Resource Guide for Respondents in Sexual Misconduct Matters

Northwestern
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Being accused of sexual misconduct can be confusing and unsettling. This guide provides information on the sexual misconduct complaint resolution process and the resources available to you. If you have been accused of sexual misconduct, you are referred to as a respondent during the complaint resolution process.
Northwestern University is committed to fostering an environment in which all members of our campus community are safe and free from sexual misconduct of any form.

Sexual misconduct may include

**Sexual assault**: sexual penetration without consent, sexual contact without consent, incest, or statutory rape

**Sexual exploitation**: taking sexual advantage of another person without consent (e.g., voyeurism, lewd exposure, recording intimate activity, etc.)

**Sexual harassment**: unwelcome conduct of a sexual nature that creates a hostile environment or is a condition of employment, academic standing, or participation in a University program or activity

**Dating/domestic violence**: physical, psychological/emotional, or sexual abuse between persons in an intimate relationship

**Stalking**: knowingly engaging in a course of conduct directed at a specific person that one knows or should know would cause a reasonable person to fear for their safety or suffer substantial emotional distress (e.g., threats, following, monitoring, communication)

**Retaliation**: materially adverse action directed at a person for reporting sexual misconduct or participating in an investigation or hearing

The full definitions of these terms can be found in the Policy on Sexual Misconduct.

Consent

Consent is a knowing and voluntary agreement to engage in specific sexual activity at the time of the activity.

Consent must be **knowing, voluntary, active, and present and ongoing**.

Consent is not present when an individual does not have the capacity to give consent due to age, alcohol, drugs, sleep, or other physical condition or disability.

Title IX

Title IX is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded educational programs and activities.

When allegations of sexual misconduct are brought to the attention of the University, the University will take steps to investigate and address the concerns.
Reports to police and the University

A complainant may report an incident to law enforcement and request a police investigation. A complainant may report an incident to Northwestern and request a University sexual misconduct investigation. Campus sexual misconduct investigations can occur at the same time as police investigations. A complainant may choose to report sexual misconduct to law enforcement, Northwestern, both, or neither.

Complaint investigation and resolution

Once a complaint of sexual misconduct has been received and the complainant (i.e., the person who brought the concern forward) has provided their information to the Office of Equity, a University Title IX staff member will contact the respondent to tell them of the report and provide information on the complaint resolution process.

Northwestern investigates complaints by meeting with the complainant, respondent, and witnesses and reviewing relevant evidence. The University uses the preponderance of the evidence standard, which means that if the evidence shows that it is more likely than not that the sexual misconduct occurred, the respondent will be found responsible.

Investigations are usually conducted by the University’s Title IX Investigator(s), Deputy Title IX Coordinators, or Title IX Coordinator, who are trained in handling sexual misconduct matters. Complaints against students that could lead to separation from the University are referred for a panel hearing following the investigation. See pages 6–7 for a flow chart of the sexual misconduct complaint resolution process.

Violations of the Sexual Misconduct Policy may result in sanctions and corrective actions. These actions may include required training or counseling, warning, probation, suspension, expulsion, demotion, termination, or revocation of tenure.

The irrelevant prior sexual history of the parties will not be considered as evidence in the investigation.
Timeline

In most cases, the University investigates and resolves complaints of sexual misconduct—including determining what sanctions and/or corrective actions will be taken—within 60 days of receiving a complaint.

Privacy

Northwestern handles sexual misconduct reports discreetly, with information shared only with those who need to know in order to investigate and resolve the matter.

Parties in investigations of sexual misconduct are asked to keep the information related to the investigation private, to the extent consistent with applicable law. Witnesses and advisors will be asked to maintain complete confidentiality as to the investigation, to the extent consistent with applicable law.

Participation in the process

The University expects respondents to participate fully in all aspects of the complaint resolution process. If a respondent chooses not to participate in any part of the process, the University may proceed without the respondent’s participation. Respondents will be held accountable for any outcomes issued, even if they decline to participate.

Truthfulness

All participants have the responsibility to be completely truthful with the information they share at all stages of the process.
Advisor/legal counsel

Complainants and respondents may be accompanied by one advisor throughout the investigation and any hearing process, provided that the involvement of the advisor does not result in any undue delay of the process. It is the responsibility of each party to coordinate scheduling with their advisor for any meetings or hearings. An advisor is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or hearing. An advisor may not speak, write, or otherwise communicate with an investigator, hearing officer, or panel on behalf of the complainant or respondent.

In any matter involving a complaint of sexual assault, stalking, or dating or domestic violence, the advisor may be any person of the party’s choosing, including an attorney. However, an advisor may not also serve as a witness in the same matter. Further, the advisor is still limited to the supportive and not participatory role described above. A representative from the University’s Office of General Counsel may attend any proceeding where an attorney serving as an advisor is present. In all other matters, advisors cannot be a witness or party in the matter or a related matter, a family member of the complainant or respondent, or an attorney. A union representative may serve as an advisor, where applicable.

Retaliation

Northwestern strictly prohibits retaliation against any member of its community for reporting an incident of sexual misconduct or for participating, in any manner, in an investigation or hearing related to a report of sexual misconduct. The University considers such actions to be protected activities in which all members of the Northwestern community may freely engage.

Members of the community are prohibited from engaging in actions directly or through others that are aimed at dissuading a reasonable party or witness from reporting sexual misconduct or participating in an investigation or hearing. A detailed definition of retaliation and examples of retaliatory conduct are provided in the University’s Policy on Non-Retaliation.

The Northwestern community is strongly encouraged to report any alleged incident of retaliation under this policy to the Title IX Coordinator or Deputy Title IX Coordinator for Students, who shall investigate the matter and take appropriate actions to address such conduct.

For more information, see www.northwestern.edu/sexual-misconduct.
Investigation and Resolution

Overview of the sexual misconduct complaint resolution process

The Office of Equity receives a report of sexual misconduct.

A Title IX staff member from the Office of Equity contacts the person who may have experienced sexual misconduct to provide information about resources and options and extend an invitation to meet.

The person decides whether or not to meet with a Title IX staff member.

The person chooses to meet. The staff member goes over resources and options. The person may request interim measures and accommodations and may elect to proceed with an investigation.

The person chooses not to meet or requests not to proceed with an investigation. The University typically can honor that request.

The complainant chooses to proceed with an investigation. A Title IX staff member meets with the complainant to gather information about the concern. The complainant can suggest witnesses and provide evidence.

A Title IX staff member contacts the person who is alleged to have committed sexual misconduct (respondent) to notify them of the complaint, the resolution process, and the resources available to them.

The Title IX staff member investigating the complaint meets with the respondent to get information. The respondent can suggest witnesses and provide evidence.

This flow chart is intended to provide a general overview. A full explanation of the sexual misconduct complaint resolution process can be found at www.northwestern.edu/sexual-misconduct/university-policy/process.html.
The Title IX staff member completes the investigation by collecting information from the complainant, respondent, and relevant witnesses and by reviewing all evidence collected.

If the respondent is a student and the matter has the potential to result in separation from the University, a panel hearing is scheduled by the Office of Student Conduct.

A report including the information collected and findings of fact is provided to the complainant, respondent, and panel at least five days before the hearing.

The complainant and respondent meet with the panel separately. The panel decides whether there has been a policy violation and, if so, what sanctions are appropriate. The panel informs the complainant and respondent of the outcome in writing.

If the respondent is a student and the matter does not have the potential to result in separation from the University or if the respondent is a faculty member, staff member, or third party, the parties are provided a written summary of the information collected and a finding of whether there has been a policy violation.

When a policy violation is found and the respondent is a student, the Title IX Coordinator or Deputy Title IX Coordinator for Students will determine any sanctions or corrective actions.

When a policy violation is found and the respondent is a staff member, the findings will be forwarded to the Department of Human Resources and the respondent’s unit. Any sanctions or corrective actions will be decided in accordance with the Staff Handbook.

When a policy violation is found and the respondent is a faculty member, the findings will be forwarded to the faculty member’s dean and the Associate Provost for Faculty. Any sanctions or corrective actions will be determined in accordance with the Faculty Handbook.

Any party may appeal a finding or sanction. Information on how to appeal is included in the outcome letters provided to the parties.
Help a Friend

How to help a friend accused of sexual misconduct

Hear your friend’s point of view.

Acknowledge your friend’s feelings about the situation.

Refer your friend to other resources. You do not have to have all of the answers, and it is not your responsibility to fix the problem or determine what occurred. Let your friend know how much support you can provide and where other support is available.

Do

Encourage your friend to connect with the counseling resources on campus (see page 9).

Talk to your friend about whether getting an advisor might help (see page 5).

Be honest with your friend about how much support you can offer.

Seek counseling for yourself if you need it. Supporting a friend can be difficult.

Learn more about Northwestern’s Sexual Misconduct Policy and complaint resolution process at www.northwestern.edu/sexual-misconduct.

Don’t

Offer to contact the complainant on your friend’s behalf. This could be seen as retaliation and result in disciplinary action.

Share your friend’s story with others unless asked to do so as part of an investigation.

Tell your friend what to do.

Cast blame on your friend or on the person who brought the complaint.

For more information, see www.northwestern.edu/sexual-misconduct.
Confidential resources

CAPS: Counseling and Psychological Services
(provides counseling services to students)
847-491-2151 (24 hours)
www.northwestern.edu/counseling

Office of Religious and Spiritual Life
(provides spiritual counseling and advice to members of the University community)
847-491-7256
www.northwestern.edu/religious-life

Employee Assistance Program
(provides crisis intervention and short-term counseling to faculty and staff as well as their household family members)
855-547-1851
www.northwestern.edu/hr/work-life/employee-assistance-program.html

Faculty Wellness Program
(provides free consultations for faculty members to identify appropriate resources for personal and professional concerns)
312-695-2323
www.northwestern.edu/provost/faculty-resources/work-life/faculty-wellness.html

Center for Contextual Change
(provides individual and group counseling services, including working with those who have been accused of sexual misconduct)
847-676-4447, ext. 221
www.centerforcontextualchange.org/counseling.html

Medical resources

Northwestern University Health Service
847-491-8100 (Evanston)
312-695-8134 (Chicago)

NorthShore University Health System/Evanston Hospital
847-570-2111

Northwestern Memorial Hospital
(Chicago)
312-926-5188

Presence Saint Francis Hospital
(Evanston)
847-316-4000

Interim measures and accommodations

The University can put in place measures to provide support and protection to complainants and respondents in sexual misconduct matters. Respondents may request reasonable measures, such as academic assistance, housing or work space relocation, work or class schedule adjustments, no-contact directives, and counseling. Contact the Title IX Coordinator or the Deputy Title IX Coordinator for Students to make arrangements.

In some cases, in order to protect the safety and security of the complainant and/or the community while a case is pending, the University may take interim actions that impact a respondent, including temporary housing relocation, removal from a class, or an interim suspension or administrative leave.

For more information, see www.northwestern.edu/sexual-misconduct.
For more information about Title IX at Northwestern, contact the Office of Equity at sexualmisconduct@northwestern.edu or 847-467-6165.