



Northwestern  
University

**Approving University Officials:** Provost; Senior Vice President  
for Business and Finance

**Responsible Office:** Office of Equity

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## **POLICY ON DISCRIMINATION & HARASSMENT**

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## I. Policy

- A. Policy Statement:** 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, 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. Such conduct violates Northwestern’s values and disrupts the living, learning, and working environment for students, faculty, staff, and other community members.

**Individuals impacted by discrimination or 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.**

- B. Sexual Misconduct:** Prohibited sex discrimination includes sexual misconduct (dating/domestic violence, sexual assault, sexual exploitation, sexual harassment, and stalking). **Individuals impacted by sexual misconduct 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.** Please see the [Comprehensive Policy on Sexual Misconduct](#) or contact the Office of Equity for additional information. The Office of Equity’s website is: <https://www.northwestern.edu/equity/>.
- C. Jurisdiction:** The Office of Equity oversees the University’s response to reports of discrimination & harassment. Northwestern may investigate any reported violations of this policy that occur in the context of a University program or activity or that otherwise affect the University’s working or learning environments, regardless of whether the reported conduct occurred on or off campus. For every report, the University will review the circumstances of the reported conduct to determine whether the University has jurisdiction over the parties involved and take steps within its control to eliminate, prevent, and address the reported conduct. If the respondent is not a member of the University community or is no longer affiliated with the University at the time of the report or at the time the Complaint Resolution Process is initiated (including when the respondent has graduated or left the University), the University typically is unable to take disciplinary action or conduct an investigation.
- D. Purpose:** Northwestern is committed to fostering an environment in which all members of our community are safe, secure, and free from prohibited discrimination and harassment. When learning of conduct or behavior that may not meet these standards, community members and the University are expected to take an active role in upholding this policy and promoting the dignity of all individuals.
- E. 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 trauma-informed service to people of all identities and expressions.

## F. Implementation

### 1. Prohibited Conduct

**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, 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.<sup>1</sup>

In determining whether discrimination occurred, the Office of Equity 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 Equity will consider whether there is a legitimate, non-discriminatory reason for the action.

Prohibited sex discrimination includes sexual misconduct (dating/domestic violence, sexual assault, sexual exploitation, sexual harassment, and stalking). See the Comprehensive [Policy on Sexual Misconduct](#).

Examples of discrimination can include:

- Refusing to hire or promote someone because of their membership in a protected class;
- Denying someone a raise or employment benefit 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;
- or
- 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 directed toward someone because of their membership in a protected class that is so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the University's education or employment programs and/or activities.

A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must be both subjectively and objectively unreasonable. In determining whether a hostile environment exists, the Office of Equity examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. (For example, did the behavior occur in the context of a supervisory relationship?)

Examples of harassment can include offensive jokes, slurs, name calling, intimidation, ridicule or mockery, or displaying or circulating offensive objects and pictures that are based on a protected class.

**Please note, general bullying or uncivil behavior that is not based on a protected class does not fall within the purview of this policy or the Office of Equity. However, such behavior may violate the University's expectations regarding [Civility and Mutual Respect](#), [Standards for Business Conduct](#), Northwestern's [Student Handbook](#), or other University policy and should be reported to Human Resources and/or an individual's supervisor (for employees) or Student Conduct (for students).**

## 2. Reporting

The University encourages reporting of discrimination and harassment. Members of the University community who believe they have experienced discrimination or harassment have the right to choose whether or not to report the incident to the University 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 discrimination or harassment.

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<sup>1</sup> The University also prohibits 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.

Reporting Incidents to the University: An individual who has experienced discrimination or harassment may choose to report the incident to the Office of Equity. Anyone wishing to make a report of discrimination or harassment to the Office of Equity may do so in person, by email, by regular mail, by phone, or electronically as explained below.

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

There is no time limit for reporting an incident of discrimination or harassment. However, the University encourages reports be made as soon as possible after the incident. The passing of time makes reviewing the evidence more difficult and the memories of involved parties may become less reliable. The Office of Equity reserves the right to investigate or otherwise address any report, regardless of when it is made.

**To Make a Report Please Contact the Office of Equity:  
Director, Equal Opportunity and Access**

Contact: Karen E. Tamburro  
Location: Office of Equity, 1800 Sherman, Suite 4-500, Evanston  
Phone: (847) 491-6697  
Email: [karen.tamburro@northwestern.edu](mailto:karen.tamburro@northwestern.edu) or [equity@northwestern.edu](mailto:equity@northwestern.edu)

**To File a Report Electronically:**

Individuals may use the form at the following link to electronically file a report of discrimination or harassment with the Office of Equity: <https://bit.ly/NUReportDiscrimination>

**Other University Reporting Options:**

**EthicsPoint**

EthicsPoint is a 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 discrimination or harassment. The outreach from the Office of Equity staff member will generally include information about: applicable policy, options for pursuing a complaint, and/or relevant resources. The outreach will also include an invitation to meet with or provide additional information to an Office of Equity staff member.

**3. Reporting Obligations**

**Discrimination and Harassment:** All University employees with teaching or supervisory authority, and graduate students with teaching or supervisory authority, are obligated to promptly report incidents of discrimination or 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 below in Section II.

*The University encourages all individuals – including students not referenced above and staff without supervisory authority – to report discrimination and harassment.*

**Sexual Misconduct:** As set forth in the Policy on Sexual Misconduct, all University employees (including student employees) and graduate students with teaching or supervisory authority, are obligated to promptly report sexual misconduct of which they become aware in the scope of their work for the University to the Office of Equity unless they are a resource listed in Section II(A) of that Policy. The University encourages all individuals – including students not referenced above – to report sexual misconduct.

#### **4. Retaliation**

Northwestern strictly prohibits retaliation against any member of its community for reporting an incident of discrimination or harassment or for participating, in any manner, in an investigation or hearing related to a report of discrimination or harassment. 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, which are aimed to deter a reasonable party or a witness from reporting discrimination or harassment or participating in an investigation or hearing or done in retribution for such activities. 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 potential incident of retaliation under this policy to the Office of Equity, who shall assess the matter and take appropriate actions to address such conduct.

#### **5. 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 discrimination 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 discrimination or harassment that involve an individual's statements or speech in an academic context.

#### **G. Consequences of Violating this Policy**

Individuals who violate this policy may be subject to discipline under the University policies and procedures described below in Section III (Discrimination and Harassment Complaint Resolution Process), up to and including termination of employment or academic dismissal.

#### **H. Related Information**

##### **1. University policies and procedures**

[Faculty Handbook](#)

[Policy on Non-Retaliation](#)

[Policy on Sexual Misconduct](#)

[Policy on Minors at Northwestern](#)

[Staff Handbook](#)

[Student Handbook](#)

[Standards for Business Conduct](#)

[Expectations on Civility and Mutual Respect](#)

## II. Resources

### A. Confidential On-Campus Resources

The following confidential resources are available for individuals to discuss incidents and issues related to discrimination and harassment. Confidential resources are not obligated to disclose reports of discrimination or harassment to the Office of Equity.

<b>Student Resources</b>	<b>Contact Information</b>	<b>Description</b>
<b>CAPS: Counseling and Psychological Services<sup>2</sup></b>	<p><b>Evanston Campus:</b> 633 Emerson Street, 2nd Floor (847) 491-2151 (24-hours)</p> <p><b>Chicago Campus:</b> Abbott Hall, 5th Floor 710 N. Lake Shore Drive (847) 491-2151 (24-hours) <a href="http://www.northwestern.edu/counseling/">www.northwestern.edu/counseling/</a></p>	Provides counseling services to students, also provides a counselor on call 24 hours a day.
<b>Religious &amp; Spiritual Life</b>	<p><b>Evanston Campus:</b> 1870 Sheridan Road (847) 491-7256 (847) 864-7865 (after hours) <a href="mailto:spiritual.life@northwestern.edu">spiritual.life@northwestern.edu</a> <a href="http://www.northwestern.edu/religious-life/">www.northwestern.edu/religious-life/</a></p>	Provides spiritual counseling and advice for all members of the University community.

<b>Faculty &amp; Staff Resources</b>	<b>Contact Information</b>	<b>Description</b>
<b>Faculty Wellness Program</b>	<p>Director Richard A. Carroll, PhD (312) 695-2323 <a href="mailto:rcarroll@nm.org">rcarroll@nm.org</a> <a href="http://www.northwestern.edu/provost/faculty-resources/work-life/faculty-wellness.html">http://www.northwestern.edu/provost/faculty-resources/work-life/faculty-wellness.html</a></p>	<p>Provides free consultations for faculty members to identify appropriate resources for personal and professional concerns.</p> <p>Resources may be offered over the phone, or faculty members can meet with the Faculty Wellness Program director for further discussion.</p>
<b>Employee Assistance Program</b>	<p>(855) 547-1851 (24 hours) <a href="http://www.northwestern.edu/hr/work-life/employee-assistance-program.html">http://www.northwestern.edu/hr/work-life/employee-assistance-program.html</a></p>	Provides confidential crisis intervention and short-term counseling for faculty and staff, as well as their household family members at no cost.

<sup>2</sup> 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 discrimination or harassment of which they become aware through work not related to patient care, such as work in labs, classrooms, or student advising.

## **B. Other On-Campus Resources**

The following on-campus resources are also available to support those who experience discrimination or harassment. Please note, these resources are not confidential, meaning they have an obligation to report allegations of discrimination or harassment to the Office of Equity.

- **For Students: Campus Inclusion and Community:** <https://www.northwestern.edu/inclusion/>, which includes Multicultural Student Affairs, Student Enrichment Services, and Social Justice Education
- **For All Members of Our Community: Women's Center:** <https://www.northwestern.edu/womenscenter/>

## **C. Educational Training, Awareness, and Prevention Programs**

The University offers a variety of training programs to address discrimination and 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.

For information on educational training, awareness, and prevention programs offered each year, see: <https://www.northwestern.edu/equity/training/index.html>

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### III. Discrimination and Harassment Complaint Resolution Process

#### A. Introduction and General Procedures

##### *Introduction*

The following procedures outline the process the University follows when it receives a report alleging a violation of the *Policy on Discrimination or Harassment* by a member of the Northwestern community. For the purposes of this Policy, “by a member of the Northwestern community” means 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. Visitors to campus who are accused of discrimination or harassment are not entitled to the process set forth in this policy.

**Please note, if a student is accused of engaging in discriminatory or harassing behavior that is not sexual misconduct, that report is typically handled by the Office of Student Conduct. However, anyone impacted by discrimination or harassment is always encouraged to reach out to the Office of Equity for information and guidance regarding support, resources, and processes.**

The Office of Equity (“the Office”) is responsible for handling reports alleging discrimination or harassment, as noted above. In addition, the Office may make findings on other potential policy violations arising out of the same complaint in place of another University investigation process that otherwise would apply, or refer the potential policy violation to the appropriate University school, office, or unit. All reports will be handled in a prompt, fair, and impartial manner in accordance with relevant laws and regulations, applicable University policies, and this process.

The process described below is Northwestern’s internal University process to determine whether Northwestern 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.

Because allegations of discrimination and harassment can sometimes raise challenging new issues, the University reserves discretion to take reasonable actions to address those issues in a manner consistent with the spirit of the applicable policies and these guidelines, while preserving fairness for both parties and maintaining the integrity of the resolution process.

##### *Participant Roles*

- A **complainant** is the person who has been impacted by an alleged policy violation and has chosen to participate in the complaint resolution process.
- A **respondent** is the person who is alleged to have violated University policy.
- **Parties** is a term that refers to the complainant and the respondent collectively.
- A **witness** is a person who has knowledge related to specific aspects of a case.
- An **advisor** is a support person who may be present to provide support to a complainant or respondent throughout an investigation and/or hearing. An advisor may not also serve as a witness in the same matter. Please see below for more information regarding the role of an advisor.

##### *Participation in Process*

The University invites complainants and witnesses to participate fully in the complaint resolution process. In order for the University to investigate a complaint and/or enable a respondent to fully respond to the allegations, most situations will require the complainant’s participation and that their identity be disclosed to the respondent. If a complainant decides not to participate, but wants disciplinary action to be taken, the University will determine whether it is possible to move forward

with the formal resolution process (described below) without the participation of the complainant. In some cases, it will not be possible for the University to move forward without the participation of the complainant.<sup>3</sup>

When individuals report allegations of discrimination or harassment to the University and do not consent to the disclosure of their names and/or do not disclose the identity of the alleged offenders or identifiable information about the alleged offenders, the University's ability to respond to the reports may be limited. In cases where an individual reporting discrimination or harassment requests anonymity or does not wish to proceed with an investigation, the University will attempt to honor that request but, in some cases, the Office of Equity may determine that the University needs to proceed with an investigation. In such cases, the University will not compel an individual to participate. The Office will consider the following factors in reaching a determination on whether to proceed:

- The totality of the known circumstances;
- The nature and scope of the alleged conduct;
- Whether a minor is involved;
- The risk posed to any individual or to the campus community by not proceeding, including the risk of the behavior recurring;
- Whether there have been other reports of other misconduct by the respondent;
- Whether the report reveals a pattern of misconduct 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.

The University invites respondents to participate fully in all aspects of the complaint resolution process. If a respondent elects 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.

All participants have the responsibility to be completely truthful with the information they share at all stages of the process. Any individual who knowingly or intentionally provides false information as part of a report or investigation under this Policy will be subject to discipline in accordance with the procedures set forth in the Student Handbook, Faculty Handbook, or Staff Handbook. This provision does not apply to a good faith report that is not substantiated or proven by a preponderance of the evidence.

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<sup>3</sup> This includes situations where an incident is reported by a third party and the impacted individual does not engage with the Office of Equity.

### ***Privacy and Sharing of Information***

The University considers reports and investigations of discrimination and harassment to be private matters for the parties involved. For that reason, the University will protect the identity of persons involved in reports of discrimination and harassment to the best of its ability. The University will only share personally identifiable information with persons with a need to know, in order for the University to investigate and respond or to deliver resources or support services. The University does not publish the names or post identifiable information about persons involved in a report of discrimination or harassment. However, the University cannot promise complete confidentiality or privacy in the handling of discrimination and harassment reports or complaints.

All participants in an investigation of discrimination and harassment will be informed that privacy enhances the integrity of the investigation, protects the privacy interests of the parties, and protects 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.

### ***Case Resolution 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.

### ***Conflicts of Interest***

Northwestern reserves the right to use an adequately trained investigator, panel member, or appeal reviewer as it deems necessary. Parties have the opportunity to raise the issue of a potential conflict of interest or perceived bias of an investigator within two (2) days of their initial meeting with the Office of Equity. The Office of Equity will determine whether a conflict of interest exists. Parties may raise the issue of a potential conflict of interest or perceived bias of a panel member or appeal reviewer to the relevant office. (For example, Human Resources, the Office of the Provost, or Student Conduct.) No investigator, panelist, or appeal reviewer will make findings or determinations in a case in which they have a conflict of interest.

### ***Standard of Evidence***

The University uses the preponderance of the evidence standard in investigations of complaints alleging discrimination or harassment and any related violations. This means that the investigation determines whether it is more likely than not that a violation of the policy occurred.

### ***Advisor***

An advisor is a support person who is present to provide support to a complainant or respondent throughout an investigation and/or sanctioning process. Complainants and respondents may be accompanied by one advisor throughout the investigation and any sanctioning process, 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, conduct administrator, 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.

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.

## **B. Initial Inquiry**

When a complainant chooses to move forward with the complaint resolution process, the first step is 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. Following an initial inquiry, possible next steps include:

- Close the Case: The Office may close a case when insufficient information exists to move forward or when the alleged misconduct—even if substantiated— would not be a violation of policy. The Office may, in its discretion, reopen a case in the future if additional information becomes available.
- Informal Action (See section C below)
- Formal Resolution (commonly referred to as an investigation) (See section D below)

The scope and timing of further action will depend upon a number of factors, including but not limited to, whether the identity of the complainant and/or respondent is known; whether the complainant is willing to participate in an investigation; whether the complainant requests anonymity; whether the complainant or respondent is affiliated with the University; **whether the matter is currently under review in another forum (local/state/federal agency or court)**; and whether the University has an obligation to proceed with an investigation based on the nature of the conduct alleged, regardless of the complainant's wishes.

## **C. Informal Action**

Informal action involves measures taken by the University in response to a situation or report of discrimination or harassment when formal resolution is not desired by the person who may have experienced the conduct, and/or when there is not enough information to proceed with a formal resolution process against a known respondent. Informal action is not used when the Office of Equity has determined that the University needs to proceed with an investigation.

Informal action does not result in findings related to responsibility or in sanctions. Informal action does not preclude further steps, including formal resolution, if a complaint is later made or additional information is received by the Office of Equity. Informal actions include, but are not limited to:

- An educational meeting with the subject of the report
- Training for a group or unit
- An advisory letter

## **D. Formal Resolution (Investigation)**

### ***Notification to Parties***

The discrimination and harassment complaint resolution process operates under a standard of fairness for all parties involved. If a case is referred for formal resolution, the Office of Equity ***will notify the complainant and respondent simultaneously of the opening of the investigation***. The notification will include the allegations, identities of the parties involved in the particular matter, the university policy allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the incident (if known). This notice will be given to the Respondent before any initial interview of the Respondent. The University may modify the allegations based on additional information learned during investigation.

### ***Acceptance of Responsibility***

Prior to the conclusion of an investigation, the respondent may elect to take responsibility for the prohibited conduct by contacting the Director, Equal Opportunity and Access, in writing. The Director, Equal Opportunity and Access or designee will issue a brief outcome determination summarizing the allegations and stating the respondent has accepted responsibility, and refer the matter to the appropriate office for sanctioning as delineated below. Following the determination of sanctions, parties may appeal the sanctions but not the finding(s) of responsibility.

### ***Withdrawal of Complaint***

Prior to the conclusion of an investigation, the complainant may request to withdraw the complaint by contacting the Director, Equal Opportunity and Access, in writing. The Director, Equal Opportunity and Access or designee will determine whether to close the case or conclude the investigation without the complainant's continued participation.

### ***Investigation***

The Office of Equity investigates complaints proceeding through formal resolution. Depending upon the circumstances, one or more investigators will be assigned from the Office of Equity. In some cases, another University office may conduct an investigation under the direction of the Office, or an outside investigator may be retained. All investigators are educated on the University's policies and procedures. Depending on the circumstances and in its discretion, the University may consolidate for investigation and sanctioning multiple complaints involving the same respondent and/or complaints where the parties have made allegations against each other.

During an 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 receive notice of the allegations, respond to them, and present supporting evidence to the investigator(s). Investigation meetings are not audio recorded by the University, and may not be recorded by any participant.

Parties and witnesses may take notes during investigation meetings. 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) following their interview(s). In all cases, both the complainant and respondent will have equal opportunities to share information and have their information considered.

The complainant and the respondent will both have the opportunity to present names of potential witnesses and questions the investigator(s) might ask the other party. Complainants and respondents may only present factual witnesses and may not present character or expert witnesses. The investigator(s) will take the lists provided by the complainant and respondent into consideration when identifying whom they will interview and what questions they might ask, but these decisions are solely within the investigator's discretion. The investigator(s) may also choose to interview other witnesses not identified by the parties.

### ***Report review procedures for matters where a faculty or staff member is the respondent***

#### **a. Preliminary Investigative Report:**

After each party has had the opportunity to meet with investigator(s), identify witnesses, and suggest questions, and the investigators have completed witness interviews and the gathering of evidence, the investigator(s) will prepare a preliminary report. The preliminary report will include the information provided by the complainant, the respondent, and each witness during the investigation (including relevant supporting evidence provided by either party or witnesses). The preliminary report will not contain any findings.

The parties will be provided with an opportunity to review the preliminary report and respond. Typically, the report will be provided to each party electronically. Parties are expected to maintain the privacy of this document and may not distribute this document. Unauthorized distribution of this document may result in referral to the appropriate office for disciplinary action.

The parties may each submit comments, feedback, additional documentary evidence, requests for additional steps in the investigation, names of additional witnesses, or any other information they deem relevant to the investigator(s), up to twenty (20) pages, within five (5) calendar days after the preliminary report is made available for review. **The comment and feedback portion of the response is limited to five (5) pages of the twenty (20) page limit.** The Director, Equal Opportunity and Access or designee may, in their discretion, waive or adjust the page or time limit for the feedback.

In the event new, relevant information is provided or identified by one of the parties, the information will be incorporated into the preliminary report and the parties will be provided a second and final opportunity to review the preliminary report and provide feedback regarding the new information before the investigators proceed with finalizing the report. The parties may each submit up to five (5) pages of feedback regarding the new information within five (5) calendar days after it is made available for review.

### ***Investigation Outcome***

The Office of Equity will determine whether the preponderance of the evidence shows the respondent has violated the *Policy on Discrimination and Harassment* or other identified policies. The complainant and the respondent will both be notified simultaneously in writing of the outcome of the investigation. The notifications will include findings related to violations of policy and the rationale for all findings.

#### **1) Resolution of cases where no violation has been found**

Complainants and respondents are informed of the appeal procedures set forth below. As noted above, the University encourages the parties to maintain privacy of all communications related to findings.

For faculty respondents, the Office of Equity will also provide notice of the finding to the faculty member's department chair and/or dean, and the Associate Provost for Faculty.

For staff respondents, the Office of Equity will also provide notice of the finding to the Office of Human Resources and the respondent's supervisor.

#### **2) Resolution of cases where a violation has been found**

In the event a policy violation is found, the investigator(s) will provide their findings to the appropriate University office as explained below.

- For staff respondents, in the event a policy violation is found, the Office of Equity will provide findings to the Office of Human Resources and the respondent's supervisor(s), who are responsible for deciding what sanctions or corrective actions should be imposed on the respondent, in accordance with the procedures set forth in the Staff Handbook.
- For faculty respondents, in the event a policy violation is found, the Office of Equity will make a recommendation regarding whether the policy violation warrants considering termination or suspension. The report and the recommendation will be sent by the Office of Equity to the faculty member's department chair and/or dean, and the Associate Provost for Faculty. Next steps, including sanctions or corrective actions imposed, will be determined in accordance with the procedures set forth in the Faculty Handbook.

- For third-party affiliate respondents, findings of a violation will be provided to the appropriate University office for further action consistent with the findings.

The complainant will be notified of remedies offered or provided to the complainant and sanctions imposed on the respondent that directly relate to the complainant.

The respondent will be informed of all sanctions imposed. The respondent generally will not be notified of the individual remedies offered or provided to the complainant.

Both complainants and respondents are informed of appeal procedures. As noted above, the University encourages the parties to maintain privacy of all communications related to findings and sanctions.

In the event a community member with multiple affiliations with the University (e.g. a staff member who is also a student) is found to have violated this policy, the University may initiate multiple sanctioning processes to address the violation in relation to each affiliation.

### **E. Appealing the Findings & Sanctions in Matters where a Faculty Member is the Respondent**

The complainant or respondent may appeal the findings and, if sanctions are imposed, a determination of sanctions. **An appeal of any sanction will be handled in a manner consistent with the procedures set forth in the Faculty Handbook.**

#### ***Appealing the Finding***

The appeal of a finding where a faculty member is the respondent must be made within five (5) calendar days of the date of the written notification of the findings. An appeal must be in writing and specify the basis for the appeal. An appeal is limited to fifteen (15) pages. The original finding is presumed to have been decided reasonably and appropriately by a preponderance of the evidence. The only grounds for appeal are as follows:

- New information discovered after the investigation that could not have reasonably been available at the time of the investigation and is of a nature that could materially change the outcome;
- Procedural errors within the investigation or resolution process that may have substantially affected the fairness of the process; or
- An outcome (findings or sanctions) that was manifestly contrary to the weight of the information presented (i.e., obviously unreasonable and unsupported by the great weight of information).

If either party submits an appeal, the other party will be provided with a copy of the appeal and given five (5) 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.

Appeals regarding findings will be handled by the following reviewer, 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 faculty member should be addressed to:**

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

The decision on an appeal of a finding will be issued as expeditiously as possible, usually within sixty (60) calendar days of making a decision, though this may vary 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 investigator for further consideration. A final outcome on an appeal of the finding is not subject to further appeal.

***Appealing the Sanction***

As noted above, the appeal of any sanction where a faculty member is the respondent will be handled in a manner consistent with the procedures set forth in the [Faculty Handbook](#).

**F. Appealing the Findings & Sanctions in Matters where a Staff Member is the Respondent<sup>4</sup>**

The complainant or respondent may appeal the findings and, if sanctions are imposed, a determination of sanctions. **An appeal of a sanction will be handled as described below, except in the case of a staff member appealing a sanction of the termination of their employment. The Staff Handbook governs such appeals.**

***Appealing the Finding & Sanctions***

When the Office of Equity concludes there was no policy violation, either party may appeal that decision immediately, as described below. If the Office of Equity concludes there was a policy violation, and therefore a sanction should be imposed, either party may appeal the finding and sanction ***after the sanction is determined by Human Resources and the respondent's supervisor***. Human Resources and the respondent's supervisor will determine whether the sanction should be stayed pending any appeal.

The appeal of a finding or, if applicable as noted above, the finding and sanction, where a staff member is the respondent must be made within five (5) calendar days of the date of the written notification of the findings, or, if applicable, the sanction. An appeal must be in writing and specify the basis for the appeal. An appeal is limited to fifteen (15) pages. The original finding is presumed to have been decided reasonably and appropriately by a preponderance of the evidence. The only grounds for appeal are as follows:

- New information discovered after the investigation that could not have reasonably been available at the time of the investigation and is of a nature that could materially change the outcome;

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<sup>4</sup> Third-party affiliates may appeal the finding to the Vice President for Human Resources as described in this section. However, third-party affiliates may not appeal any sanction imposed upon the third-party affiliate, as such sanctions are typically issued by the third-party affiliate's employer.

- Procedural errors within the investigation or resolution process that may have substantially affected the fairness of the process; or
- An outcome (findings or sanctions) that was manifestly contrary to the weight of the information presented (i.e., obviously unreasonable and unsupported by the great weight of information).

If either party submits an appeal, the other party will be provided with a copy of the appeal and given five (5) 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.

Appeals regarding findings, or, if applicable, sanctions, will be handled by the following reviewer, 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 complaint against a staff member (findings and, if applicable, sanctions) or third-party affiliate (findings only) should be addressed to:**

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

The decision on an appeal of a finding, or, if applicable, a sanction, will be issued as expeditiously as possible, usually within sixty (60) calendar days of making a decision, though this may vary 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 or sanction, may issue a new outcome or sanction, or may refer the matter back to the investigator or sanctioner for further consideration. A final outcome on an appeal is not subject to further appeal.