee of the DPS who has knowledge or a report of a Title IX matter shall immediately notify their immediate supervisor of the facts as they understand them at that point.
 - b. Take Prompt Actions Required by their Position or Assignment: Employees shall without delay take the actions appropriate to their assignment or position (ECC, Assigned Officer, Detective, or Supervisory personnel).
 - c. Immediate Supervisor to Notify Duty Officer: The Immediate Supervisor of the employee making the report shall contact the Duty Officer to make the required and appropriate Title IX report to the SU Title IX Coordinator as facts of the matter become known.
 - d. Investigations Lieutenant, Reporting and Notifications: The Investigations Lieutenant shall monitor the DPS role in the Title IX matter and continue to coordinate with the Title IX Coordinator and make such other internal and external notifications as is appropriate for the incident under review. Refer to SOP 2011-53 Notifications to DPS & other University Officials.
5. Refer to the following DPS SOP's for Crime Specific Procedural Details for ECC, Assigned Officers, Investigatory personnel and Supervisors.

SOP 2011-41 Sexual Assault Investigations

SOP 2010-20 Harassment & Discrimination in the Workplace

SOP 2011-65 Child Abuse - Child Abuse Mandated Reporting

SOP 2010-13 Domestic Violence

SOP 2007-10 Hate Crime and Bias Incidents

D. Title IX Investigations (13.2.7 a, b)

1. General Information: Title IX requires institutions to investigate reports of sexual harassment and sexual assault in a timely manner, therefore, collaboration with the institutions Title IX Coordinator is critical. Title IX investigations will often be conducted concurrently with the criminal investigation. In such a case DPS responsibilities include:
 - a. A requirement that DPS will not cause a Title IX investigation to be delayed pending the outcome of a criminal investigation, except as required for the collection of evidence.
 - b. A requirement that the Title IX Coordinator have access to agency investigation notes and findings as necessary for the Title IX investigation, as long as it does not compromise the criminal investigation.
2. Duties and Responsibilities of the Investigations Section member assigned to a Title IX Investigation:
 - a. The Investigations member (Usually a Detective trained and designated to handle these matters) may be assigned a Title IX matter either from within the DPS by a Patrol Officer or Supervisor associated with an incident under investigation or by the SU Title IX Coordinator's Office.
 - b. The member assigned to investigate the Title IX part of a criminal complaint turned over to the Syracuse Police Department will maintain contact with assigned members of the SPD handling the criminal case and continue to gather information relating to the University's Title IX reporting responsibility.
 - c. The Assigned member will work closely with the Title IX Coordinator and will follow the Title IX Investigation Checklist as a guide.
 - d. In cases where the University is going to handle the matter (with or without a criminal action), the assigned member may be called upon to take a written statement from the Victim/Complainant and the Respondent. In those cases the assigned member will follow the Title IX Complainant and Respondent (accused person) Guidelines to insure that the statement is properly formatted and inclusive.
 - e. The assigned member will continue to update the Investigations Section Lieutenant as to the specifics of the investigation and request assistance from the Lieutenant if necessary.

- f. Reporting: All reports generated during a title IX investigation are considered confidential and will be maintained in a secure manner.

E. Title IX Employee and Training Investigator Training (6.3.5 a, b, c) (1 a, b, c)

1. All department personnel will receive Title IX training every two years, and new employees will receive training during their initial Field Training Program. Training will consist of the following:
 - a. How to identify sexual harassment
 - b. Syracuse University's Title IX reporting and grievance procedures
 - c. Any other procedures used by the institution to investigate reports of sexual violence.
2. If agency personnel are responsible for investigating Title IX complaints, they will receive training in conducting a civil rights investigation of sexual violence complaints, to include:
 - a. Applicable confidentiality requirements
 - b. How to investigate non-stranger sexual assault
 - c. The use of "preponderance of the evidence" and "clear and convincing" as the evidentiary standard. (12/01/21)

POLICY REVISION HISTORY

NO	SECTION REVISED	DATE ISSUED
1	Re: Changes for IACLEA 2 nd Ed.	Xx/xx/xx
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