

A photograph of a modern, curved glass building at dusk. The building's interior lights are on, and the lights from the windows are reflected in the water in the foreground. The sky is a deep blue.

Resource Guide for Respondents in Title IX Sexual Harassment Matters

Northwestern

Northwestern University is committed to fostering an environment in which all members of our campus community are free from sexual misconduct of any form.

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Title IX sexual harassment may include

Quid pro quo sexual harassment: an employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct

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 programs or activities

Title IX sexual assault: rape, fondling, incest, or statutory rape

Title IX dating violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim

Title IX domestic violence: violence committed by a current or former spouse or intimate partner of the victim or by a person with whom the victim shares a child

Title IX stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer emotional distress (e.g., threats, following, monitoring, communication)

The full definitions of these terms can be found in the Interim Policy on Title IX Sexual Harassment. Sexual misconduct falling outside of the purview of Title IX is addressed under the University's Policy on Discrimination, Harassment and Sexual Misconduct.

Consent

Consent is present when clearly understandable words or actions manifest a **knowing, active, voluntary, and present and ongoing** agreement to engage in a specific sexual or intimate contact.

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. Pursuant to US Department of Education regulations, the Interim Policy on Title IX Sexual Harassment applies to conduct occurring in the University's education programs or activities that is committed by a student, faculty member, staff member, or third party affiliate and that occurs in the United States on or after August 14, 2020. Conduct outside of the purview of the Interim Policy on Title IX Sexual Harassment may be addressed under the University's Policy on Discrimination, Harassment, and Sexual Misconduct.

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 Title IX sexual harassment investigation. University Title IX sexual harassment 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.

Preserving evidence

Northwestern encourages parties to preserve evidence to the greatest extent possible as this will preserve more options for them in the future. This includes, but is not limited to, saving or taking screenshots of electronic communications, such as text messages, pictures, and social media posts.

Participation in the process

The University invites respondents to participate fully in all aspects of the formal investigation 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.

Title IX formal investigation

A formal investigation begins with a notice of investigation in which investigators meet with complainant(s), respondent(s), and witnesses and review relevant evidence. Following the investigation, a decision maker will hold a hearing to determine whether a policy violation occurred. The University uses the preponderance of the evidence standard, which means that if the evidence shows that it is more likely than not that Title IX sexual harassment occurred, the respondent will be found responsible.

See pages 6–7 for a flowchart of the Title IX sexual harassment resolution process.

Advisor/legal counsel

An advisor is a person who is present to provide support to a complainant or respondent throughout the complaint resolution process. Each complainant and respondent may be accompanied by one advisor throughout the process. The advisor may be, but is not required to be, an attorney. Except for conducting questioning during the hearing, 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 these parameters, 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, at the discretion of the decision maker.

In the event a party is not able to secure an advisor to attend the live hearing, the University will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing.

Timeline

Though the University strives to resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of the case. Additionally, the timeline for a case may be affected by breaks in the academic calendar, availability of the parties and witnesses (including due to leave of absence), scope of the investigation, need for interim actions, and unforeseen or exigent circumstances. The parties will be periodically updated on the status of their case. 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 will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation. Information on the specific time frames for the complaint resolution process can be found in Section III of the Interim Policy on Title IX Sexual Harassment.

Privacy

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

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. The University will not restrict the ability of either party to discuss the allegations under investigation. Witnesses and advisors will be asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law.

Truthfulness

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

Policy on Non-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. To view the full Policy on Non-retaliation, please visit policies.northwestern.edu/docs/non-retaliation-policy-FINAL.pdf.

Overview of the Title IX sexual harassment formal investigation process

A formal complaint is filed by the complainant or signed by the Title IX Coordinator.

The Title IX Coordinator or designee contacts the complainant to provide information about resources and options and extend an invitation to meet.

The person decides whether or not to meet with the staff member.

If the alleged conduct passes initial inquiry, the office will proceed with a formal investigation and hearing.

If the alleged conduct would not constitute a violation of the Interim Policy on Title IX Sexual Harassment, did not occur in the University's education programs or activities, or did not occur in the US, the complaint must be dismissed. A written notice of dismissal will be issued to both parties.

The Office of Civil Rights and Title IX Compliance provides to the parties a written notice of investigation, with information about the complaint resolution process and details of the allegations.

The investigators interview the complainant, respondent, and relevant witnesses. The investigators identify and gather evidence.

At the conclusion of evidence gathering, the investigators give the parties an equal opportunity to inspect and review evidence obtained. Each party can submit up to 20 pages of feedback within 10 days after the evidence is made available for review.

After the parties have provided their written response, the investigators will create a written investigative report summarizing the relevant evidence collected and will provide this report to each party and advisor.

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The Title IX Coordinator appoints a decision maker to conduct the hearing. The parties are notified of the decision maker's appointment. The parties are given a deadline to submit responses to the investigative report, a date for a prehearing conference, and a date for the hearing.

The decision maker holds a prehearing conference with the parties to discuss the hearing procedures. Following the prehearing conference, notices of attendance are sent to any witnesses who are University employees or students, advising them of the date and time of the hearing.

The hearing is conducted live, with simultaneous participation by the parties and their advisors. The decision maker will rely on relevant evidence available through the investigation and hearing in making the determination of responsibility.

The investigators complete the investigation and send the complainant and respondent a final investigative report containing all information collected, findings of fact, and a finding of whether there has been a policy violation. If a policy violation has been found and the respondent is a

- student, OCR will refer the matter to the Office of Community Standards.
- staff member, OCR will refer the matter to Office of Human Resources.
- faculty member, OCR will refer the matter to the appropriate dean/department chair and associate provost for the faculty.

The decision maker issues a written determination regarding responsibility. In matters where a respondent has been found responsible, the determination will include any sanctions imposed on the respondent and any remedies provided to the complainant. This written decision will include information on the appeal procedure.

Any party may appeal a finding or sanction. Information on how to appeal is included in the written determination provided to the parties and can be found in Section II of the Interim Policy on Title IX Sexual Harassment.

This flowchart is intended to provide a general overview. A full explanation of the Title IX sexual harassment formal resolution process can be found in the policy available at the URL below. See following page for information on the alternative resolution process.

Alternative Resolution

Alternative resolution is available as an alternative to a formal investigation to resolve formal complaints. Alternative resolution utilizes informal resolution mechanisms to resolve complaints of prohibited conduct. Through the alternative resolution process, parties develop remedies to address the harm(s) caused and the needs of the parties. Parties may engage in alternative resolution through facilitated agreements in the form of either a facilitated dialogue or shuttle negotiation.

A facilitated dialogue is when a facilitator, who serves as an intermediary, meets with all parties together to help them reach a mutually agreed upon resolution. Parties will interact directly during a facilitated dialogue.

Shuttle negotiation is when a facilitator, who serves as an intermediary, meets with each party separately to help them reach a mutually agreed upon resolution. Parties will not interact directly with each other during a shuttle negotiation.

If an agreement is reached, it is binding, and the parties may not request an investigation into the same matter. The University will monitor to ensure the terms of the agreement are met, and disciplinary action may be taken if a party fails to comply.

Overview of the alternative resolution process

Complaint and request

- Complainant files a formal complaint and it passes initial inquiry.
- Complainant requests to resolve the complaint through alternative resolution.

Review

- OCR will evaluate whether alternative resolution is appropriate based on the circumstances.
- OCR will inform the requesting party of its determination in writing.

Notice and consent to participate

- If it is determined that alternative resolution is appropriate, both parties will receive a written notice.
- The notice will inform the parties of the allegations, the requirements, their rights, and the name of the facilitator(s) and request consent to participate.
- Participation in alternative resolution is voluntary and not required by the University.
- Parties will have three working days to return the consent agreement.

Pre-meetings

- The facilitator will hold an initial process meeting with each party separately.
- The facilitator will also meet with each party to gain an understanding of what occurred and the needs of each party.
- If after meeting with both parties, OCR still believes alternative resolution is appropriate, a meeting will be scheduled to discuss terms.

Alternative resolution meeting

- This meeting will be to discuss the harm, impact, needs of the parties, and potential remedies.
- The meeting will be conducted via Zoom and each party with their respective advisors will be placed in separate virtual meeting rooms.
- The facilitator will shuttle between the parties until a resolution is reached.

Alternative resolution agreement

- If parties reach an agreement, it will be memorialized in a written Alternative Resolution Agreement.
- The agreement must be reviewed and approved by OCR's AVP or designee.
- Once the agreement is signed by both parties and the AVP, it is final.

Supportive measures

Supportive measures are individualized services offered to parties involved in incidents of sexual misconduct. Supportive measures may include

- academic assistance
- student financial aid arrangements
- housing or workspace relocation
- transportation arrangements
- dining arrangements
- no-contact directives
- time off from class or work
- safety planning

Contact the Office of Civil Rights and Title IX Compliance to request supportive measures (see page 12). Such measures will be kept confidential to the extent possible.

Confidential resources

Confidential resources are privileged to keep communications confidential, except in very limited situations (e.g., minors, imminent danger).

Center for Awareness, Response, and Education (CARE)

(provides support, advocacy, and education to students)

847-491-2054

northwestern.edu/care

Counseling and Psychological Services (CAPS)

(provides counseling services to students)

847-491-2151 (24 hours)

northwestern.edu/counseling

Employee Assistance Program

(provides crisis intervention and short-term counseling to faculty and staff as well as their household family members)

northwestern.edu/hr/benefits/well-being/programs/employee-assistance-program

Faculty Wellness Program

(provides free consultations for faculty members to identify appropriate resources for personal and professional concerns)

facultywellness@northwestern.edu

northwestern.edu/faculty-wellness

Office of the Ombudsperson

(provides confidential and informal assistance for resolving University-related concerns, is independent of the University's formal administrative structure, and considers all sides of an issue in a neutral manner)

847-467-2430

ombuds@northwestern.edu

northwestern.edu/ombuds

Office of Religious and Spiritual Life

(provides spiritual guidance for students and other members of the University community)

847-491-3741 (Evanston)

312-503-8649 (Chicago)

northwestern.edu/religious-life

TimelyCare

(supplements Northwestern's existing confidential services for students and provides access to a number of virtual well-being resources, including scheduled counseling, health coaching, and group sessions)

northwestern.edu/studentaffairs/timelycare.html

For confidential resources located off campus, please see northwestern.edu/sexual-misconduct/get-help/confidential-support.html.

Office of Civil Rights and Title IX compliance staff (to report concerns to Northwestern)

**Emily Babb, Associate Vice President for Civil Rights and Title IX Compliance;
Title IX Coordinator**

847-467-6165

ocr@northwestern.edu

Other important contacts

Janna Blais, Deputy Director of Athletics for Administration and Policy
(for athletics compliance issues)

847-491-7893

j-blais@northwestern.edu

Emergency resources

Northwestern University Police Department

847-491-3456 (Evanston)

312-503-3456 (Chicago)

northwestern.edu/up

Evanston Police

911 or 847-866-5000

cityofevanston.org/police

Chicago Police

911 or 312-744-4000

home.chicagopolice.org

Medical resources

Northwestern University Health Service

847-491-8100 (Evanston)

312-695-8134 (Chicago)

AMITA Health Saint Francis Hospital (Evanston)

847-316-4000

NorthShore University HealthSystem/Evanston Hospital

847-570-2111

Northwestern Memorial Hospital (Chicago)

312-926-2000

24-hour services

Administrator on Call, Office of the Dean of Students

(assists students and University community members who need counsel and guidance, especially in a crisis situation)

847-491-8430 (business hours)

847-467-3022 (after hours)

Counseling and Psychological Services (CAPS)

(provides counseling services to Northwestern students)

847-491-2151 (24 hours)

northwestern.edu/counseling

Chicago Domestic Violence Line

877-863-6338

Chicago Metro Rape Crisis Hotline (YWCA)

888-293-2080

Evanston Domestic Violence Line (YWCA)

877-718-1868

National Suicide Hotline

(provides free and confidential support for people in distress as well as prevention and crisis resources)

988

Rape, Abuse, and Incest National Network (RAINN)

800-656-HOPE

Office of Civil Rights and Title IX Compliance Northwestern University

Northwestern University does not discriminate or permit discrimination by any member of its community against any individual on the basis of race, color, religion, national origin, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, reproductive health decision making, height, weight, or any other classification protected by law in the educational programs or activities Northwestern operates, including but not limited to matters of admission, employment, housing, or services. Harassment, whether verbal, physical, or visual, that is based on any of these characteristics is a form of discrimination. Further prohibited by law is discrimination against any employee and/or job applicant who chooses to inquire about, discuss, or disclose their own compensation or the compensation of another employee or applicant.

Northwestern University complies with federal and state laws that prohibit discrimination based on the protected categories listed above, including Title IX of the Education Amendments of 1972. Title IX requires educational institutions, such as Northwestern, to prohibit discrimination based on sex (including sexual harassment) in the University's educational programs and activities, including in matters of employment and admissions. In addition, Northwestern provides reasonable accommodations to qualified applicants, students, and employees with disabilities and to individuals who are pregnant.

Any alleged violations of this policy or questions with respect to nondiscrimination or reasonable accommodations should be directed to Northwestern's Office of Civil Rights and Title IX Compliance, 1800 Sherman Avenue, Suite 4-500, Evanston, Illinois 60208, 847-467-6165, ocr@northwestern.edu.

Questions specific to sex discrimination (including sexual misconduct and sexual harassment) should be directed to Northwestern's Title IX Coordinator in the Office of Civil Rights and Title IX Compliance, 1800 Sherman Avenue, Suite 4-500, Evanston, Illinois 60208, 847-467-6165, ocr@northwestern.edu.

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 800-421-3481. Inquiries about the application of Title IX to Northwestern may be referred to Northwestern's Title IX Coordinator, the United States Department of Education's Assistant Secretary for Civil Rights, or both.