



**Resource Guide
for Discrimination and
Harassment Matters**

Northwestern

Northwestern prohibits discrimination and harassment 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 (referred to as “protected classes”) 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. Such conduct violates Northwestern’s values and disrupts the living, learning, and working environment for students, faculty, staff, and other community members.

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Discrimination

Prohibited discrimination is treating someone differently because of their 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 (referred to as “protected classes”) in matters of admissions, employment, housing, or services, or in the educational programs or activities Northwestern operates.

In determining whether discrimination occurred, the Office of Civil Rights and Title IX Compliance examines whether there was an adverse impact on the individual's work or education environment and whether individuals outside of the protected class received more favorable treatment. If there was an adverse impact on the individual's work or education environment, the Office of Civil Rights and Title IX Compliance considers whether there is a legitimate, nondiscriminatory reason for the action.

Examples of discrimination include

- refusing to hire or promote someone because of their membership in a protected class;
- denying someone a tangible employment benefit, such as a raise or a bonus, because of their membership in a protected class;
- reducing someone's job responsibilities because of their membership in a protected class;
- denying someone access to an educational program based on their membership in a protected class;
- denying someone access to a University facility based on their membership in a protected class.

Harassment

Prohibited harassment is verbal or physical conduct or conduct using technology based on a protected class that has the purpose or effect of

- substantially interfering with, limiting, or depriving a member of the community from accessing or participating in the academic or employment environment and/or substantially interfering with an individual's academic performance or work performance; or
- creating an academic or working environment that a reasonable person would consider to be intimidating, hostile, or offensive.

The Office of Civil Rights and Title IX Compliance examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved, to determine whether the conduct is sufficiently severe or pervasive as to meet the above standards. A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior prohibited harassment under this policy. The behavior must create a hostile environment and/or substantially interfere with access to a University program or activity from an objective perspective.

Examples of harassment include

- offensive jokes related to a protected class;
- the use of slurs and stereotypes related to a protected class;
- name calling related to a protected class;
- intimidation, ridicule, or mockery connected to a protected class;
- displaying or circulating offensive objects and pictures that are based on a protected class.

What is *not* discrimination or harassment

General bullying or uncivil behavior that is not based on a protected class does not fall within the purview of the Policy on Discrimination, Harassment, and Sexual Misconduct or the Office of Civil Rights and Title IX Compliance. However, such behavior may violate the University's expectations on civility and mutual respect as outlined in the faculty, staff, and student handbooks, *Standards for Business Conduct*, or other University policy; violations should be reported to the Office of Human Resources and/or an individual's supervisor (for staff), the appropriate chair or dean (for faculty), or the Office of Community Standards (for students).

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, sexual misconduct, 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 discrimination, harassment, sexual misconduct, or retaliation that involve an individual's statements or speech.

Title IX/sexual misconduct

Prohibited sex discrimination includes sexual harassment and sexual violence. Individuals impacted by sexual misconduct may contact the Office of Civil Rights and Title IX Compliance to receive support, resources, and information even if they do not wish to move forward with the complaint resolution process. Please see the Interim Policy on Title IX Sexual Harassment and the Policy on Discrimination, Harassment, and Sexual Misconduct or contact the Office of Civil Rights and Title IX Compliance for additional information.

How to report

To file a report of discrimination or harassment electronically with the **Office of Civil Rights and Title IX Compliance**, go to cm.maxient.com/reportingform.php?NorthwesternUniv&layout_id=32.

Another reporting option is **EthicsPoint**, a third-party service for reporting complaints, including anonymous ones. EthicsPoint can be reached at **866-294-3545** or via secure.ethicspoint.com/domain/media/en/gui/7325/index.html.

The Office of Civil Rights and Title IX Compliance website, northwestern.edu/civil-rights-office, contains important information about Northwestern's discrimination and harassment policies, resources, and reporting options. If you need additional information, please contact Emily Babb, Associate Vice President for Civil Rights and Title IX Compliance and Title IX Coordinator, at 847-467-6165 or ocr@northwestern.edu.

Reporting obligations

Discrimination and harassment

With the exception of the confidential resources listed in the Policy on Discrimination, Harassment, and Sexual Misconduct, all University employees (including student employees) and graduate students with teaching or supervisory authority are obligated to promptly report to the Office of Civil Rights and Title IX Compliance any incidents of discrimination or harassment of which they become aware in the scope of their work for the University. Note that the reporting responsibility does not require a person experiencing harm to report the incident.

The University encourages all individuals, including students not referenced above, to report discrimination and harassment.

Sexual misconduct

As set forth in the Policy on Discrimination, Harassment, and Sexual Misconduct and the Interim Policy on Title IX Sexual Harassment, all University employees (including student employees) and graduate students with teaching or supervisory authority—with the exception of confidential resources listed in Section II(A) of these policies—are obligated to promptly report to the Office of Civil Rights and Title IX Compliance any sexual misconduct of which they become aware in the scope of their work for the University. Note that the reporting responsibility does not require a person experiencing harm to report the incident.

The University encourages all individuals, including students not referenced above, to report sexual misconduct.

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. The University uses the preponderance of the evidence standard, which means that if the evidence shows that it is more likely than not that sexual misconduct occurred, the respondent will be found responsible.

Violations of the Policy on Discrimination, Harassment, and Sexual Misconduct may result in sanctions and corrective actions. If a finding is rendered through an investigation, OCR refers the case to the appropriate office for sanctioning.

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

Advisor/legal counsel

An advisor is a person who is present to provide support to a complainant or respondent throughout an investigation, alternative resolution, and/or any sanctioning process. An advisor may not be a party or witness in the matter or a related matter. An advisor may be an attorney. A representative from the University's Office of General Counsel may attend any proceeding where an attorney who is serving as an advisor for any party is present. A union representative may serve as an advisor, where applicable. Each complainant and respondent may be accompanied by one advisor throughout the investigation and any sanctioning process or alternative resolution, provided that the involvement of the advisor does not result in an undue delay of the process. It is the responsibility of each party to coordinate scheduling with their advisor for any meetings. An advisor may not speak, write, or otherwise communicate with an investigator, sanctioning panel member, or appeal reviewer on behalf of the complainant or respondent. Advisors may not engage in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or individuals involved in resolving the complaint. Advisors who do not abide by these guidelines may be excluded from the process.

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.

Although the length of each investigation will vary, the University strives to complete each investigation within 90 days of sending the written notice of investigation.

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.

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. For these reasons, the complainant and respondent will be asked at the beginning of the investigation to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. 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 discrimination and harassment formal investigation process*

The Office of Civil Rights and Title IX Compliance receives a report of discrimination or harassment.

An Office of Civil Rights and Title IX Compliance staff member contacts the person who may have experienced discrimination or harassment 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.

The person chooses to meet. The staff member goes over resources and options. The person may request supportive measures and may request to proceed with resolution through investigation, educational response, or alternative resolution.

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

The Office of Civil Rights and Title IX Compliance conducts an initial inquiry to determine appropriate next steps.

Where an investigation has been opened, one or more investigators from the Office of Civil Rights and Title IX Compliance meet with the complainant to gather information about the concern. The complainant can suggest witnesses and provide evidence.

An Office of Civil Rights and Title IX Compliance staff member contacts the person who is alleged to have committed discrimination or harassment (respondent) to notify them of the complaint, the resolution process, and the resources available to them.

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* This is the process for matters falling under the Policy on Discrimination, Harassment, and Sexual Misconduct. For Title IX sexual harassment matters, please see the Resource Guide on Title IX Sexual Harassment.

One or more investigators meet with the respondent to get information. The respondent can suggest witnesses and provide evidence.

One or more investigators collect information from the complainant, respondent, and relevant witnesses and review all evidence collected.

The complainant and respondent each have the opportunity to review a preliminary investigative report and provide additional information. In the event that new, relevant information is provided, the complainant and respondent have the opportunity to review a second preliminary investigative report and provide feedback on the new information.

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.

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

This flowchart is intended to provide a general overview. A full explanation of the discrimination and harassment complaint resolution process can be found on the Office of Civil Rights and Title IX Compliance website: northwestern.edu/civil-rights-office/policies-procedures. 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 13). Such measures will be kept confidential to the extent possible.

Confidential resources

The following confidential resources are available for individuals to discuss incidents and issues related to discrimination and harassment. These resources are not obligated to disclose reports of discrimination or harassment to the Office of Civil Rights and Title IX Compliance.

Counseling and Psychological Services

(provides counseling services to students)

633 Emerson Street, 2nd Floor, Evanston

Abbott Hall, 710 North Lake Shore Drive, 5th Floor, Chicago

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)

555 Clark Street, Suite 209, Evanston

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)

1870 Sheridan Road, Evanston

847-491-7256

847-864-7865 (after regular business hours)

spiritual.life@northwestern.edu

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/nuhelp/self-care/timelycare

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

Julie Friend, Director of Global Safety and Security

(for community members abroad)

847-467-3175

julie.friend@northwestern.edu

Qatar campus contacts

Alex Schultes, Assistant Dean for the Student Experience

(for students)

+974 4454 5088

+974 4454 5182

Hannah Balogun, Director of Human Resources

(for faculty and staff)

+974 4454 5121

+974 3334 1038

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)

National Suicide Hotline

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

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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.

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**Office of Civil Rights and
Title IX Compliance
Northwestern University**

Fostering a culture of access, belonging, and accountability.