



January 14, 2022

Chancellor and President Kent Syverud  
Syracuse University  
Chancellor's Office  
Crouse-Hinds Hall, Suite 600  
900 South Crouse Avenue  
Syracuse, New York 13244-2130

**URGENT**

*Sent via Electronic Mail (chancellor@syr.edu)*

Dear Chancellor Syverud:

FIRE<sup>1</sup> writes to you urgently today regarding the punishment of Syracuse University student Samantha Jones for asking another student if he was a sex offender. Jones' appeal is now pending before the Office of Community Standards, which is expected to make its final decision presently. To uphold the university's strong and legally-binding promises of student free expression, and to ensure victims of sexual violence do not fear institutional punishment for reporting abuse, Syracuse must reverse the Conduct Board's holding.

In past communications, FIRE has exhaustively and painstakingly documented the numerous, robust, and legally-binding commitments to free expression Syracuse makes to students and faculty,<sup>2</sup> as well as to its accreditor.<sup>3</sup> For the sake of brevity, we will not repeat them here, but we think you will agree that the university should keep the commitments it makes.

Jones has been found responsible for violating the university's prohibition on "[c]onduct, whether physical, electronic, oral, written or video, which threatens the mental health, physical health, or safety of anyone."<sup>4</sup>

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<sup>1</sup> As you will recall from past correspondence, the Foundation for Individual Rights in Education (FIRE) is a nonpartisan, nonprofit organization dedicated to defending liberty, freedom of speech, due process, academic freedom, legal equality, and freedom of conscience on America's college campuses.

<sup>2</sup> *School Spotlight: Syracuse University, Cases*, FIRE, available at <https://www.thefire.org/schools/syracuse-university/#cases>.

<sup>3</sup> *Standards for Accreditation and Requirements of Affiliation* 5 (13th ed. 2015), MIDDLE STATES COMM'N ON HIGHER EDUC., available at <http://msche.org/publications/RevisedStandardsFINAL.pdf>.

<sup>4</sup> *Code of Student Conduct—Community Standards*, SYRACUSE UNIV., available at <https://experience.syracuse.edu/community-standards/conduct-handbook/code-of-student-conduct>.

Jones is accused of approaching a student at an off-campus party, stating she heard rumors about him engaging in inappropriate behavior toward women, and asking him if he is a registered sex offender in Canada.

Office of Community Standards Director Sheriah Dixon, in her December 23, 2021, memo to Jones, offered as the university's sole justification for the finding of responsibility that "[a]ccusing someone of something that has no validity, especially being on a sex offender list can harm one's mental health and safety."<sup>5</sup>

As an initial matter, the university's own findings of fact do not substantiate Dixon's conclusion that Jones accused the student of being a sex offender; rather, Jones *asked him if he was one*. This is a critical distinction: Asking someone a question is, by definition, not an accusation. Regardless, even an accusation — without more — is still protected speech under Syracuse's own policies. To remove itself from that protection, Jones' conduct would have needed to rise to the level harassment. It does not.

The Supreme Court established the definition of student-on-student (or peer) harassment in *Davis v. Monroe County Board of Education*.<sup>6</sup> In order for student expression to constitute actionable harassment, it must be (1) unwelcome, (2) discriminatory on the basis of gender or another protected status, and (3) "so severe, pervasive, and objectively offensive, and that so undermines and detracts from the victims' educational experience, that the victim-students are effectively denied equal access to an institution's resources and opportunities."<sup>7</sup> By definition, this includes only extreme and typically repetitive behavior—conduct so serious that it would prevent a reasonable person from receiving his or her education.

Prior federal guidance on the topic of addressing peer harassment, while simultaneously protecting free expression, is also informative. In a July 28, 2003, "Dear Colleague" letter sent to all college and university presidents, Assistant Secretary Gerald A. Reynolds of the Office for Civil Rights (OCR) of the U.S. Department of Education made clear that harassment "must include something beyond the mere expression of views, words, symbols or thoughts that some person finds offensive."<sup>8</sup>

Over the past decade, FIRE has seen a growing number of colleges and universities adopting policies that purport to address bullying-type behavior. Syracuse's ban on speech causing "mental harm" appears to be such a policy. On October 26, 2010, OCR issued a letter on the topic of bullying, reminding educational institutions that they must address actionable harassment, but also acknowledging that "[s]ome conduct alleged to be harassment may implicate the First Amendment rights to free speech or expression."<sup>9</sup> For such situations, OCR's letter refers readers back to the 2003 "Dear Colleague" letter stating

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<sup>5</sup> Encl.

<sup>6</sup> 526 U.S. 629 (1999).

<sup>7</sup> *Id.* at 651.

<sup>8</sup> U.S. Dep't of Educ., Dear Colleague Letter from Gerald A. Reynolds, Assistant Sec'y for Civil Rights (July 28, 2003), <https://www2.ed.gov/about/offices/list/ocr/firstamend.html>.

<sup>9</sup> "Dear Colleague" Letter from Russlynn Ali, Assistant Sec'y for Civil Rights, U.S. Dep't of Educ. (Oct. 26, 2010), *available at* <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

that harassment is conduct that goes far beyond merely offensive speech and expression. However, because it is primarily focused on bullying in the K–12 setting, the letter also urges an *in loco parentis*<sup>10</sup> approach that is inappropriate in the college setting, where students are overwhelmingly adults.<sup>11</sup>

Samantha Jones’ probing question to a student at an off-campus party constitutes the mere “expression of views, words, symbols or thoughts that some person finds offensive” that OCR has expressly stated is *not*, without more, sufficient to constitute peer harassment.<sup>12</sup>

Syracuse’s punishment of Jones also raises additional serious questions about whether it is upholding its moral and legal<sup>13</sup> obligations to ensure a safe reporting environment for victims of sexual misconduct. The Syracuse Department of Public Safety webpage under “Crime Prevention” and “Sexual Assault Awareness” laments that “[f]ewer than 5% of sexual assaults of college students are reported to campus officials.<sup>14</sup> But if students are to believe—as Syracuse administrators apparently do—that the mere accusation of sexual misconduct “can harm [the] mental health and safety”<sup>15</sup> of the accused—then accusers will be forced to choose between reporting what happened to them and, *ipso facto*, violating university policy against “threatening . . . the mental health . . . of anyone.” This constitutes a substantial hurdle to reporting which may violate the university’s state and federal legal obligations to meaningfully address sexual violence on campus.

To draw a final line under the absurdity of Syracuse’s “mental harm” policy and its application to Jones, consider this: If inquiry is accusation, as Dixon suggests, then Syracuse’s inquiry into Jones’ behavior was also an accusation. Dixon has taken an interpretation of Syracuse’s policy so absurd that the only way to enforce it is to violate it.

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<sup>10</sup> “In the place of parents.” See generally Philip Lee, *The Curious Life of In Loco Parentis at American Universities*, 8 HIGHER EDUC. IN REVIEW 65 (2011) (available at [https://scholar.harvard.edu/files/philip\\_lee/files/vol8lee.pdf](https://scholar.harvard.edu/files/philip_lee/files/vol8lee.pdf)).

<sup>11</sup> See generally *McCauley v. Univ. of the V.I.*, 618 F.3d at 243–44 (3d Cir. 2010) (“[T]he pedagogical missions of public universities and public elementary and high schools are undeniably different. While both seek to impart knowledge, the former encourages inquiry and challenging priori assumptions whereas the latter prioritizes the inculcation of societal values. . . . The idea that public universities exercise strict control over students via an *in loco parentis* relationship has decayed to the point of irrelevance.”).

<sup>12</sup> Dear Colleague Letter from Gerald A. Reynolds, Assistant Sec’y for Civil Rights, *supra* note 9.

<sup>13</sup> *Sexual Harassment, Abuse, and Assault Prevention Policy*, SYRACUSE UNIV., available at <https://policies.syr.edu/policies/university-governance-ethics-integrity-and-legal-compliance/sexual-harassment-abuse-and-assault-prevention/>. (“The University . . . complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), as amended by the Violence Against Women Reauthorization Act of 2013 (“VAWA”), which governs certain aspects of the University’s response to sexual assault, dating violence, domestic violence and stalking; Title VII of the Civil Rights Act of 1964 (“Title VII”), which prohibits discrimination in employment on the basis of sex; the New York State human rights laws; New York’s “Enough is Enough” legislation; and other applicable laws and regulations.”)

<sup>14</sup> *Sexual Assault Awareness*, SYRACUSE UNIV. (last visited Jan. 14, 2022), <https://dps.syr.edu/crime-prevention/sexual-assault-awareness>.

<sup>15</sup> Encl.

Such an interpretation is worse than merely arbitrary (which would already be prohibited by New York's Article 78<sup>16</sup>)—it's nonsensical.

Even if, for the sake of argument, inquiry was accusation, and accusations were a harm so severe they must be avoided at all costs, Syracuse's method of responding would be to visit that harm upon the students it accuses of violating the rule. If an accusation from a random peer at a random party is so psychologically harmful that it merits discipline, wouldn't an accusation from a large institution with a great deal of control over a student's future produce *even worse* psychological harm? Is Syracuse trying to avoid psychological harm to students, or create a monopoly on it?

This application of Syracuse's broad ban on "threat[s]" to "mental health," demonstrates just how much power the university has given itself to censor any controversial student expression, on or off campus. Consider, for a moment, any campus student protest; any political activity; any activity whatsoever implicating more than one ideological viewpoint and which might necessitate disagreement or dispute. Any disagreement among these factions could prompt enforcement of this policy against the other side—indeed cross claims against both sides—provided the accusers allege "mental harm." This outcome is wholly inconsistent with any reasonable conception of free expression.

FIRE therefore calls on Syracuse to reaffirm its laudable commitment to both upholding free speech and meaningfully addressing sexual violence on campus, by reversing Jones' charges on appeal, and adopting legally-sound policies to ensure students are not subject to future violations of their civil liberties.

Given the urgent nature of this matter, we request receipt of a response to this letter by the close of business on Monday, January 17, 2022.

Sincerely,



Alex Morey  
Program Officer, Individual Rights Defense Program

Cc: Sheila Johnson-Willis, Associate Vice-President, Chief, Equal Opportunity and Title IX Officer  
Sheriah N. Dixon, Director, Community Standards  
Allen Groves, Senior Vice President, Chief, Student Experience Officer

Encl.

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<sup>16</sup> NY CPLR § 7803 (2014). New York's Article 78 permits courts to intervene in the decisions of private universities where punitive decisions were "arbitrary and capricious or an abuse of discretion, including abuse of discretion as to the measure or mode of penalty or discipline imposed..."



December 23, 2021

Samantha Jones  
Sent electronically to [REDACTED]

Regarding Case Number: [REDACTED]

Housing: [REDACTED]

SUID [REDACTED]  
DPS Case Number: [REDACTED]

Dear Samantha:

This letter is to confirm the outcome reached by the University Conduct Board at the hearing held on December 10, 2021. The University Conduct Board determined the following outcomes regarding your alleged violation of the Code of Student Conduct, section(s):

- 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. -- Not Responsible
- 3) Assistance, participation in, promotion of, or perpetuation of conduct, whether physical, electronic, oral, written or video, which threatens the mental health, physical health, or safety of anyone. -- Responsible
- 6) Theft of or damage to University, personal, public, or private property/services or illegal possession or use of the same. -- Not Responsible

The Board found that on or about October 31, 2021, you responsible for violating CSC section 3 because based off the video, there was a verbal altercation with Impacted Person where you initiated and went on to accuse them of being a sex offender, when you stated you had no proof of them being one. The Impacted Person told you to "get out of my face", and you did not and further continued the verbal altercation. There was no reason for you to approach them in the first place, which you openly acknowledged. Accusing someone of something that has no validity, especially being on a sex offender list can harm one's mental health and safety. Regardless of the reason why you felt uncomfortable by their presence, you had other options than approaching the Impacted Party such as leaving the party or contacting on-campus resources.

You are not responsible for violating CSC section 1 and 6 because there is no proof of physical harm occurring, or a threat of this harm. The Complainant saw damage to Impacted Person's

**Office of Community Standards**

804 University Ave. Suite 106  
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phone but could not say for certain when and what caused it. The Board could not determine whose description of the events was completely accurate regarding these alleged violations.

As a result of your misconduct, the Board has applied the following sanctions:

**You are placed on a status of disciplinary warning through December 16, 2022.** This status is a formal admonition on behalf of the University community and is intended to clearly document in your disciplinary file that your behavior has been deemed unacceptable. Any further misconduct by you while you remain on this status may result in more serious disciplinary action.

**You are to participate in a Decision-Making Workshop offered by the Office of Community Standards.** This workshop will provide you with the tools necessary to learn positive decision-making skills in order to make decisions based on your own ethics and morals. You will have time to reflect on your decision-making and determine how to make this more congruent with your values. In order to successfully complete this sanction, you will need to attend the workshop and complete the reflection paper assigned at the end of the workshop. The paper must be at minimum 2-3 page paper, double-spaced paper, in standard 12 point font and 1 inch margins. Your completed paper must be uploaded using the [Educational Sanction Submission Form](#) within two weeks after your workshop. **Your workshop will take place in the Spring 2022 semester.**

**You are to participate in Conflict Coaching, a one on one meeting to discuss various conflict management strategies that you can try on your own to resolve conflict.** Conflict Coaching will give you tools for addressing conflict in the future. You will be contacted by the Conflict Coaching Facilitator regarding this program. **Your Conflict Coaching session(s) will take place in the Spring 2022.**

In accordance with University policy, you have the right to appeal this decision. Any appeal must be submitted in writing and conform to the procedures outlined in Part 12 of the Syracuse University Student Conduct System Handbook. Should you wish to exercise this right, you must submit your [Intent to Appeal](#) by **5:00 p.m., on January 3, 2022**. You must submit your full [Appeal of University Conduct Board Outcome](#) online to the Office of Community Standards within three (3) business days (no later than **5:00 p.m., on January 5, 2022**).

Failure to complete any of the above sanctions by the stated deadline dates may result in further disciplinary action including additional conduct charges being filed against you for failure to comply (Code of Student Conduct, section 12).

Consistent with University policy, records of Code of Student Conduct violations for are retained for seven years from the date of the most recent incident in the student's file or until one year after the student has graduated from the University, whichever is longer, provided the student was not suspended, expelled, prohibited from future enrollment or otherwise withdrawn for disciplinary or medical reasons, in which case the records are retained indefinitely.

Should you have any questions, please feel free to contact this office. To review the Syracuse University Student Conduct System Handbook please visit [ese.syr.edu/studentconduct](http://ese.syr.edu/studentconduct). If you

have difficulty locating any online forms to send information to this office, please visit [ese.syr.edu/studentconduct/about-us/ferpa-release-submit-information/](http://ese.syr.edu/studentconduct/about-us/ferpa-release-submit-information/) or contact this office at [studentconduct@syr.edu](mailto:studentconduct@syr.edu).

Sincerely,

A handwritten signature in black ink, appearing to read "Sheriah N. Dixon". The signature is written in a cursive style with a large, prominent initial "S".

Sheriah N. Dixon  
Director

CC: Conflict Coaching Facilitator  
Dean of Students Office  
Decision Making Workshop Facilitator  
Department of Public Safety, Supervisors  
Complainant, Officer Alvarez

# UNIVERSITY CONDUCT BOARD HEARING OPINION

Eugenio Alvarez, Officer  
On behalf of the Department of Public Safety  
**Complainant**

vs.

Samantha Jones, Student  
**Respondent**

## OPINION OF THE BOARD

At a session of the University Conduct Board  
Held on 12/10/2021  
from 1:47 PM - 5:25 PM via Zoom Video Conference

Presiding:

Michael Brownfeld, Chairperson  
Amaar Asif, Board Member  
Rylee Kulpinsky, Board Member  
Carlos Ruiz, Board Member  
Otto Sutton, Board Member

Advisor to Complainant:  
N/A

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Advisor to Respondent:  
Gregory Germain

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Witness(es) for Complainant:  
N/A

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Witness(es) for Respondent:

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Opinion by: Michael Brownfeld, Chairperson  
Board Advisor: Annie Weese

## **ITEMS PROVIDED IN THE CASE FILE FOR CONSIDERATION BY THE BOARD**

Incident Report, Videos from Impacted Person, Emails from Impacted Person, Respondent's Statement to Allegations, Initial Appointment Letter with Office of Community Standards (OCS), Respondent's File Request, Reschedule Appointment Letters, Email from Respondent Containing her Phone Call Logs, Respondent's Request for a No Contact Order, Refer to Hearing Letter, Correspondence between Respondent and Case Manager, Informal Resolution Meeting Notes, University Conduct Board Hearing Notification Letter, Respondent's Prehearing Submission, Respondent's Witness List, File Ready on Onehub Letters.

## **STATEMENT OF OBJECTIONS AND RULINGS**

(Think about the questions asked of the Complainant and Respondent at the beginning of the hearing. Did either party have issues with the Board members? Did the Respondent accept responsibility for any of the charges? Did the Complainant or Respondent make any objections during the hearing? Write a statement to summarize this.)

The Respondent objected to the fact that she felt that she wasn't able to share all information that she had to provide, more specifically she did not have the full opportunity to talk about Impacted Person's prior conduct. Also, she objected that she did not see any Body Worn Camera footage DPS mentioned, but the Board did not have this information available as well.

## **ALLEGATIONS AND ARGUMENTS**

**The Complainant alleges that the Respondent has violated the Code of Student Conduct, sections:**

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.
3. Assistance, participation in, promotion of, or perpetuation of conduct, whether physical, electronic, oral, written or video, which threatens the mental health, physical health, or safety of anyone.
6. Theft of or damage to University, personal, public, or private property/services or illegal possession or use of the same.

**The Complainant argued that the Respondent:**

- At approximately 23:50 at 130 Sims Hall there was a harassment complain that was being filed.
- Impacted Person seemed upset and on edge, and their clothes looked disheveled.
- Impacted Person had red paint around their neck, which DPS thought was blood at first.
- Impacted Person came to DPS right after the incident.
- Impacted Person's phone was cracked but couldn't determine what was the cause.
- The Complainant contacted the two Respondents the next day, sometime in the morning.
- The phone video regarding Impacted Person's incident with the Respondent was shown to them.

- No sign of physical altercation (Physically or from the video), nor the Respondent was on facetime with anyone. (Based off Impacted Person's video they submitted).
- [REDACTED] was not in the video submitted by Impacted Person. (On facetime nor in person).
- Did not get Impacted Person's witnesses names, did not investigate/question Impacted Person further and stated that this was alleged and could not confidently say who was telling the truth.
- There is a no contact order between Impacted Person and [REDACTED]
- The Complainant was not present at the incident, he just interviewed Impacted Person and the Respondent(s).

**The Complainant presented the following evidence in support of this claim:  
(Did the Complaint refer to any specific evidence during their presentation?)**

- Personal testimony, Incident report, Impacted Person's video

**The Respondent argued that:**

- On October 29<sup>th</sup> at around 11PM she attended an off-campus party.
- 20 minutes after she arrived, Impacted Person arrived at the party.
- Her and her friends felt uncomfortable when she realized Impacted Person was at the party due to their prior conduct and rumors about them. She then heard other people at the party, whom she didn't know, talk about how they also felt uncomfortable that Impacted Person was there.
- She approached Impacted Person in an attempt to get them to leave by having a conversation about how they were making people uncomfortable. She also wanted to confront them about rumors regarding their prior conduct.
- She had no physical contact with Impacted Person or their phone. Claimed that she tried to cover the camera while Impacted Person was recording the conversation, but never touched their phone.
- She did not demand them to hit her.
- Her roommate had her phone during the conversation, so there was no way she could be on facetime with [REDACTED]
- Claimed that her and [REDACTED] aren't that close and she had no contact with her the day of the incident.
- Said Impacted Person was unpredictable in a volatile way.
- Acknowledge that she should not have approached Impacted Person.
- Did not want to ruin or shut down the party, so she did not contact DPS about Impacted Person being there.
- "See something, say something" was part of her reasoning to approach Impacted Person.
- Approached Impacted Person with Witness [REDACTED]
- During the video, she said "Aren't you on the Vancouver sexual offenders list". She claimed that she was questioning Impacted Person about this rumor, rather than accusing the m of being on it. She had no proof that they were on it.
- Impacted Person did not do anything specifically to her that night to make her feel uncomfortable, beyond their presence.
- Invited to the party through "a friend of a friend".

- Stated that she did not tell [REDACTED] she was attending this party, nor did she have any knowledge of Impacted Person attending.
- In the video, when the Respondent is referring to “she”, the Respondent meant that as everyone who has been affected by Impacted Person’s past behavior. Later in the video, she appeared to be saying “[REDACTED]”, but the Respondent refuted this by stating she was saying “why, right” and continues to mention she was wearing Invisalign, which caused her to have a lisp, hence the misunderstanding.
- Stated she has a congenital defect in her wrists, which does not allow her to do many things such as get into physical altercations.
- Decided to leave the party when Impacted Person was not leaving. When she walked outside, she informed the people outside that there was a person in the party making people feel uncomfortable. They asked her to point that person out, and she did (it was Impacted Person). She then left and had no idea what happened after.
- At no point in that conversation with the guys outside, did she tell them to kick Impacted Person out of the party or get in a physical altercation with them, she was just alerting them about their presence.
- She did not know who the guys she talked to were, nor if they were the occupants of the house at the time.
- DPS called her the next day sometime around 11pm- 11:30pm.
- The Respondent then contacted [REDACTED] about 20 minutes after DPS called her.
- Stated that DPS informed her about the no contact order between [REDACTED] and Impacted Person.

**The Respondent presented the following evidence in support of this claim:  
(Did the Respondent refer to any specific evidence during their presentation?)**

- Personal testimony, Impacted Person’s videos, Witness testimonies, Facetime, call/ text and Verizon logs, Personal statement, Incident report.

**THE BOARD’S FINDING OF FACT**

**Party Credibility**

The Board should comment on the credibility it determined for each party involved, including any witness or impact statements submitted. Reasons should be provided for why a party was determined to be credible or not credible.

1. Complainant - Credible- Spoke to what he knew and what information was gathered. Also acknowledges that someone is telling the truth, and someone isn’t but could not say who with confidence.
2. Respondent - Partially Credible- The Board believes that the Respondent was stating what happened and why it happened, but during this there was discrepancies, and we believe that some information was withheld. Also, in her opening statement, she stated what some of her witnesses were going to say exactly, which shows there was prior conversation about this with them. Some discrepancies the Board acknowledged were:

- During the presentation of the video, she stated her saying “why, right”, but in her informal resolution notes she stated she said “right, right”. This had to do with her questioning of her possibly saying “[REDACTED]”.
  - In [REDACTED]’s closing statement, she acknowledged the Respondent as a “good friend”, but both acknowledged during the hearing that they weren’t that close and did not really contact each other.
  - With the given call log, the Respondent stated that her data plan ran out, then went on to say she gets no service off campus when regarding why there was no information in the log regarding the day off and before the incident. The Board finds it hard to believe that the Respondent had no contact with anyone that day, especially when she was going to attend a party with friends.
  - The Respondent claimed she had no contact with [REDACTED] prior to the call with DPS, despite the call log showing a text message between the pair at 8:48 P.M. on October 30<sup>th</sup>, 2021, prior to the calls from DPS around 11:30 P.M.
2. Witness - [REDACTED] - Partially Credible - The Witness spoke to the events as she remembered them, but the Board acknowledges that the Respondent knew exactly what the Witness would say prior to the Witness testimony. The Witness also stated that the conversation between Impacted Person and the Respondent was calm, but the video provided to us shows that the conversation was not calm.
  3. Witness - [REDACTED] - Partially Credible - The Witness spoke to the events as she remembered them, but the Board acknowledges that the Respondent knew exactly what the Witness would say prior to the Witness testimony.
  4. Witness - [REDACTED] - Credible - The Witness spoke to what he knew and remembered. The Board acknowledges that the Respondent told the Board what the Witness would say, but it was not word for word the same as the Respondent’s opening statement.
  5. Witness - [REDACTED] - Credible - The Witness spoke to what he knew and remembered. The Board acknowledges that the Respondent told the Board what the Witness would say, but it was not word for word the same as the Respondent’s opening statement.

### **Facts Determined by the Board**

Determine what happened following the standard of proof preponderance of the evidence (more likely than not). Facts listed here should support the decision of the Board in the following sections. Provide information on how the Board applied the Preponderance of the Evidence standard for each item listed below.

1. The Respondent attended an off-campus party on October 29<sup>th</sup>, 2021 (Respondent testimony).
2. Impacted Person was in attendance at this party (Respondent Testimony, Video).
3. The Respondent approached Impacted Person in an attempt to get them to leave the party, even though she considered them to be volatile and sated she can’t predict their behavior (Respondent and Witness testimony).
4. During this conversation, it escalated into a more hostile discussion regarding rumors about Impacted Person (Video).
5. In the video provided by Impacted Person, she accused them of being on the Vancouver/ Ontario/ Canada Sex Offender List (Video).
6. The Board finds it more likely than not that the Respondent was saying “[REDACTED]” when Impacted Person was asking who she was talking about (Video).

7. [REDACTED] did not tell the Respondent to act on her behalf (Respondent Testimony).
8. In the video, Impacted Person told the Respondent to “get out of my face”, and the Respondent continued engaging with the Impacted Person (Video).
9. Shortly after the altercation, she left the party and told people outside that there was a person in the house that made her and others feel uncomfortable. She then pointed that person out to the group she told when prompted (Respondent and Witness Testimony)
10. Impacted Person went to DPS that night to report the incident (Complainant testimony).

### **Information Considered by the Board**

Document the information provided/presented to the Board. List any information that was not relevant to the Board’s Finding of Facts. For each item listed, provide an explanation detailing the reason(s) the information was not relevant.

The Board considered the Respondents medical history, but we as a Board did not find it relevant to the Incident. The Board also didn’t consider Impacted Person’s prior behavior because there was no correlation between what they have done prior and this event. The Board also did not consider why the no contact order came about, but we did consider the no contact order itself.

## **THE DECISION OF THE BOARD**

### **Finding of Responsibility**

Based on the Board’s Finding of Fact, the Board has made the following determinations regarding the Respondent’s responsibility for the Code of Student Conduct charges.

We find the Respondent to be:

**Responsible** for violating the Code of Student Conduct, sections(s): 3

**Not Responsible** for violating the Code of Student Conduct, sections(s): 1, 6

### **Rationale of the Decision of the Board**

Explain the reasons the Board found the Respondent to be responsible or not responsible for each of the sections of the Code of Student Conduct identified above.

The Board found the Respondent responsible for violating CSC section 3 because based off the video, there was a verbal altercation with Impacted Person where she initiated and went on to accuse them of being a sex offender, when she stated she had no proof of them being one. The Impacted Person told her to “get out of my face”, and she did not and further continue the verbal altercation. There was no reason for her to approach them in the first place, which she openly acknowledged. Accusing someone of something that has no validity, especially being on a sex offender list can harm one’s mental health and safety. Regardless of the reason why you felt uncomfortable by their presence, you had other options than approaching the Impacted Party such as leaving the party or contacting on-campus resources.

The Board found the Respondent not responsible for violating CSC section 1 and 6 because there is no proof of physical harm occurring, or a threat of this harm. The Complainant saw damage to Impacted Person's phone but could not say for certain when and what caused it. The Board could not determine whose description of the events was completely accurate.

**The Board recommends that the Respondent be given the following sanction(s):**

- One Year Disciplinary Warning ending December 16, 2022
- Decision Making Workshop
- Conflict Coaching

**Rationale for Determining Sanctions**

Provide detailed information about the sanctions you have assigned. Why has the Board chosen these sanctions? If they are sanctioning guidelines, why does the University have these guidelines? What does the Board hope the Respondent learns from these sanctions? Please highlight any circumstances the Board has considered. Sanctions are assigned based on the context and nature of the behaviors and the status of the respondent. University Conduct Boards will consider the following:

The Board concluded that the Respondent be placed on a yearlong warning. We came to this conclusion because the Respondent should not have approached Impacted Person, nor should have engaged in the behavior that occurred. The Board could not determine, based on the evidence that was gathered if the Respondent physically threatened Impacted Person, along with damaging their phone. However, based on the video that was submitted, the Respondent made accusations such as Impacted Person being on a sexual offender's list which she admitted having no proof of it being true or not. This violates CSC section 3, as approaching someone and saying things such as that could drastically affect someone's mental health. Along with this, she stated that Impacted Person was "unpredictable in a volatile way", and she felt uncomfortable with them being at the party, but they did not do anything to her personally at the party. The Board does not understand why she would approach him in general, no matter what her reasoning was, if she felt this way. She claimed her reasoning to approach Impacted Person was to ask them to leave the party, which she wasn't the host of, and when asked about this, she responded with "see something, say something". The Board felt as though if she felt this way, she should have contacted university officials such as DPS. She claimed to not do that because she didn't want to get the party shut down, but if she felt so strongly about Impacted Person, it shouldn't matter. The Respondent also kept referring to Impacted Person's prior conduct and actions, but that was irrelevant to what happened at the incident. The Respondent approached Impacted Person which caused the incident. Also, the Board found it more likely than not that she brought up [REDACTED]'s name during the incident, which led Impacted Person to believe that [REDACTED] told her to do this. By bringing up her name, it indirectly broken [REDACTED]'s no contact order with Impacted Person. The Board found it more likely than not that there was no reason to do this. On top of this, we recommend the Respondent attend conflict coaching regarding how to handle stressful situations, and what she should do in them. Also, decision-making workshop is recommended, regarding how making claims about someone can affect their mental health.

# Authorization to Release Educational Information

**Syracuse University**  
Office of the Registrar

## Form Instructions

Please complete this release form if you want to disclose, verbally or in the form of written copies of records, your educational records, including but not limited to: personally identifiable information from your education records to individuals, other universities, employers or third parties that you authorize Syracuse University to release as specified below.

Note: this release form does not cover medical, disciplinary or financial records, held solely by other University Offices. Please Contact those offices for consent forms.

SIUID \*

First Name  
SAMANTHA

Middle Name

Last Name  
JONES

## Family Education Rights and Privacy Act:

I understand that under the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, FERPA, I have certain rights with respect to my Education Records. I understand that among those rights, I have the right to provide written consent before Syracuse University discloses Personally Identifiable Information from my education records. I also understand I have the right to revoke this authorization at any time by notifying Syracuse University, Office of the Registrar in writing. This consent form serves as written consent in compliance with FERPA, and will remain in effect until otherwise revoked.



I authorize Syracuse University to release/disclose my education records/information as selected below to the person/entity listed in this release form. \*

**Educational Records to be Disclosed:**

For each authorized person/entity, enter the Purpose of Disclosure, and a Word or Number Security Access Code to be used by the person/entity for identification purposes.

Purpose of Disclosure Example: Share information with parent

Select the "Add" button for each additional authorized person/entity, authorizing the same access to each one listed.

Please complete and submit separate release forms if you want to authorize different access to different people/entities.

Please provide the security access code to the person/entity you are authorizing access.

**Add Person/Entity**

Person/Entity to whom educational records may be disclosed: *	Specify Purpose of Disclosure: *	Word or Number Security Access Code *
Foundation for Individual Rights in Education	to allow FIRE to assist me with free speech issues	JONESCASE

Please check the Educational Records you are authorizing to disclose.

Specific Educational Records: \*  
Disciplinary status, files, and records

- All Academic Records
- Grades/GPA
- Registration/Enrollment Status
- Courses taken/Class schedule
- Academic Status
- Specific

**Submission**

To retain a copy for yourself, Print/Save as PDF before submitting.

- Please check here when form is complete, then click the SUBMIT button when it appears. Date