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Responsible Office: Provost; Human Resources; Student Affairs; Office of Equity

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INTERIM POLICY ON TITLE IX SEXUAL HARASSMENT

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I. Policy

A. Policy Statement

On May 6, 2020, the United States Department of Education issued new regulations, effective August 14, 2020, defining sexual harassment under Title IX of the Education Amendments of 1972 (“Title IX”) to include three categories of misconduct on the basis of sex that occur within the University’s education programs or activities: *quid pro quo* harassment by an employee; severe, pervasive, and objectively offensive unwelcome conduct of a sexual nature; and Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined under the Clery Act and VAWA.

While Northwestern prohibits all forms of discrimination and harassment, including sexual misconduct, this policy applies only to Sexual Harassment under Title IX as defined below. Discriminatory and/or harassing conduct falling outside of the purview of this policy is addressed under the University’s Policy on Institutional Equity. Other forms of misconduct may be addressed by other Northwestern policies (e.g. Student Handbook, Faculty Handbook, and Staff Handbook).

B. Jurisdiction

This policy applies to Title IX Sexual Harassment as defined below that occurs in the University’s Education Programs or Activities and that is committed by any student, faculty member, staff member, or third-party affiliate who has a formal (including contractual) relationship with the University community. As defined by the U.S. Department of Education, the University’s Education Programs or Activities include locations, events, or circumstances in the United States in which Northwestern exercised substantial control over both the Respondent (the person accused of violating the policy) and the context in which the alleged violation occurred (including any building owned or controlled by a student organization that is officially recognized by Northwestern).

Misconduct occurring outside of the jurisdiction of this policy may be addressed by other University policies, which may include but are not necessarily limited to the University’s Policy on Institutional Equity. **Individuals impacted by any form of sexual misconduct, irrespective of whether it falls under this policy, may contact the Office of Equity to receive support, resources, and information.**

This policy does not apply to Sexual Harassment committed by visitors or guests to the University, or to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the University’s Education Programs or Activities, such as a study abroad program. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the University’s Policy on Institutional Equity.

Pursuant to guidance from the U.S. Department of Education, this policy applies to Title IX Sexual Harassment alleged to have occurred on or after August 14, 2020. Allegations of conduct occurring prior to this date will be subject to the University policy in place at the time of the alleged conduct.

Individuals impacted by Title IX Sexual Harassment may contact the Office of Equity to receive support, resources, and information even if they do not wish to move forward with

the Complaint Resolution Process described in Section III below.

C. Purpose

Northwestern is committed to fostering an environment in which all members of our community are free from sexual misconduct in any form. The University expects that all interpersonal relationships and interactions—especially those of an intimate nature—will be based on mutual respect, open communication, and clear consent. Additionally, Northwestern is committed to complying with Title IX of the Education Amendments of 1972 and its implementing regulations, the Violence Against Women Reauthorization Act of 2013, and the Illinois Preventing Sexual Violence in Higher Education Act.

D. Accessibility

The Office of Equity is committed to making our services accessible to all members of the Northwestern community. The Office is cognizant of the physical accessibility of our space, the cultural competency of our staff, and the method and tone of the services we provide. Accessibility includes but is not limited to: providing reasonable accommodations to persons with disabilities, including mental health concerns, ensuring our online resources are accessible, providing translation services, and providing competent, respectful, and effective service to people of all identities and expressions. To request an accommodation related to the University's Title IX Sexual Harassment policy or procedure, or to discuss any questions or concerns about the accessibility of the Office of Equity's services or resources, please contact the Title IX Coordinator.

E. Definitions

The following terms and definitions are important components of this policy. The definitions are intended to give meaning to these terms in the context of Northwestern's policy. Criminal and other applicable state laws may use different definitions of these terms.¹

1. Consent

Consent represents the cornerstone of respectful and healthy intimate relationships. Northwestern expects its community members to communicate – openly, honestly, and clearly

about their actions, wishes, and intentions when it comes to sexual behavior, and to do so before engaging in intimate conduct. It is always the requirement of the individual initiating sexual contact or initiating a new type of sexual activity within an encounter to ensure that consent is present before acting and that consent is ongoing during sexual activity.

a. Capacity to consent

Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age (generally, the age of consent is

¹ Information on the applicable state law definitions in Illinois, Florida, California, New York and Washington, D.C. can be found at <https://www.northwestern.edu/sexual-misconduct/title-IX/relevant-laws.html>

17 in Illinois), physical condition, or disability that impairs the individual's ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring.

"Incapacitated" refers to the state where a person does not understand the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition or disability, or due to a state of unconsciousness or sleep.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence or impaired by use of the drug. Alcohol and other drugs impact each individual differently, and determining whether an individual is incapacitated requires an individualized determination.

Some indicators of incapacitation due to consumption of drugs or alcohol may include, but are not limited to:

- Lack of full control over physical movements (for example, difficulty walking or standing without stumbling or assistance);
- Lack of awareness of circumstances or surroundings (for example, lack of awareness of where one is, how one got there, who one is with, or how or why one became engaged in sexual interaction);
- Inability to effectively communicate for any reason (for example, slurred speech, difficulty finding words).

A person may appear to be giving consent but may not have the capacity to do so. **When determining whether a person has the capacity to provide consent, the University will consider whether a sober, reasonable person in the same position knew or should have known whether the other party could or could not consent to the sexual activity.** It is especially important, therefore, that anyone initiating sexual activity is aware of their own level of intoxication as it may impact their ability to assess another person's capacity to give consent. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent. Being intoxicated or impaired by drugs or alcohol is never an excuse to commit sexual misconduct.

b. Aspects of Valid Consent

For purposes of this policy, *consent is present when clearly understandable words or actions manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate contact.*

Consent must be all of the following:

- **Knowing:** All individuals understand, are aware of, and agree as to the "who" (same partners), "what" (same acts), "where" (same location), "when" (same time), and "how" (the same way and under the same

conditions) of the sexual activity.

- **Active:** Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.
- **Voluntary:** Consent must be freely given and cannot be the result of Respondent’s intimidation (extortion, menacing behavior, bullying), coercion (severe or persistent pressure causing fear of significant consequences from Respondent if one does not engage in sexual activity), force (violence, physical restraint, or the presence of a weapon), threats (indications of intent to harm, whether direct or indirect), or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).
- **Present and Ongoing:** Consent must exist at the time of the sexual activity. Consent to previous sexual activity does not imply consent to later sexual acts; similarly, consent to one type of sexual activity does not imply consent to other sexual acts. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person.

Consent may also be withdrawn at any time, provided the person withdrawing consent makes that known in clearly understandable words or actions.

2. Prohibited Conduct

Northwestern prohibits all forms of sexual misconduct. Such conduct violates our community values and disrupts the living, learning, and working environment for students, faculty, staff, and other community members. Consistent with the U.S. Department of Education’s implementing regulations for Title IX and the Illinois Preventing Sexual Violence in Higher Education Act, the University prohibits Title IX Sexual Harassment that occurs within its Education Programs and Activities. As further defined below, Title IX Sexual Harassment includes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. Conduct that is not covered by this policy may be addressed by other University policies, including but not necessarily limited to the University’s Policy on Institutional Equity. An act may violate one or more parts of this policy or one or more University policies.

a. Title IX Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

- i. **Quid Pro Quo Sexual Harassment:** An employee of Northwestern conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct.

- ii. **Hostile Environment Sexual Harassment:** Unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Northwestern's Education Program or Activity.
- iii. **Title IX Sexual Assault:** Title IX Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v). Under 20 U.S.C. 1092(f)(6)(A)(v), the term "sexual assault" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The Uniform Crime Reporting System includes the following offenses as forcible or nonforcible sex offenses:
 - **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object or instrument, or oral penetration by a sex organ of another person, without the consent of the victim or where the victim is incapable of giving consent, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Attempted rape is included. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
 - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- iv. **Title IX Dating Violence:** "dating violence" as defined in 34 U.S.C. 12291(a)(10). Under 34 U.S.C. 12291(a)(10), the term "dating violence" means violence committed by a person—
 - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.
- v. **Title IX Domestic Violence:** "domestic violence" as defined in 34 U.S.C. 12291(a)(8).

Under 34 U.S.C. 12291(a)(8), the term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

vi. **Title IX Stalking:** “stalking” as defined in 34 U.S.C. 12291(a)(30).

Under 34 U.S.C. 12291(a)(30), the term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (A) fear for their safety or the safety of others; or
- (B) suffer substantial emotional distress.

3. Participants

- a. *Complainant* means an individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment under this policy.
- b. *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment under this policy.
- c. *Parties* is a term that refers to the Complainant and Respondent collectively.

4. Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s Education Programs or Activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter Title IX Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, other changes to academic, living, dining, transportation, and working situations, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures. In providing Supportive Measures, the Office of Equity will make every effort to avoid depriving any student of their education or access to the University’s program or activities. The Supportive Measures needed by each party may change over time, and the Office of Equity will communicate with parties to ensure that any Supportive Measures in place are necessary and effective based on the parties’ evolving needs.

The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question. As noted above, an individual may request to receive support – including the Supportive Measures mentioned in this section – even if they do not choose to participate in the University's Complaint Resolution Process.

5. Formal Complaint

A *Formal Complaint* is a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that Northwestern investigate the allegation of Title IX Sexual Harassment. **In order for Northwestern to proceed to an investigation, at the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in Northwestern's Education Programs or Activities (see I(B), above).** A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic signature or otherwise indicates that the Complainant is the person filing the Formal Complaint.

F. Reporting

1. Title IX Sexual Harassment Reporting Options

The University encourages reporting of Title IX Sexual Harassment. Members of the University community who believe they have experienced Title IX Sexual Harassment have the right to choose whether or not to report the incident to the University, law enforcement, or both, and have the right to choose whether to engage with the University once the University receives a report. The information below is for individuals who wish to report incidents of Title IX Sexual Harassment. Reporting Title IX Sexual Harassment in the manners set forth below is not equivalent to filing a "Formal Complaint of Title IX Sexual Harassment" as defined above. Information on how to file a Formal Complaint can be found in the Complaint Resolution Process described in Section III below.

Information regarding reporting options and procedures for incidents of sexual misconduct that are not covered by this policy can be found in the Policy on Institutional Equity available at:

<https://www.northwestern.edu/equity/documents/policy-on-institutional-equity.pdf>

a. Reporting Incidents to the University

Any individual may report Title IX Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by email, by regular mail, by phone, or electronically as explained below, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

Individuals impacted by Title IX Sexual Harassment may contact the Office of Equity to receive support, resources, and information even if they do not wish to move forward with the Formal Complaint Resolution Process described in Section III below. Please see section III for more information. To speak to someone confidentially without making a report to the University, please see the Confidential Resources listed in Section II(A) below.

While anonymous reports will be reviewed by the Office of Equity, the University's ability to address Title IX Sexual Harassment reported by anonymous sources is significantly limited.

There is no time limit for reporting an incident of Title IX Sexual Harassment. However, in order for Northwestern to proceed to an investigation, at the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in Northwestern's Education Programs or Activities. The University encourages reports be made as soon as possible after the incident.

The staff identified below are specially trained to work with individuals who report or are accused of Title IX Sexual Harassment and have knowledge about on- and off- campus resources, services, and options—including the availability of supportive measures, as discussed above in Section I(E)(4).

Title IX Coordinator

Contact: Colleen Johnston
Location: Office of Equity, 1800 Sherman, Suite 4-500, Evanston, IL 60208
Phone: (847) 491-3881
Email: colleen.johnston@northwestern.edu

Deputy Title IX Coordinator

Contact: Amanda DaSilva
Location: Office of Equity, 1800 Sherman, Suite 4-500, Evanston, IL 60208
Phone: (847) 467-6571
Email: amanda.dasilva@northwestern.edu

Deputy Title IX Coordinator

Contact: Karen Tamburro
Location: Office of Equity, 1800 Sherman, Suite 4-500, Evanston, IL 60208
Phone: (847) 491-6697
Email: karen.tamburro@northwestern.edu

To File a Report Electronically

Individuals may use the form at the following link to electronically file a report of Title IX Sexual Harassment with the Office of Equity:

<https://bit.ly/NUReportSexualMisconduct>

An immediate auto-response email with information about resources and options will be sent in response to reports filed electronically.

Other University Reporting Options

EthicsPoint

Third-party service for reporting complaints, including anonymous complaints, by phone or online

Phone: (866) 294-3545

Website: <https://www.northwestern.edu/ethics/>

Upon receipt of a report, an Office of Equity staff member will contact the person who may have experienced Title IX Sexual Harassment. The outreach from the Office of Equity staff member will generally include information about: medical and confidential counseling and support resources; options for filing a Formal Complaint and/or reporting the incident to law enforcement; how to request a protective order or no-contact directive; how to request Supportive Measures from the University with or without filing a Formal Complaint; how to preserve evidence; and where to access more information. The outreach will also include an invitation to meet with or provide additional information to an Office of Equity staff member.

b. Reporting Incidents to Law Enforcement

An individual who has experienced Sexual Assault, Dating Violence, Domestic Violence, or Stalking has the right to choose whether to file a police report. Northwestern University encourages individuals to report such incidents to University Police or local law enforcement. Filing a police report can result in the investigation of whether sexual violence or related crimes occurred and the prosecution of the perpetrator. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence.

The Office of Equity can provide information on contacting local and campus law enforcement and can assist an individual in doing so. However, the Office of Equity will not compel an individual to go to law enforcement.

The Northwestern University Police has a written [statement](http://www.northwestern.edu/up/your-safety/sexual-violence/university-police-guarantee.html) for individuals who report Sexual Assault/Sexual Violence, Domestic Violence, Dating Violence, or Stalking (<http://www.northwestern.edu/up/your-safety/sexual-violence/university-police-guarantee.html>) that reflects its commitment to sensitivity and privacy. University Police can also assist in reviewing options with individuals who report such conduct and identifying and facilitating resources related to:

- Seeking medical attention;
- Seeking support, advocacy, and counseling services;
- Seeking protective orders from a court;
- Pursuing options under the University's investigation process.

Employees of the University Police are University employees and therefore are obligated to promptly report incidents of Title IX Sexual Harassment of which they become aware during the scope of their work as explained below. Employees of the University Police will make reports to the Office of Equity regardless of whether the individual who experienced the Title IX Sexual Harassment chooses to pursue criminal charges.

Northwestern University Police Department

Evanston Campus: 1201 Davis Street, Evanston
Phone: (847) 491-3456 (24 hours)

Chicago Campus: 211 East Superior Street, Chicago
Phone: (312) 503-3456 (24 hours)
Website: <https://www.northwestern.edu/up/>

Evanston Police Department

Evanston Campus: 1454 Elmwood Avenue, Evanston
Phone: 911 or (847) 866-5000 (24 hours)
Website: <https://www.cityofevanston.org/police>

Chicago Police Department – 18th District (covers Chicago campus)

Chicago Campus: 1160 North Larrabee Ave., Chicago
Phone: 911 or (312) 744-4000 (24 hours)
Website: <https://www.chicagopolice.org/about/police-districts/18th-district-near-north/>

2. Reporting Obligations

a. Sexual Misconduct

All University employees (including student employees) and graduate students with teaching or supervisory authority, are obligated to promptly report sexual misconduct (including Title IX Sexual Harassment) of which they become aware in the scope of their work for the University to the Office of Equity unless they are a Confidential Resource listed in Section II(A). Note: This does not require a person experiencing harm to report the incident. Failure to fulfill this reporting obligation will be referred to the appropriate office for corrective action. The University encourages all individuals – including students not referenced above – to report sexual misconduct (including Title IX Sexual Harassment) of which they become aware to the Office of Equity.

b. Incidents Involving Minors

As stated in the University's [Policy on Minors at Northwestern](#), all University employees, students, volunteers, and third-party contractors are obligated to report to the Illinois Department of Children & Family Services or applicable state agency (as well as University Police, in emergency situations) any suspected abuse and/or neglect of a child. This includes any

and all incidents of sexual misconduct (including Title IX Sexual Harassment) involving minors, which should be reported to the Office of Equity as well. Reporters should also advise their supervisor (if the reporter is an employee) or the Dean of Students (if the reporter is a student), as well as notifying the Office of Risk Management and the Office of Compliance, Audit, and Advisory Services in writing that a report has been made.

3. Interim Removal

At any time after receiving a report of Title IX Sexual Harassment, the University may remove a student Respondent from the University's Education Programs and Activities on an emergency basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal. In the event the University imposes an interim removal, it will provide the Respondent with notice and an opportunity to challenge the removal decision immediately following the removal. Any emergency removal of a student will involve consultation with the Behavioral Consultation Team and the Division of Student Affairs.

In the case of a Respondent who is a non-student employee, and in the University's discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Title IX Sexual Harassment, including during the pendency of the investigation and hearing process. The decision to place a non-student employee on administrative leave will be made by the employee's unit director and the Office of the Provost (for faculty Respondents) or Human Resources (for staff Respondents) upon recommendation of the Office of Equity.

For all other Respondents, including third-party affiliates and guests, the University retains broad discretion to prohibit such persons from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Title IX Sexual Harassment or otherwise. Such individuals are generally not entitled to any process set forth in this policy, particularly upon removal from campus.

4. Title IX Retaliation

Neither Northwestern nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or this policy, or because the individual has, in good faith, made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Title IX Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes Title IX Retaliation under this Policy. A detailed definition of retaliation and examples of retaliatory conduct are provided in the [University's Policy on Non-Retaliation](#).

Complaints of Title IX Retaliation may be made by contacting the Title IX Coordinator. The University will process any report or complaint of Title IX Retaliation in the same manner as a report or complaint of sex discrimination under the University's Policy on Institutional Equity. Individuals who are found to have engaged in Title IX Retaliation as defined by this policy are subject to disciplinary action that may include, but is not limited to, the sanctions listed in Section I(G). The University retains discretion to consolidate a Formal Complaint of Title IX Retaliation with a Formal Complaint of Title IX Sexual Harassment for investigation and/or adjudication purposes.

5. Amnesty for Title IX Sexual Harassment Complainants and Witnesses

Northwestern encourages reporting of Title IX Sexual Harassment and seeks to remove any barriers to making a report. The University recognizes that an individual who has been consuming alcohol (including underage consumption) or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for that conduct. To encourage reporting, an individual who makes a good faith report of Title IX Sexual Harassment that was directed at them or another person, or participates in an investigation as a witness, will not be subject to disciplinary action by the University for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation, unless the University determines that the violation was serious and/or placed the health or safety of others at risk. Amnesty does not preclude or prevent action by police or other legal authorities. This Amnesty provision may also apply to student groups making a report of Title IX Sexual Harassment.

6. Free Expression and Academic Freedom

Northwestern is firmly committed to free expression and academic freedom. The University is equally committed to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community, and firmly believes that these two legitimate interests can coexist.

Discrimination, harassment, and retaliation against members of the Northwestern community are not protected expression or the proper exercise of academic freedom. The University will consider academic freedom in the investigation of reports of Title IX Sexual Harassment or retaliation that involve an individual's statements or speech.

7. Title IX and VAWA Statement

It is the policy of Northwestern to comply with Title IX of the Education Amendments of 1972 and its implementing regulations (and all other applicable laws regarding unlawful discrimination and harassment including, but not limited to, Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act), which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the University's educational programs and activities. It is also Northwestern's policy to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act. Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual

assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled.

Northwestern has designated the Title IX Coordinator, with assistance of the Deputy Title IX Coordinators, to coordinate Northwestern's compliance with Title IX and VAWA and to respond to reports of violations. The University has directed its Clery Program Manager to coordinate Northwestern's compliance with the Clery reporting related VAWA requirements. A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 1-800-421-3481.

Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting <https://www.eeoc.gov/employees/howtofile.cfm>. Employees may also file a charge with the Illinois Department of Human Rights (IDHR) regarding an alleged violation of the Illinois Human Rights Act by calling 1-800-662-3942 or 1-866-740-3953 (TTY). In addition, after the IDHR has completed its investigation of the complaint, an appeal process is available through the Illinois Human Rights Commission, which can be contacted by calling 312-814-6269 or 312-814-4760 (TTY).

G. Potential Consequences Following a Finding of a Policy Violation

1. Sanctions

When a final determination is made that an individual has violated this policy, as determined by the Complaint Resolution Process in Section III, the appropriate sanctions are determined based on several factors, including the severity of the conduct and any prior policy violations. Sanctions and corrective actions can include, but are not limited to:

- Verbal warning
- Written warning
- Advisory letter
- Conduct review
- Disciplinary hold on academic and/or financial records
- Performance improvement/management process
- Required counseling or coaching
- Required training or education
- Campus access restrictions
- Referral to the Fitness for Duty process
- No trespass order issued by NUPD (with respect to campus locations)
- No-contact directive (with respect to an individual)

- Loss of privileges
- Loss of title and/or honors
- Loss of oversight, teaching or supervisory responsibility
- Probation
- Demotion
- Loss of pay increase
- Decrease in pay
- Transfer (employment)
- Revocation of offer (employment or admissions)
- Disciplinary suspension
- Suspension with pay
- Suspension without pay
- Expulsion
- Termination of employment
- Revocation of tenure
- Termination of contract (for contractors)

The University may assign other sanctions as appropriate in each particular situation. Sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the applicable Staff Handbook, Faculty Handbook, Student Handbook, other policies or handbooks that may be developed over time, or contracts. In addition to imposing sanctions, the University may take steps to remediate the effects of a violation on the impacted parties and others.

2. **Remedies**

Remedies refers to measures provided to a Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent. After a final decision is made that an individual has violated this policy as determined by the Complaint Resolution Process in Section III, the University may also offer additional measures, and/or take other action, to eliminate any hostile environment caused by the Title IX Sexual Harassment, prevent the recurrence of any Title IX Sexual Harassment, and remedy the effects of the Title IX Sexual Harassment on the Complainant and the University community. Remedies will be provided to persons who have experienced Title IX Sexual Harassment as reasonably necessary to restore or preserve access to the University's Education Programs or Activities. Remedies that may be offered or provided to a Complainant may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, other changes to academic, living,

dining, transportation, and working situations, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures. The University may provide other remedies as appropriate in each particular situation. However, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

H. Related Information

1. University policies and procedures

[Policy on Institutional Equity](#)

[Faculty Handbook](#)

[Non-Retaliation](#)

[Policy on Minors at Northwestern](#)

[Policy on Consensual Romantic or Sexual Relationships between Faculty, Staff and Students](#)

[Staff Handbook](#)

[Student Handbook](#)

2. Other information

[Department of Education Office for Civil Rights complaint forms](#)

[EthicsPoint](#)

[Resource Guide on Title IX Sexual Harassment](#)

[Resource Guide for Respondents in Title IX Sexual Harassment Matters](#)

[Sexual Misconduct Response & Prevention resource page](#)

[University Police Annual Security & Fire Safety Report](#)[University Police Guarantee for Sexual Assault Victims](#)

I. History

This policy was enacted on August 14, 2020 and updated on September 1, 2021.

Policy URL: <https://www.northwestern.edu/equity/documents/interim-policy-on-title-ix.pdf>

II. Resources²

A. Confidential Support, Advocacy, and Counseling Resources

The following Confidential Resources are available for individuals to discuss incidents and issues related to Title IX Sexual Harassment on a confidential basis. Confidential Resources are not obligated to disclose reports of Title IX Sexual Harassment to the Title IX Coordinator for the University (under any circumstance) or law enforcement (except in

² For additional information, see Northwestern's [Resource Guide on Title IX Sexual Harassment](http://www.northwestern.edu/sexual-misconduct/docs/TitleIXResourceGuide.pdf) (<http://www.northwestern.edu/sexual-misconduct/docs/TitleIXResourceGuide.pdf>). Print copies are available by contacting the Office of Equity, at (847) 467-6165.

very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law).

Confidential Resources can provide information about University and off-campus resources, support services and other options. As noted above, because of the confidential nature of these Resources, disclosing information to or seeking advice from a Confidential Resource does not constitute making a report or complaint to the University and will not result in a response or intervention by the University. A person consulting with a Confidential Resource may later decide to make a report to the University and/or law enforcement.

The Medical Resources in Section II(B) are also Confidential Resources and are not obligated to disclose reports of Title IX Sexual Harassment to the Title IX Coordinator for the University (under any circumstance) or law enforcement (except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law).

On-Campus Confidential Resources

Resource	Contact Information	Description
CARE: Center for Awareness, Response & Education ^{3,4*}	Evanston Campus: 633 Emerson Street, 3rd Floor (847) 491-2054 care@northwestern.edu www.northwestern.edu/care	CARE is a confidential space for students impacted by sexual violence, relationship violence, or stalking, including friends or partners of survivors. CARE can be an advisor through the University complaint resolution process. Advocates can provide a space to process, ask questions, safety plan, and learn more about the impact of trauma. CARE also hosts a trauma support group and can connect with legal and medical advocacy, free counseling, and support groups on and off campus.
CAPS: Counseling and Psychological Services*	Evanston Campus: 633 Emerson Street, 2nd Floor (847) 491-2151 (24-hours) Chicago Campus: Abbott Hall, 5th Floor 710 N. Lake Shore Drive	Provides counseling services to students, also provides a counselor on call 24 hours a day.

³ CARE is designated as the University's confidential advisor under the Illinois *Preventing Sexual Violence in Higher Education Act*.

⁴ * Note: Some staff and faculty may be confidential resources in some aspect of their work for the University (e.g. physicians), but are subject to the University's reporting obligation for information learned in connection with their work for the University outside of a confidential relationship. For example, physicians are confidential resources with respect to information shared with them by patients, but are obligated to report sexual misconduct of which they become aware through work not related to patient care, such as work in labs, classrooms, or student advising.

	(847) 491-2151 (24-hours) www.northwestern.edu/counseling/	
Religious & Spiritual Life	Evanston Campus: 1870 Sheridan Road (847) 491-7256 spiritual.life@northwestern.edu www.northwestern.edu/religious-life/	Provides spiritual guidance for students and other members of the University community.
Faculty Wellness Program*	Director Richard A. Carroll, PhD (312) 695-2323 rcarroll@nm.org http://www.northwestern.edu/provost/faculty-resources/work-life/faculty-wellness.html	Provides free consultations for faculty members to identify appropriate resources for personal and professional concerns. Resources may be offered over the phone, or faculty members can meet with the Faculty Wellness Program director for further discussion.
Employee Assistance Program	(855) 547-1851 (24 hours) https://www.northwestern.edu/hr/benefits/well-being/programs/employee-assistance-program/index.html	Provides confidential crisis intervention and short-term counseling for faculty and staff, as well as their household family members at no cost.
University Ombudsperson	To be determined	

Off-Campus Confidential Resources

Resource	Contact Information	Description
Hotlines	Chicago Metro Rape Crisis Hotline (YWCA): (888) 293-2080 Chicago Domestic Violence Line: (877) 863-6338 Evanston Domestic Violence Line (YWCA): (877) 718-1868 RAINN: Rape, Abuse & Incest National Network (800) 656-HOPE	All hotlines provide 24 hour (7 days/week) crisis counseling and information regarding sexual assault, dating violence, and stalking. Survivors and friends of survivors can call. <i>Note: the hotlines can also provide information on local hospitals, such as what hospitals will have a victim advocate or SANE (Sexual Assault Nurse Examiner) available.</i>

	https://hotline.rainn.org/ (online hotline)	
Center on Halsted (LGBTQ Services)	3656 N. Halsted St, Chicago (7 days a week, 8 a.m.to 9 p.m.) LGTBQ Violence Resource Line: (773) 871-2273 http://www.centeronhalsted.org/avp	Services include: counseling services; connecting individuals with professional help, law enforcement, agencies, services, and other providers.
in*power(LGBTQ Survivor Support Services)	4025 N. Sheridan Rd, Chicago (773) 388-1600 ext 3680 in.power@howardbrown.org http://www.howardbrown.org/inpower/	Services include: STI testing and treatment,short-term case management, linkage to community resources, holistic health referrals, support groups for young people and adults, legal advocacy
Resilience (Formerly known as Rape Victim Advocates)	Main Office: 180 N. Michigan Ave, Suite 600, Chicago (312) 443-9603 www.ourresilience.org	Services include: medical and legal advocacy, counseling services (individual and group). Services are free for survivors or friends/partners of survivors.
YWCA- Evanston	1215 Church St, Evanston (847) 864-8445 https://www.ywca-ens.org	Services include: counseling and support for survivors of dating/domestic violence, legal advocacy, and residential services (emergency shelter)
Life Span Center for Legal Services and Advocacy	70 E. Lake Street, Suite 600, Chicago (312) 408-1210 life-span@life-span.org www.life-span.org	Services include (for survivors of DV, SV, and stalking): legal services, legal advocacy (i.e. assistance with Orders of Protection, etc.), and counseling
Center for Contextual	9239 Gross Point Road #300, Skokie	Referrals for survivors of sexual and domestic/dating violence:

Change	(847) 676-4447 x304 (for appointments or a confidential assessment) www.centerforcontextualchange.org	individual and group counseling. Referrals for perpetrators of sexual and domestic/dating violence: individual and group counseling
Apna Ghar	4350 North Broadway, 2 nd Floor Chicago, IL 60613 (773) 334-4663 www.apnaghar.org	Services include: 24/7 crisis line, legal advocacy, counseling, emergency shelter
Mujeres Latinas en accion	2124 West 21 st Place Chicago, IL 60608 (773) 890-7676 www.mujereslatinasenaccion.org	Services include: counseling, legal advocacy, medical advocacy
Greenlight Family Services (Formerly Porchlight Counseling Services)	(773) 750-7077 confidential helpline and intake http://greenlightfamilyservices.org/services/counseling	Services include: free counseling for survivors of sexual and/or domestic/dating violence
KAN-WIN	Offices in Chicago and Park Ridge (773) 583-1392 (Chicago) (847) 299-1392 (Park Ridge) 24-hour Hotline: (773) 583-0880 www.kanwin.org	Services include: (multi-lingual) free counseling, legal advocacy (assistance with protective orders/court accompaniment), and immigration protection for Asian-American or Asian immigrant survivors of sexual and/or domestic violence.
DC Rape Crisis Center	PO Box 42734 Washington, DC 20015 Business: 202-232-0789 TTY: 202-328-1371 Hotline: 202-333-7273 http://dcrcc.org/	Services include: Individual & group counseling (English and Spanish); a 24-hour crisis hotline; community education & outreach

B. Seeking Confidential Medical Assistance

Experiencing any form of Title IX Sexual Harassment can be difficult and overwhelming. Individuals often experience a range of emotions, including fear, anxiety, and confusion,

and may be unsure of what they want to, or should, do next. Regardless of whether the individual chooses to report the incident to the University and/or to law enforcement, the University strongly encourages individuals who believe they are victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat visible physical injuries and identify injuries that may not be visible, and, where appropriate, also address concerns regarding sexually transmitted infections and pregnancy, and provide emergency contraception (if requested). In addition, a hospital can test for the presence of alcohol or drugs (e.g., “date rape” drugs) and perform a rape evidence collection procedure (see Section II(D)(2)), which are also strongly recommended to preserve all legal remedies.

As noted above, the Medical Resources in Sections II(B) are also Confidential Resources and are not obligated to disclose reports of Title IX Sexual Harassment to the Title IX Coordinator for the University (under any circumstance) or law enforcement (except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law).

1. Medical Services Available On or Near the Evanston and Chicago Campuses

Northwestern University Health Service⁵

Evidence collection kit cannot be provided; CARE staff can be contacted to provide support services, if desired. (See Section II(A) for more information on CARE.)

Evanston Campus: 633 Emerson Street, Evanston
 Phone: (847) 491-8100 (RN call service available 24 hours)
 Website: <http://www.northwestern.edu/healthservice-evanston/>
 (for regular hours of operation and 24-hour emergency contact info)

Chicago Campus: 675 North St. Clair Suite 18-200, Chicago
 Phone: (312) 695-8134
 Website: <http://www.northwestern.edu/healthservice-chicago>
 (for regular hours of operation and 24-hour emergency contact info)

NorthShore University Health System/ Evanston Hospital, Emergency Dept. (24 hours)

Evidence collection kit available at no charge; Evanston Police Victim Services advocate can be present to provide support services, if desired.

Location: 2650 Ridge Avenue, Evanston
 Phone: (847) 570-2111 (emergency room)
 Website: <http://www.northshore.org/locations/our-hospitals/evanston-hospital/>
 (for more information or to request an appointment)

⁵ All staff in University Health Services (including team athletic trainers and team physicians) and staff in the Office of Health Promotion and Wellness are considered confidential resources.

online)

Northwestern Memorial Hospital, Emergency Department (24 hours)

Evidence collection kit available at no charge; Advocate from Resilience will be present to provide support services, if desired.

Location: 251 E Huron Street, Chicago
Phone: (312) 926-2000
Website: <https://www.nm.org/locations/northwestern-memorial-hospital>
(for more information)

Amita Health St. Francis Hospital, Emergency Services (24 hours)

Evidence collection kit available at no charge; Evanston Police victim services advocate can be present to provide support services, if desired.

Location: 355 Ridge Avenue, Evanston
Phone: (847) 316-4000
Website: <https://www.amitahealth.org/our-locations/hospitals/amita-health-saint-francis-hospital-evanston/services>

Under Illinois law, medical personnel are required to alert police when it reasonably appears that the person requesting treatment has sustained an injury as a victim of a criminal offense, including sexual assault or violence, but individuals have the right to refuse to speak to police.

2. Medical Services Available Near the Miami, Florida Campus

Jackson Memorial Hospital Roxcy Bolton Rape Treatment Center (5.8 miles from campus)

Evidence collection kit available at no charge.

Location: 1611 NW 12th Avenue Institute Annex 1st Floor, Miami
Phone: (305) 585-7273
Website: <https://jacksonhealth.org/locations/roxcy-bolton-rape-treatment-center/>

3. Medical Services Available Near the Washington, D.C. Campus

MedStar Washington Hospital Center (2.9 miles from campus)

Evidence collection kit available at no charge via DC Forensic Nurse Examiners.

Location: 110 Irving Street NW, Washington, D.C.
Phone: (202) 877-7000
Website: <https://www.medstarwashington.org>

4. Medical Services Available Near the San Francisco Campus

Zuckerberg San Francisco General Hospital (7 miles from campus)

Evidence collection kit available at no charge; additional/follow-up services available via their Rape Treatment Center.

Location: 1001 Potrero Avenue, San Francisco
Phone: (628) 206-8000
Website: <http://zuckerbergsanfranciscogeneral.org/>

C. Preserving Physical Evidence

Many Title IX Sexual Harassment offenses also are crimes in the state or locality in which the incident occurred. For that reason, individuals who believe they are victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking often have legal options that they can pursue. For example, an individual may seek a protective order from a court against the perpetrator(s); pursue a civil action against the perpetrator(s); and/or participate in a law enforcement investigation and criminal prosecution of the perpetrator(s). Regardless of whether an incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking is reported to the police or the University, Northwestern strongly encourages individuals who have experienced such conduct to preserve evidence to the greatest extent possible, as this will best preserve all legal options for them in the future.

Additionally, such evidence may be helpful in pursuing a complaint with the University. While the University does not conduct forensic tests for parties involved in a complaint of Title IX Sexual Harassment, results of such tests that have been conducted by law enforcement agencies and medical assistance providers may be submitted as evidence that may be considered in a University investigation or proceeding, provided they are available at the time of the investigation or proceeding.

Below are suggestions for preserving evidence related to an incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking. It is important to keep in mind that each suggestion may not apply in every incident:

1. General physical evidence preservation suggestions:

- In order to best preserve their legal options in the future, individuals should consider not altering, disposing of, or destroying any physical evidence of the incident.
- If there is suspicion that a drink may have been drugged, an individual should inform a medical assistance provider and/or law enforcement as soon as possible so they can attempt to collect possible evidence (e.g., from the drink, through urine or blood sample).
- Individuals can preserve evidence of electronic communications by saving them and/or by taking screen shots of text messages, instant messages, social

networking pages, or other electronic communications, and by keeping pictures, logs, or copies of documents that relate to the incident and/or perpetrator.

- Even if individuals choose not to make a complaint with the University, they may consider speaking with University Police or other law enforcement to preserve evidence. Please note that, as University employees, University Police would have to inform the Title IX Coordinator of any reports of Title IX Sexual Harassment of which they are made aware.

2. Physical evidence preservation suggestions specific to Sexual Assault:

- Because some evidence, particularly evidence that may be located on the body, dissipates quickly (within 48-96 hours), individuals who have been sexually assaulted and wish to preserve evidence should go to a hospital or medical facility immediately to seek a medical examination and/or evidence collection. Under Illinois law, any cost for an emergency medical or forensic examination for a victim of sexual violence that is not covered by private insurance or Illinois Public Aid will be covered by the Illinois Department of Healthcare and Family Services, and should not be billed to the patient.
- An individual who has been sexually assaulted and wishes to preserve evidence should, if possible, not shower, bathe, douche, smoke, brush teeth, eat, drink, use the bathroom, or change clothes or bedding before going to the hospital or seeking medical attention.
- If the individual who has been sexually assaulted decides to change clothes or bedding and wishes to preserve evidence, they should not wash the clothes worn or bedding used during the assault, and should bring them to a hospital, medical facility, or the police in a non-plastic (e.g., paper) bag.
- In Illinois, individuals who have been sexually assaulted may allow the collection of evidence even if they choose not to make a report to law enforcement. After the evidence is collected, Illinois law requires hospital staff to store it for two weeks. A sexual assault evidence collection kit may not be released by an Illinois hospital without written consent from the survivor.

D. Educational Training, Awareness, and Prevention Programs

The University offers a variety of training, awareness, and prevention programs to help prevent Title IX Sexual Harassment within the Northwestern community. The University strives to ensure that such programming is developed to be culturally relevant; trauma informed; inclusive of diverse communities and identities; sustainable; responsive to community needs; informed by research or assessed for value, effectiveness, and outcome; and considerate of environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Additionally, the University will ensure that University officials acting under this policy, including but not limited to the Title IX Coordinator, investigators, decision makers, University provided advisors, and appeal reviewers receive training in compliance with 34 C.F.R. §106.45(b)(1)(iii), the Illinois Preventing Sexual Violence in Higher Education Act, and any other applicable state or federal law.

For information on educational training, awareness, and prevention programs offered each year, see: <https://www.northwestern.edu/sexual-misconduct/education>.

III. Title IX Sexual Harassment Complaint Resolution Process

A. Introduction

The procedures below outline the process the University follows when it receives a report alleging a violation of the *Interim Policy on Title IX Sexual Harassment* committed by a member of the Northwestern community. For the purposes of this Policy, “by a member of the Northwestern community” means current students (as defined by the Student Handbook), current faculty (as defined by the Faculty Handbook), current staff members, and current third-party affiliates who have a formal (including contractual) relationship with the University.

The procedures below do not apply to reports alleging violations of this policy committed by visitors to campus or by former students, former faculty, former staff members, or former third-party affiliates. The procedures below also do not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States. As indicated above, misconduct occurring outside of the jurisdiction of this policy may be addressed by other University policies, which may include but are not necessarily limited to the University’s [Policy on Institutional Equity](#).

The Office of Equity (“the Office”) is responsible for handling reports alleging violations of this policy. University groups, including student groups, and departments are expected to report to the Office of Equity any concerns of Title IX Sexual Harassment of which they become aware, and are not to take independent action to seek to resolve any such concerns or reports. All reports will be handled in a prompt, fair, and impartial manner in accordance with Title IX, the *Violence Against Women Act*, the *Illinois Preventing Sexual Violence in Higher Education Act*, and other relevant laws and regulations, applicable University policies, and this process.

The process described below is Northwestern’s internal University process to determine whether Northwestern’s policy was violated and is not a court system. As such, Northwestern’s process does not use the same rules of procedure and evidence as those used by courts or law enforcement. **A person who has experienced Title IX Sexual Harassment or any potential crime has the right to simultaneously file and pursue both a criminal complaint with law enforcement and a complaint with the University if they choose, and to be assisted by the University in notifying law enforcement authorities if they choose, or to decline to notify such authorities.** Parties may also have options to file civil actions in court.

B. Response to Reports

As explained in Section I(F)(1)(a) above, upon receipt of a report, an Office of Equity staff member will contact the person who may have been impacted by the concern. The outreach from the Office of Equity staff member will generally include information about: medical and confidential counseling and support resources; options for filing a Formal Complaint and/or reporting the incident to law enforcement; how to request a protective order or no-contact directive; how to request Supportive Measures from the University with or without filing a Formal Complaint; how to preserve evidence; and where to

access more information. The outreach will also include an invitation to meet with or provide additional information to an Office of Equity staff member. [Note: The Process for response to Formal Complaints is detailed below in Section F.]

The Office may, in its discretion, reopen a case in the future as appropriate and if additional information becomes available. The closure of a case at the preliminary assessment stage does not prevent the Office from making non-punitive, educational outreach to those involved.

C. Offer of Supportive Measures

The University will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

In the event a Formal Complaint is filed, contemporaneously with the Respondent being notified, the Office of Equity will notify the Respondent of the availability of Supportive Measures for the Respondent. The University will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The University will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question.

D. Formal Complaint

A Complainant may file a Formal Complaint with the Office of Equity requesting that the University investigate and adjudicate a report of Title IX Sexual Harassment in accordance with the provisions of this section. At the time the Complainant submits a Formal Complaint, the Complainant must be participating in, or attempting to participate in, one or more of the University's Education Programs or Activities.

A Complainant may file a Formal Complaint with the Office of Equity in person, by regular mail, or by email using the contact information specified in Section I(F) above, or by using the Formal Complaint form available at <http://bit.ly/NUFormalTitleIXComplaint>. No person may submit a Formal Complaint on the Complainant's behalf.

In cases where an individual reporting Title IX Sexual Harassment requests anonymity or does not wish to file a Formal Complaint, the University will attempt to honor that request but, in some cases, the Title IX Coordinator may determine that the University needs to proceed with an investigation and will thereby sign a Formal Complaint.

The Office will consider the following factors in reaching a determination on whether to have the Title IX Coordinator sign a Formal Complaint:

- The totality of the known circumstances;

- The nature and scope of the alleged conduct, including whether the reported behavior involves the use of a weapon;
- The respective ages and roles of the Complainant and Respondent;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- Whether there have been other reports of other prohibited conduct or other misconduct by the Respondent;
- Whether the report reveals a pattern of misconduct (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- The Complainant's interest in the University's not pursuing an investigation or disciplinary action and the impact of such actions on the Complainant;
- Whether the University possesses other means to obtain relevant evidence;
- Fairness considerations for both the Complainant and the Respondent;
- The University's obligation to provide a safe and non-discriminatory environment; and
- Any other available and relevant information.

Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party for purposes of the investigation and adjudication processes. In such cases, the University will not compel an individual to participate, but will proceed with the available information. In all cases where a Formal Complaint is filed, the Complainant will be treated as a party, irrespective of the party's level of participation.

E. Consolidation of Formal Complaints

The University may consolidate the investigation of Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Title IX Sexual Harassment arise out of the same facts or circumstances. Where the investigation and adjudication process involve more than one Complainant or more than one Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. A Formal Complaint of Title IX Retaliation may be consolidated with a Formal Complaint of Title IX Sexual Harassment.

Additionally, the University may consolidate the investigation of a Formal Complaint as to allegations of Title IX Sexual Harassment and allegations of conduct covered by other University policies if arising out of the same or similar circumstances, and/or the allegations are substantially related.

F. Initial Inquiry and Dismissal Prior to Commencement of Investigation

In a case where the Complainant files a Formal Complaint, the Office of Equity will conduct an initial inquiry. An initial inquiry is an assessment by the Office of Equity as to whether the allegations, if substantiated, would rise to the level of a violation of

University Policy; a determination of the specific policy implicated; and an assessment of appropriate University response.

Following an initial inquiry, possible next steps include:

- **Dismiss the Formal Complaint:** If the conduct alleged in the Formal Complaint would not constitute a violation of this policy even if proved, if it did not occur in Northwestern's Education Program or Activities, or did not occur against a person in the United States, the Office of Equity must dismiss the Formal Complaint with regard to that conduct under this policy.

Such a dismissal does not preclude action under other University policies.

In the event the Office of Equity determines the Formal Complaint must be dismissed pursuant to this Section, the Office of Equity will provide written notice of dismissal, including the reasons for the dismissal, to the parties and advise them of their right to appeal pursuant to the appeal procedures detailed below. The Office of Equity may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal. The dismissal of a case does not prevent the office from making non-punitive, educational outreach to those involved.

- **Restorative resolution⁶:** In matters where a Formal Complaint has been filed and has passed initial inquiry, the parties may elect to resolve the matter through the University's Restorative Justice Program. Restorative resolution is voluntary and the University will not require parties to engage in this process. Parties interested in restorative resolution will receive a written notice disclosing: the allegations, the requirements of the restorative process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, and notice that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Complaint Resolution Process with respect to the Formal Complaint. In the event a party withdraws from the restorative process, records from the restorative process will not be shared with those investigating the matter but may be maintained by the Restorative Justice Program. All parties will be asked to provide voluntary, written consent to the restorative process before it begins. This process will not be used to resolve allegations that an employee sexually harassed a student.
- **Open an investigation:** If the conduct alleged in the Formal Complaint passes initial inquiry or the Title IX Coordinator has signed a Formal Complaint, and the parties have not elected restorative resolution, the office will proceed with a formal investigation and hearing under these procedures.

G. Investigation

The University invites parties to participate fully in all aspects of the investigation and

⁶ The University's Restorative Justice Program is expected to become available during the 2021-2022 academic year. The restorative resolution option will become available upon the launch of the program.

hearing processes outlined below.

1. Notification

Within seven (7) calendar days of completing an initial inquiry resulting in the opening of an investigation, the Office of Equity will provide written notice to the parties who are known that includes:

- Notice of Northwestern's complaint resolution process.
- Sufficient details of the allegations known at the time so that the parties may prepare a response before an initial interview with the investigator(s), including:
 - The identifies of the parties involved in the incident, if known;
 - The conduct alleged to constitute Title IX Sexual Harassment under this policy; and
 - The date and location of the incident(s), if known.

The notice will include statements that the Respondent is presumed not responsible for the alleged conduct; the Complainant is presumed to have brought forward the complaint in good faith; and a determination regarding responsibility is made at the conclusion of the complaint resolution process.

The written notice will inform the parties of their right to inspect and review evidence as specified in Section III(G)(5) below, and that they may have an advisor of their choice, who may be, but is not required to be, an attorney.

The written notice will inform the parties of the University's prohibitions on retaliation and knowingly making false statements or knowingly submitting false information during the complaint resolution process.

If, in the course of an investigation, the University decides to investigate additional allegations about the Complainant or Respondent that arise that were not included in the initial notice, the Office of Equity will provide notice of the additional allegations to the parties whose identities are known pursuant to the requirements above.

2. Dismissal of Formal Complaint During Investigation or Adjudication

The University may dismiss a Formal Complaint or any allegations therein at any point during the investigation or hearing process if:

- The Complainant requests to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed) by contacting the Title IX Coordinator in writing. The Title IX Coordinator or designee will determine whether to dismiss the Formal Complaint or allegations or conclude the investigation and hearing without the Complainant's continued participation.
- The Respondent is no longer enrolled or employed by the University, as the

case may be; or

- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal, including the reasons for the dismissal, to the parties and advise them of their right to appeal as specified in Section III(I). The Title IX Coordinator may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

3. Investigation Process

The Office of Equity investigates Formal Complaints. Depending upon the circumstances, the Office of Equity may assign one or more investigators from the Office of Equity. In some cases, an investigator from another University office may conduct the investigation under the direction of the Office of Equity, or an outside investigator may be retained. All investigators are trained on Title IX and the University's policies and procedures. Depending on the circumstances and in its discretion, the University may consolidate or sever for investigation and/or resolution allegations involving this and other University policies involving the same Respondent and/or Complainant. Any alleged violations of this policy will be investigated and resolved pursuant to the process articulated by this policy.

During the investigation, the investigator(s) will identify, elicit, and gather evidence related to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication of whether or not a policy determination has occurred lies with the University and not with the parties. However, it is important for all individuals involved in an investigation to identify relevant evidence it would like the University to consider.

During the investigation, the Complainant will have the opportunity to describe their allegations and present supporting evidence to the investigator(s). The Respondent will have the opportunity to hear the allegations, respond to them, and present supporting evidence to the investigator(s).

Investigation meetings are not audio or video recorded by the University, and may not be recorded by any participant. Parties and witnesses may take notes during investigation meetings. The Complainant and the Respondent will have an equal opportunity to present names of potential witnesses and to propose questions the investigator(s) might ask the other party or witnesses. Complainants and Respondents may identify potential factual and/or expert witnesses but may not present character witnesses. The investigator(s) will take the witness lists provided by the Complainant and Respondent into consideration

when identifying the witnesses they will interview and what questions they might ask each witness, but these decisions are solely within the investigator's discretion. The investigator(s) retains discretion to limit the number of witness interviews the investigator(s) conducts if the investigator(s) finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at issue, or if the witnesses are offered to render testimony that is categorically inadmissible, such as testimony concerning sexual history of the Complainant. The investigator(s) may also choose to interview other witnesses not identified by the parties. The investigator(s) will not restrict the ability of the parties to gather and present relevant evidence on their own.

Generally, the investigator(s) will meet with each party and each witness separately and may hold multiple meetings with a party to obtain all necessary information. The parties may submit additional materials or information to the investigator(s) at any time before the conclusion of the investigation. In all cases, both the Complainant and Respondent will have equal opportunities to share information and have their information considered. The Complainant, Respondent, and witnesses should be advised that for their statements to be considered, they must participate in the live-hearing.

Information about treatment records and other privileged information appears in Section III(K) below.

Parties and witnesses whose participation is invited or expected at any interview or other meeting as part of the investigation will receive written notice of the date, time, location, participants, and purpose of all such investigative interviews or other meetings, with sufficient time for the party to prepare to participate.

4. Investigation Timeline

Though the University strives to resolve all cases in a prompt and timely manner, the timeline and length of each investigation may vary based on the totality of the circumstances of the case, including breaks in the academic calendar, availability of the parties and witnesses (including due to a leave of absence), the scope of the investigation, the need for supportive measures, and unforeseen or exigent circumstances.

Although the length of each investigation will vary, the University strives to complete the investigation portion of the resolution process within ninety (90) calendar days of sending the written notice of Formal Complaint. The timeline for the hearing portion of the resolution process is explained below.

The parties will be periodically updated on the status of the investigation. In cases where there is a simultaneous law enforcement investigation, the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University investigation will generally proceed with its investigation and resolution of a Formal Complaint during any law enforcement investigation.

5. Opportunity to Inspect and Review Evidence

At the conclusion of the evidence-gathering phase of the investigation but prior to the completion of the investigation report, the investigator(s) will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. This includes evidence upon which Northwestern may choose not to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source. The investigator(s) will send this evidence, in either electronic or hard copy form, to each party and each party's advisor, if any. The parties may each submit to the investigator(s) a written response including comments, feedback, or any other information they deem relevant, comprising up to twenty (20) pages, within ten (10) calendar days after the evidence is made available for their review. The Title IX Coordinator or designee may, in their discretion, waive or extend the page or time limit for the written response. The investigator(s) will consider the written responses prior to completing the investigation report.

The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not photograph or disseminate the evidence.

6. Investigative Report

After the period for the parties to provide any written response to the evidence has expired, the investigator(s) will create a written investigative report that fairly summarizes the relevant evidence collected (both inculpatory and exculpatory). The Office of Equity will provide a copy of the investigative report to each party and each party's advisor, if any, in either electronic or hard copy form.

H. Hearings

1. Purpose

The purpose of the hearing is for the University's decision maker to resolve any outstanding issues of contested facts, assess the credibility of parties and witnesses, and using a preponderance of the evidence standard, determine whether it is more likely than not that a policy violation or violations occurred.

2. Appointment of Decision Maker

Upon completion of the investigation, the Title IX Coordinator will promptly appoint a trained decision maker, who cannot be the same person as the Title IX Coordinator or investigators, who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the decision maker is provided a copy of the investigative report and a copy of all evidence transmitted to the parties by the investigator(s).

3. Hearing Notice and Response to the Investigation Report

After the decision maker is appointed by the Title IX Coordinator, the Office of Equity will promptly transmit written notice to the parties notifying the parties of the decision maker's appointment; setting a deadline for the parties to submit any

written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) calendar days from the date of transmittal of the written notice specified in this Section.

A party's written response to the investigative report must include:

- To the extent the party disagrees with the investigative report, any argument or commentary regarding such disagreement;
- Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in Section III(L), or for any other reason;
- A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the decision maker;
- A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the decision maker;
- Any objection that the party has to the University's Hearing Procedures;
- Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- If the party does not have an advisor who will accompany the party at the hearing, a request that the University provide an advisor for purposes of conducting questioning as specified in Section III(J).

A party's written response to the investigation report may also include:

- Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of the evidence; and
- Argument regarding whether any of the allegations in the Formal Complaint constitute Title IX Sexual Harassment.

4. Pre-Hearing Conference

Prior to the hearing, the decision maker will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. However, upon request of either party, the parties will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

In the decision maker's discretion, the pre-hearing conference may be conducted virtually, by use of video and audio technology, where all participants participate simultaneously and contemporaneously by use of such technology.

During the pre-hearing conference, the decision maker will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the decision maker deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance and/or witnesses the parties plan to bring to the hearing without a notice of attendance; and resolve any other matters that the decision maker determines, in the decision maker's discretion, should be resolved before the hearing.

5. Issuance of Notices of Attendance

After the pre-hearing conference, the decision maker or the Office of Equity will transmit notices of attendance to any University employee or student whose attendance is requested at the hearing as a witness, at least ten (10) calendar days prior to the hearing. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the decision maker immediately if there is a material and unavoidable conflict.

The subject of an attendance notice should notify any manager, faculty member, coach, or other supervisor, as necessary, if attendance at the hearing will conflict with job duties, classes, or other obligations. All such managers, faculty members, coaches, and other supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified in the notice.

The University will not issue a notice of attendance to any witness who is not an employee or a student.

6. Participation

Parties and witnesses will be asked to attend the hearing where they may be questioned by the decision maker and cross-examined by a party's advisor. In the event that a party or witness does not appear at or answer questions at the hearing, the decision maker will rely on relevant evidence available through the investigation and hearing in making the ultimate determination of responsibility. The decision maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to submit to cross-examination or answer other questions.

7. Format

The decision maker will facilitate the hearing process. The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. At Northwestern's discretion, the live hearing may be conducted in-person, with the decision maker, the parties, the advisors, witnesses, and other necessary University personnel together in the same physical location, or any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling them to participate simultaneously and

contemporaneously.

At the request of either party, the live hearing will occur with the parties located in separate rooms with technology enabling the decision maker and parties to simultaneously see and hear the party or the witness answering questions. The parties will not be compelled to be present or testify in the same physical location as the other party.

An audio or audiovisual recording or transcript will be made of the live hearing, and the recording or transcript will be made available to the parties for inspection and review upon request.

The hearing will proceed as follows:

- The decision maker will begin by asking questions of each witness.
- After the decision maker's questioning of a witness, the advisors may then cross-examine the witness, asking all relevant questions and follow-up questions, including those challenging credibility. The advisors will have the opportunity to conduct this questioning directly, orally, and in real time.
- The decision maker will then ask questions of the Complainant.
- The Respondent's advisor may then cross-examine the Complainant, asking all relevant questions and follow-up questions, including those challenging credibility.
- The decision maker will then question the Respondent.
- The Complainant's advisor may then cross-examine the Respondent, asking all relevant questions and follow-up questions, including those challenging credibility.
- At their discretion, the decision maker may ask additional follow up questions of each party after cross examination concludes.

If a party does not have an advisor present at the hearing, the University will provide an advisor of the University's choice to ask questions prepared by the party on the party's behalf. The parties will not be permitted to question the other party directly.

Except as otherwise permitted by the decision maker, the hearing will be closed to all persons except the parties, their advisors, the investigator(s), the decision maker, the Title IX Coordinator or designee, and other necessary University personnel. With the exception of the investigator(s) and the parties, witnesses will only be present during their testimony.

During the hearing, the parties and their advisors will have access to the investigation report and evidence that was transmitted to them pursuant to Section III(G)(5) and III(G)(6).

While a party has the right to attend and participate in the hearing with an advisor, a party and/or advisor who materially and repeatedly violates the rules of

the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the decision maker.

Subject to the minimum requirements specified in this Section, the decision maker will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The decision maker will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section are met.

8. Relevancy of Questions

Only relevant cross-examination and other questions may be asked of a party or witness. The decision maker will determine the relevancy of all questions asked during the hearing. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decisionmaker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Parties and advisors may not challenge these determinations during the hearing. The decision maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Questions that are duplicative or repetitive of those already asked may be deemed not relevant and thus excluded.

9. Deliberation and Determination Regarding Responsibility

After the hearing is complete, the decision maker will objectively evaluate all relevant evidence collected during the investigation, including both inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The decision maker will take care to exclude from consideration any evidence that was ruled inadmissible at the pre-hearing conference, during the hearing, or by operation of Sections III(K) or III(L). The decisionmaker will resolve disputed facts using a preponderance of the evidence (i.e., "more likely than not") standard and reach a determination regarding whether the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.

10. Sanctions and Remedies

In the event the decision maker determines that the Respondent is responsible for violating this policy, the decision maker will, prior to issuing a written decision, consult with the appropriate University personnel with disciplinary authority over the Respondent and such personnel will determine any sanctions to be imposed:

- For student Respondents, in the event a policy violation is found, the decision maker will consult with a UHAS Sanctioning Panel comprised of three faculty or staff members.

- For staff Respondents, in the event a policy violation is found, the decision maker will consult the HR Business Partner and the Respondent's manager or unit leader.
- For faculty Respondents, in the event a policy violation is found, the decision maker will consult with a faculty sanctioning panel.

The decision maker will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive Measures or other remedies will be provided to the Complainant. All consultation should occur within seven (7) calendar days of the hearing.

11. Written Decision

After reaching a determination and consulting with the appropriate University personnel and Title IX Coordinator, the decision maker will issue a written determination regarding responsibility applying the preponderance of the evidence standard within seven (7) calendar days of a decision. The written determination will be provided to the parties simultaneously and will include:

- Identification of the allegations potentially constituting Title IX Sexual Harassment and, if applicable, other University policy violations;
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of Northwestern's policy to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility for each separate potential incident;
- Any disciplinary sanctions imposed on the Respondent;
- Whether remedies designed to restore or preserve equal access to the recipient's Education Program or Activity will be provided to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that the appeal reviewer provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

I. Appeals

Either party may appeal the dismissal of a Formal Complaint or any allegations therein or the determination regarding responsibility. The only bases for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- The sanction is disproportionate with the violation.

A party must file an appeal within ten (10) calendar days of the date the dismissal or hearing determination is issued. The appeal must be submitted in writing to the appropriate appeal reviewer identified below.

The appeal is not a rehearing of the case; it is a written statement specifically stating the grounds for the appeal and any supporting information. If either party submits an appeal, the other party will be notified in writing that the appeal has been filed, provided with a copy of the appeal, and given ten (10) calendar days to submit a written response. A written response is limited to fifteen (15) pages. The relevant appeal reviewer may, in their discretion, adjust the time limit for the appeal and/or response.

In the event sanctions were imposed, the sanctions will be stayed pending resolution of an appeal.

Appeals will be handled by the following reviewers, who may delegate the review of an appeal to a designee and will delegate review in any case in which they cannot serve as an impartial reviewer.

An appeal of a finding in a complaint against a student should be addressed to:

Assistant Dean/Director of Community Standards
Scott Hall
601 University Place
Evanston, IL 60208
lucas.christain@northwestern.edu

An appeal of a finding in a complaint against a faculty member should be addressed to:

Associate Provost for Faculty
Rebecca Crown Center
633 Clark Street
Evanston, IL 60208
(847) 491-8543
assoc-prov-faculty@northwestern.edu

An appeal of a complaint against a staff member⁷ or third-party affiliate should be addressed to:

*Vice President for Human Resources
720 University Place
Evanston, IL 60208
(847) 491-7505
oeappeals@northwestern.edu*

The appeal is solely conducted via written statements. Neither the Respondent nor the Complainant will be allowed to request an in-person meeting with the appeal reviewer. In an extraordinary circumstance, the appeal reviewer may request an in-person meeting with the Complainant and Respondent. Should the appeal reviewer request a meeting with one party, a meeting will also be requested with the other party.

In the event the appeal includes the appeal of a sanction, the appeal reviewer will, prior to issuing a written decision, consult with the appropriate University personnel with disciplinary authority over the Respondent and such officials will evaluate any sanctions to be imposed:

- For student Respondents, in the event of an appeal of a sanction, the appeal reviewer will consult with a UHAS Appeals Panel comprised of three faculty or staff members.
- For staff Respondents, in the event of an appeal of a sanction, the appeal reviewer will consult with the HR Business Partner and the Respondent's manager or unit leader.
- For faculty Respondents, in the event of an appeal of a sanction, the appeal reviewer will consult with the Executive Committee of the Faculty Appeals Panel who will review the basis of the appeal. The Executive Committee may review all documentation from the investigation and sanctioning process and any appeal statements received from the parties, and it may pose questions of the Office of Equity and the Sanctioning Panel if needed. The Committee may, at its discretion, call individual meetings with the faculty member and complainant or any other individual with firsthand information. The Executive Committee will make their recommendation to the Provost as to whether one or more of the grounds of the appeal has been met. The Provost will then make a decision whether to uphold the Sanctioning Panel's decision and what sanctions to impose. The Provost's decision is final.

The written decision on an appeal will be issued simultaneously to the parties as expeditiously as possible, usually within seven (7) calendar days of making a decision, though this may vary

J. Advisor of Choice

⁷ The Staff Handbook provides an additional process for staff members appealing a sanction of termination based on the scope of the appeal or unforeseen circumstances. The reviewer may review the full case, beyond the aspects of the case outlined in the request for appeal. If the reviewer does not find that any of the three grounds for appeal are present in the case, the outcome will be upheld. If the reviewer finds that any of the grounds for appeal are present in the case, they may amend the outcome, may issue a new outcome, or may refer the matter back to the decision maker for further consideration. No further review beyond the appeal is permitted.

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. The advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in Section III(H)(7), the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the University about the matter. In the event a party's advisor of choice engages in material violation of the parameters specified in this Section, the University may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

While a party has the right to attend and participate in the hearing with an advisor, an advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive, may be barred from further participation and/or have their participation limited, as the case may be, in the discretion of the decision maker.

In the event a party is not able to secure an advisor to attend the live hearing specified in Section III(H), the University will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The University will have sole discretion to select the advisor it provides. The advisor the University provides may be, but is not required to be, an attorney.

The University is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in Section III(H) and requests that the University provide an advisor.

K. Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the investigator(s) and adjudicator, as the case may be, are not permitted to access, consider, disclose, permit questioning concerning, or otherwise use:

- A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party; or
- Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney client privilege;

unless the University has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator(s) and/or adjudicator, as the case may be, may consider any such records or information otherwise covered by this Section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

L. Sexual History

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section.

M. Neutrality

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final; the Complainant is presumed to have brought forward the complaint in good faith, and a conclusion will not be made until the resolution process concludes.

N. Bad Faith Complaints and False Information

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the appropriate University policies.

O. Deadlines, Notices, and Method of Transmittal

All deadlines and other time periods specified in this policy are subject to modification by the University where, in the University's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator(s), adjudicator, or the parties; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator(s), decision maker, administrative officer, appeal reviewer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The University officer resolving the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the University.

The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will

be email using University email addresses.

A party is deemed to have received notice upon transmittal of an email to their University email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) calendar days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such as the date, time, location, purpose, and participants.

Unless a specific number of days is specified elsewhere in this policy, the sufficient time to be provided will be determined in the sole discretion of the University, considering all the facts and circumstances, including, but not limited to, the nature of the meeting, interview, or hearing; the nature and complexity of the allegations at issue; the schedules of relevant University officials; approaching holidays or closures; and the number and length of extensions already granted.

P. Privacy and Sharing of Information

The University considers reports and investigations to be private matters for the parties involved. All participants in an investigation will be informed that privacy helps enhance the integrity of the investigation, protect the privacy interests of the parties and protect the participants from statements that might be interpreted to be retaliatory or defamatory. Witnesses and advisors will be asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law. While the University will maintain confidentiality specified in this Section, the University will not limit the ability of the parties to discuss the allegations at issue in a particular case. Parties are advised, however, that the manner in which they communicate about, or discuss a particular case, may constitute Title IX Sexual Harassment or Retaliation in certain circumstances and be subject to discipline pursuant to the processes specified in this policy.

The University will keep confidential the identity of any individual who has made a report or Formal Complaint of Title IX Sexual Harassment or Retaliation including any Complainant, the identity of any individual who has been reported to be a perpetrator of Title IX Sexual Harassment or Retaliation including any Respondent, and the identity of any witness, to the extent possible. The University will also maintain the confidentiality of its various records generated in response to reports and Formal Complaints, including, but not limited to, information concerning Supportive Measures, notices, investigation materials, adjudication records, and appeal records, to the extent possible.

Notwithstanding the foregoing, the University may reveal the identity of any person or the contents of any record if permitted by FERPA, if necessary to carry out the University's obligations under Title IX and its implementing regulations including providing Supportive Measures, conducting any investigation, adjudication, or appeal under this policy or any subsequent judicial proceeding, or as otherwise required by law. Further, notwithstanding the University's general obligation to maintain confidentiality as specified herein, the parties to a report or Formal Complaint will be given access to investigation and adjudication materials in the circumstances specified in this policy.

Note that certain types of Title IX Sexual Harassment are considered crimes for which the University must disclose crime statistics in its Annual Security Report that is provided to the campus community and available to the public. These disclosures will be made without including personally identifying information.

Q. Conflicts of Interest, Bias, and Procedural Complaints

Neither the Title IX Coordinator nor any investigator, decision maker, or appeal reviewer will make findings or determinations in a case in which they have a material conflict of interest or material bias. Any party who believes one or more of these University officials has a potential material conflict of interest or material bias must raise the concern to the Title IX Coordinator within two (2) calendar days of discovering the perceived conflict so that the University may evaluate the concern and find a substitute, if appropriate. The parties will be notified of the identities of the decision maker and appeal reviewer for their proceeding before those individual(s) initiate contact with either party. The Title IX Coordinator or designee will determine whether a conflict of interest exists. The failure of a party to timely raise a concern of a conflict of interest or bias may result in a waiver of the issue for purposes of any appeal specified in Section III(I) or otherwise.

R. Standard of Evidence

The University uses the preponderance of the evidence standard. This means that the hearing process determines whether it is more likely than not that a violation of the policy occurred.