Residence Halls
Students who live in Fordham University housing both on and off campus are responsible for reading and adhering to regulations contained in the Residence Hall Agreement and the Residential Life Handbook. Commuter students are also responsible for reading and adhering to applicable regulations contained in the Residential Life Handbook, found at http://www.fordham.edu/student_affairs/residential_life/rose_hill/handbook/index.asp.

Sexual Harassment Policy
As a Jesuit University, Fordham takes seriously its responsibility to provide all the members of its campus community with an environment that celebrates and protects the dignity of the human person. Therefore, the University expects that the conduct of every member of the Fordham community be free from unlawful discrimination and marked by fairness, trust, and mutual respect. Sexual harassment is a form of sexual discrimination. Therefore, it is at odds with the University's spirit and its long-standing commitment to the cause of equality. Moreover, it is a violation of the University's Code of Conduct and it is prohibited by law. Therefore, it is the policy of Fordham University that sexual harassment is prohibited, and all alleged violations of this policy will receive prompt attention as well as any necessary corrective action. I urge any member of the University community to contact the appropriate University personnel noted in this pamphlet if an incident of sexual harassment should occur.
Joseph M. McShane, S.J. President

Sexual harassment will not be tolerated in the University community. It subverts the mission of the University and threatens the well-being, educational experiences, and careers of students, faculty, and staff. It is especially threatening in the context of a teacher-student or supervisor-subordinate relationship, in that a harasser can exploit the power inherent in the position of teacher or supervisor regarding grades, recommendations, wage status, or promotion. However, sexual harassment can also occur by subordinates against supervisors, by those of equal status, or by students, thereby creating an environment that is intimidating or offensive in a variety of settings.

Any member of the faculty, staff, or student body of the University who believes that he or she has been or is being subjected to sexual harassment is strongly urged to use the resolution procedures described herein. Failure to do so could impact your legal rights in the future.

KEY UNIVERSITY CONTACTS
NAME AND TITLE LOCATION PHONE #
If an incident occurs between two or more students, recommended University contacts are:
Ms. Michele Burris     Keating Hall 100    (718) 817-4750
Associate Vice President of Student Affairs
Mr. Christopher Rodgers     Keating Hall 100    (718) 817-4755
Dean of Students at Rose Hill
Mr. Keith Eldredge     LL 408      (212) 636-6250
Dean of Students at Lincoln Center
(also serves as the contact person for the Westchester campus)
Ms. Greer Jason    ACN-Basement     (718) 817-3080
Assistant Dean of Students/ Director of Residential Life at Rose Hill
Ms. Jenifer Campbell     MCM 108C     (212) 636-7100
Director of Residential Life at Lincoln Center
For all other incidents involving students, faculty or staff, recommended University contacts are:

Georgina Calia Arendacs, Ph.D.          ADN 111 (718) 817-3112
Director of Equity & Equal Opportunity

Mr. Jeffrey L. Gray                    Keating Hall 100 (718) 817-4750
Vice President for Student Affairs

Stephen Freedman, Ph.D.               ADN 229 (718) 817-3040
Senior Vice President/Chief Academic Officer  LL 224 (212) 636-6263

Ron Jacobson, Ph.D.                    ADN 226 (718) 817-3443
Associate Vice President for Academic Affairs; FWC 147 (914) 367-3200
Dean of the Summer Session; Executive Director of Academic Programs, Fordham Westchester

Mr. Michael Mineo                      FMH 506 (718) 817-4931
Executive Director, Human Resources Management

ADDITIONAL RESOURCES

Rose Hill Counseling Center          O'Hare –North Wing Basement (718)817-3725
Lincoln Center Counseling Center     MMH 211 (212)636-6225
Rose Hill Campus Ministry            MGC 102 (718)817-4500
Lincoln Center Campus Ministry       LL 217 (212) 636-6267
Westchester Campus Ministry          Westchester 133 (914) 367-3420
Human Resources Department           FMH 506 (718) 817-4931
Office of Legal Counsel              ADN 223 (718) 817-3112

Consensual Relationships
All members of the University community should be aware that initial consent to a romantic relationship does not preclude the potential for charges of sexual harassment should consent be withdrawn. For example, faculty members, including graduate teaching assistants and others, maintain positions of trust and authority in their profession as they guide and mentor students, judge their academic work, and provide recommendations for further study and employment. This relationship should not be jeopardized by questions of favoritism or fairness in professional judgment. In maintaining an educational climate free of sexual harassment, it is the University's position that it is particularly unwise and inappropriate for any members of the University community to have romantic relationships with students even in cases where there is, or appears to be, mutual consent. The voluntariness of consent by a student or employee in consensual relationships may be suspect because of an imbalance of power and authority between the parties.

Dissemination of Policy
The sexual harassment policy and procedures are distributed regularly on a University-wide basis.

Educational Resources and Assistance
The Division of Student Affairs and the Office of Legal Counsel provide educational materials and periodic information sessions regarding sexual harassment. The Office of Legal Counsel (718-817-3111) will act as a resource for any questions regarding this policy. For key contacts to report an incident, please check the following web address: http://www.fordham.edu/sexualharassment.

Definition of Sexual Harassment
It is a violation of this policy for any member of the University community to engage in sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or status in a program, course, or activity;
2. submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting an individual; or
3. such conduct is sufficiently pervasive, offensive or abusive to have the purpose or reasonable effect of interfering with an individual’s work or educational performance, or creating an intimidating, hostile, or offensive work or educational environment.
Procedures
Complaints of sexual harassment will be investigated immediately. Depending upon the results of the investigation and the nature and severity of the incident(s), appropriate remedial action will follow. Possible sanctions range from a letter of reprimand, to suspension, or termination of employment or expulsion. The University has established the following procedures for sexual harassment complaints. The procedures are designed to resolve such complaints promptly and fairly. In general, any individual with supervisory authority who obtains knowledge of an incident of sexual harassment occurring is required to immediately advise the Director of Equity and Equal Opportunity if workplace related, or the appropriate Dean of Students if the incident is between students.

Informal Approach
A faculty, staff member, or student of the University, believing that he/she may be experiencing a form of sexual harassment, may attempt to resolve the situation personally if he/she is comfortable in approaching the individual whose conduct is being questioned. If not so inclined, faculty should discuss their concerns and seek the advice of their department head; administrators and staff with a supervisor; and students with a member of the student affairs staff. In cases where the alleged harasser is the department head or supervisor, faculty, administrators and staff should discuss the matter and seek the advice of the next highest level of authority. After consultation with the Director of Equity and Equal Opportunity, the appropriate Dean of Students, the advisor may assist the individual in reviewing the situation in the context in which it occurred, aid the individual in identifying the problem, and review and implement options for resolution.

Formal Approach
If the matter cannot be resolved through the informal approach, or if the person alleging harassment chooses not to proceed informally, the complainant may seek the assistance of an official Investigator. In cases of sexual harassment between students, the official Investigator will be the appropriate Dean of Students, or a designated Administrator. In all other cases, the Director of Equity and Equal Opportunity will serve as Investigator.

The role of the Investigator will be to fact-find, review, and resolve the complaint. The Investigator will handle complaints independently and will follow certain procedures:

1. Speak with the complainant and the individual accused to determine the nature of the incident and the context in which it occurred.
2. Conduct a discreet inquiry into the complaint, gathering and examining relevant facts, and interviewing witnesses as appropriate.
3. Depending on the nature and severity of the incident, other University officials may be involved in the investigation.
4. If the results of the investigation indicate that harassment has occurred, the appropriate Dean of Students, will determine the appropriate disciplinary sanctions. In the case of faculty and administrators, the Director of Equity and Equal Opportunity will make recommendations for resolution, including disciplinary action, to the appropriate Area Vice President; for staff, to the Executive Director of Human Resources Management.
5. In so far as practical, and to the extent appropriate to the circumstances, information gathered during the investigation, and the processes of resolution will be kept confidential.
6. Prepare and retain a record of the complaint, the investigation and findings, and the resolution.

Grievance Procedures
An appeal of sanctions may be taken pursuant to the applicable grievance procedures of the University outlined below:
Students subject to disciplinary sanctions that are appealable to the University Judicial Council (UJC) will follow the grievance process stated in the Student Handbook. Faculty who are subject to sanctions may file their grievances with the Faculty Hearing Committee. Administrators may pursue their grievances using the process outlined in the Handbook for Administrators. Union members follow the grievance procedures outlined in their respective collective bargaining agreements.
Retaliation
Faculty, staff, and students are encouraged to express their feelings in a responsible manner regarding a problem of sexual harassment. Any member of the University community who attempts to interfere, restrain, coerce, discriminate against, or harass (whether overtly or covertly) any individual responsibly pursuing a complaint of sexual harassment will be subject to prompt and appropriate disciplinary action.

Confidentiality
Sexual harassment is a matter of grave concern for both the complainant and the accused and therefore the procedures designed to deal with sexual harassment should be handled with the utmost sensitivity. To the extent practical and appropriate to the circumstances, investigatory and resolution procedures, as well as formal grievance procedures, shall be held in strict confidence to reasonably insure the privacy of all parties concerned (complainant, accused, and witnesses, if any) and to offer as much protection as reasonably possible to the careers and reputations of the parties involved.

False, Malicious, and Frivolous Charges
The use of this policy for false, malicious, or frivolous purposes, is strictly prohibited.
Any student, faculty, or staff member who brings a false, malicious, or frivolous charge of sexual harassment against another member of the University community may be subject to disciplinary action. An individual who brings a reasonable charge of sexual harassment in good faith, even if it may be erroneous, will not be subject to discipline.

Examples of Sexual Harassment
Specific examples of sexual harassment may include, but are not limited to:
1. physical assault.
2. unwanted sexual advances, requests for sexual favors, or propositions of a sexual nature.
3. direct or implied threats that submission to sexual advances is a condition of employment, promotion, good grades, recommendations, etc.
4. unwelcome verbal or physical conduct of a sexual nature which an individual regards as undesirable or offensive, including but not necessarily limited to sexually explicit jokes, statements, and questions or remarks about sexual activity or experience.

Fordham University Policy on Sexual Offenses
Fordham University is committed to the development and support of its primary educational mission. The University will not tolerate sexual offenses such as rape, sexual abuse, sexual harassment, or other forms of non-consensual sexual activity.

Sexual offenses occur because of power, control and a lack of respect by the perpetrator. Experience shows that alcohol/substance abuse often precedes sexual offenses on college campuses. As such, Fordham University has strict policies on alcohol/substance abuse and sexual offenses.

Fordham University supports this policy through its educational prevention, counseling, and medical support services. Educational programs at Fordham include, but are not limited to, campus-wide distribution of a University sexual offenses brochure, peer education workshops including the nature and common circumstances relating to sexual offenses on campus, security presentations, Residential Life presentations, rape awareness programs, individual counseling, and various victim support services. As part of the of the Freshmen Core Programming series, the Director of Safety and Security provides a presentation on personal safety, residence hall security and living in an urban environment to all incoming students. In addition, security procedures are discussed with prospective and accepted students and their parents at New Student Orientation. Students are informed about events that affect personal safety and the safety of the Fordham community though Security Alerts and in the student newspaper.

Fordham University will enforce this Policy on Sexual Offenses through internal disciplinary procedures and security programs.
“Rape” and “Sexual Abuse” under this policy shall be defined as:

1. Rape:
   The carnal knowledge of a person forcibly and/or against that person’s will, or not forcibly or against that person’s will, where the victim is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity.

2. Sexual Abuse:
   Any actual or attempted non-consensual sexual activity, including, but not limited to, attempted intercourse, sexual touching, and certain forms of exhibitionism.

These definitions include, but are not limited to, any form of non-consensual intercourse and/or sexual activity, actual or attempted, by person(s) known or unknown to the victim.

Non-consensual activity shall include, but not be limited to, situations where the victim is unable to consent because he/she is mentally incapacitated, is physically helpless due to drug or alcohol consumption, or is unconscious.

Sexual Harassment is considered an intolerable offense by University standards. For more information regarding Sexual Harassment, please see the specific policy statement contained within this handbook.

Reporting and Resolution Procedures: Sexual Offense Incidents
Individuals are encouraged to immediately report all sexual offense incidents to either the Dean of Students, Security, the Health/Wellness Center, the Counseling Center or any member of the Student Affairs staff. An incident report will be written. The victim may notify the Fordham Security Department whether or not he/she goes to the hospital for a rape examination. However, a hospital visit is necessary in order to collect evidence, through a rape examination, in the event that the victim decides to file criminal charges. Personal information about the victim and records will remain confidential insofar as it does not interfere with the University's right to investigate allegations of misconduct and take corrective action where appropriate.

Victims of a sexual offense(s) by another student(s) are encouraged to report the incident(s) to either the Dean of Students, Security, The Director of Residential Life, the Director of the Health/Wellness Center, or any member of the Student Affairs staff. An initial discussion will give the victim the opportunity to recount what has taken place and discuss how best to proceed. The Dean or Administrator will review the University’s formal reporting procedures and possible sanctions, the formal reporting procedures of the local Police Department and available medical and counseling resources. In addition, options for, and available assistance in, changing academic and living situations can be discussed and provided if so requested, and such changes are reasonably available. It is at all times the victim’s decision whether to file a complaint or to continue with any form of resolution. Confidentiality will be respected insofar as it does not interfere with the University's right to investigate allegations of misconduct and take corrective action where appropriate.

If a victim elects to initiate a formal charge(s) against another student or group of students, the charges should be put in writing and filed with the Dean of Students. Such a charge would be handled in accordance with the University judicial procedures outlined in this Student Handbook. The victim and the student against whom the complaint is lodged must represent themselves during the judicial process. However, a member of the Student Affairs staff (either male or female) can be assigned to the victim, if so desired, to act as a support person throughout the process. While this person may be present during individual interviews conducted by the Dean of Students, no active participation is permitted. Possible sanctions for persons found in violation of sexual offense policies range up to and include suspension and/or expulsion from the University. Both the victim and the student against whom the complaint is lodged shall be informed of the final outcome of a judicial investigation alleging a sexual offense violation, which constitutes a violation of the University Code of Conduct. Please refer to this Student Handbook for more information regarding reporting procedures and the University judicial process.

Consistent with established University conduct standards, this policy pertains to all University students, whether on- campus or off-campus. The University reserves the right to investigate and subsequently apply University discipline in certain off-campus situations which impact the University community.
A victim seeking formal University judicial action must agree to be identified to the person against whom the complaint is lodged. Although the identity of the complainant may be revealed to the alleged perpetrator, this does not afford the right of personal confrontation to either party.

Any member of the University community can file a third party report detailing an incident involving a sexual offense. It is important to note, however, that the University cannot initiate University judicial action against an alleged perpetrator based on the filing of a third party report. The report is encouraged nonetheless, as it can provide useful information while protecting the purported victim's anonymity.

It should be clearly understood that a victim of a sexual offense always has legal recourse outside the University. If civil or criminal proceedings are filed, the University reserves the right to conduct its own investigation and proceedings notwithstanding the status or resolution of any civil or criminal proceedings.

For more detailed information regarding sexual offenses, rape, and sexual abuse, please see the Campus Assault and Relationship Education Brochure, which can be obtained from the Health/Wellness Center, Counseling Center, Security Office, from your Resident Director, from the Residential Life Office, and from the Office of the Dean of Students.

New York State Law Regarding Sex Offenses

It is important for members of the campus community to be aware that there can be serious legal consequences for certain sexual conduct. If you do not accept another person's decision not to have sexual contact and you proceed without consent, you may be breaking the law in New York State.

Sex offenses are defined in the New York State Penal Law. Sex offenses include, but are not limited to, RAPE, CRIMINAL SEXUAL ACTS, SEXUAL ABUSE, AGGRAVATED SEXUAL ABUSE, FORCIBLE TOUCHING and SEXUAL MISCONDUCT.*

1. SEXUAL MISCONDUCT is sexual intercourse, oral sexual conduct or anal sexual conduct without such other person's consent.

2. RAPE is sexual intercourse by forcible compulsion or with another who is physically helpless, mentally disabled, incapacitated or incapable of consent because of age or other factors.

3. CRIMINAL SEXUAL ACTS occur when one engages in oral or anal sexual conduct by forcible compulsion or with one who is physically helpless, mentally disabled, or incapacitated, or incapable of consent because of age or other factors.

4. FORCIBLE TOUCHING occurs when, for no legitimate purpose, one forcibly touches sexual or intimate parts of another person for degrading or abusing such persons, or for gratifying the actors' sexual desire.

5. SEXUAL ABUSE is unlawful sexual contact with one who is incapable of consent because of age or other factors.

6. AGGRAVATED SEXUAL ABUSE is unlawful insertion of foreign objects into the vagina, urethra, penis or rectum of another with one who is incapable of consent because of age or other factors.

*For complete descriptions of these sex offenses and others, see NYS Penal Law Article 130. Penalties for Commission of Sex Offenses:
Penal Law Offense Classification Penalty Section
130.20 Sexual Misconduct A Misdemeanor not to exceed 1yr
130.25 Rape 3rd Degree E Felony not to exceed 4yrs
130.30 Rape 2nd Degree D Felony not to exceed 7yrs
130.35 Rape 1st Degree B Felony not to exceed 25yrs
130.40 Criminal Sexual Act 3rd Degree E Felony not to exceed 4yrs

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130.45 Criminal Sexual Act 2nd Degree D Felony not to exceed 7yrs
130.50 Criminal Sexual Act 1st Degree B Felony not to exceed 25yrs
130.52 Forcible Touching A misdemeanor not to exceed 1yr
130.55 Sexual Abuse 3rd Degree B misdemeanor not to exceed 3mos
130.60 Sexual Abuse 2nd Degree A misdemeanor not to exceed 1yr
130.65 Sexual Abuse 1st Degree D Felony not to exceed 7yrs
130.65A Aggravated Sexual Abuse 4th Degree E Felony not to exceed 4yrs
130.66 Aggravated Sexual Abuse 3rd Degree D Felony not to exceed 7yrs
130.67 Aggravated Sexual Abuse 2nd Degree C Felony not to exceed 15yrs
130.70 Aggravated Sexual Abuse 1st Degree B Felony not to exceed 25yrs
130.90 Facilitating a Sex Offense with a Controlled Substance D Felony not to exceed 7 yrs.
130.95 Predatory Sexual Assault A-II Felony maximum of life imprisonment

The sex offenses outlined in the New York State Penal Law call for a specific penalty for anyone convicted of one of these offenses as noted in the previous table. Depending on the offense committed, sentences can range from a minimum term of fifteen (15) days to a maximum term of twenty-five (25) years imprisonment.

Smoking Policy

It shall be the policy of Fordham University to regulate smoking of tobacco products as required by law. In accordance with New York State law, smoking is prohibited in all buildings. By definition, this prohibition includes classrooms, auditoriums, hallways, stairwells, elevators, lobbies, churches, gymnasiums, and health care facilities, as well as the public and private areas of residence halls. Violation of this policy may subject students to University sanctions and other fines.

Solicitations

There shall be no solicitation by outside agents for the sale of goods or services to students on any portion of the property of Fordham University, except as hereinafter provided:

1. Display and sale of goods and service to authorized representatives of the University for University purposes.
2. Groups and individuals may appear by invitation of authorized University personnel to present proposals for group consideration. Anyone soliciting at the University must have the written permission of the Dean of Students or his designate.

Students of the University may not engage in solicitation on University premises or use the University’s name or facilities without written permission of the Dean of Students. Student organizations may not solicit from individuals or organizations outside of the University without written permission of the Dean of Students’ Office. The advertising, marketing, or merchandising of credit cards to students on the campuses of Fordham University shall not be permitted except under the following conditions:

1. No bank, financial institution, or other credit card issuer, either directly or through an agent or representative, shall be allowed to advertise, market, or merchandise credit cards to students on the campuses of Fordham University without the express written permission of the University’s Vice President for Finance.
2. No premiums shall be offered during the advertising, marketing, or merchandising of credit cards to students on the campuses of Fordham University without the express written permission of the University’s Vice President for Finance.
3. All authorized and approved advertising, marketing, or merchandising shall be restricted to those areas and on those dates approved by the University’s Vice President for Student Affairs or his/her designee. Such activities shall comply at all times with University policies and procedures.
4. Any employee, agent, or representative of a firm advertising, marketing or merchandising credit cards to students on the campuses of Fordham University will at all times comply with the directions provided by the employees and agents of the University including the University’s security staff.

Recognizing that it is important that students learn to build and manage their credit wisely, the University, through its Office of Student Affairs will endeavor to offer programs on financial management during orientation and/or during the course of the academic year.