



You have options.
Northwestern can help.

**Resource Guide
on Title IX
Sexual Harassment
2020–21**

Northwestern

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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, or any other classification protected by law in matters of admissions, employment, housing, or services or in the educational programs or activities it operates. 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 Equity, 1800 Sherman Avenue, Suite 4-500, Evanston, Illinois 60208, 847-467-6165, equity@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 Equity, 1800 Sherman Avenue, Suite 4-500, Evanston, Illinois 60208, 847-467-6165, TitleIXCoordinator@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.

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

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 Institutional Equity.

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 Institutional Equity.

If you believe that you have experienced Title IX sexual harassment, you have options.

Your options

- Speak with a confidential resource about your options, on or off campus. See page 11 for a list of Northwestern confidential resources.
 - Seek medical attention to treat any injuries, test for sexually transmitted infections, obtain emergency contraception (if needed), and/or perform a rape evidence collection procedure. A medical forensic exam can be performed up to seven days after an incident but is most effective if performed sooner. See page 13 for contact information.
 - Contact the police to file a report. See page 13 for contact information.
 - Contact the Title IX Coordinator or a Deputy Title IX Coordinator to report the incident to Northwestern. See page 12 for contact information.
 - Preserve any physical evidence you have in case you decide to report the incident at a later date.
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Preserving evidence

Northwestern encourages individuals who have experienced Title IX sexual harassment to preserve evidence to the greatest extent possible as this will preserve more options for them in the future. Some suggestions include the following:

- Preserve evidence of electronic communications, such as text messages, pictures, and/or social networking pages, by saving them and/or taking screen shots.
- If there is suspicion that a drink may have been drugged, inform a medical assistance provider and/or police as soon as possible so they can collect evidence (e.g., from the drink, through urine or blood sample).
- Because evidence that may be located on the body can dissipate quickly, consider going to a hospital or medical facility immediately to seek a medical exam. If possible, do not shower, brush teeth, use the bathroom, or eat before going to the hospital or seeking medical attention. Do not wash clothes or bedding.

Northwestern can help you

- Connect with on-campus and off-campus resources—including medical, counseling, immigration, student financial aid, and legal resources.
- File a police report or a complaint with the University or both.
- Request measures such as no-contact directives from the University, protective orders from a court, or housing, academic, working, or transportation accommodations.

Supportive measures

Supportive measures are nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures may include:

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

Contact the Title IX Coordinator or a Deputy Title IX Coordinator to request supportive measures (see page 12). Such measures will be kept confidential to the extent possible.

About reporting

You may choose whether to report Title IX sexual harassment to Northwestern, file a formal complaint with Northwestern, and/or report to law enforcement.

Title IX sexual harassment investigations can occur at the same time as police investigations.

Northwestern can help you file a police report.

Reporting to police does not obligate you to testify in court.

To encourage reporting, an individual who makes a good-faith report of Title IX sexual harassment that was directed at them or another person will **not** be subject to disciplinary action by the University for a conduct or policy violation that is related to and revealed in the sexual misconduct report or investigation, unless the University determines that the violation was serious and/or placed the health or safety of others at risk.

There is no time limit for reporting an incident. Reports should be made as soon as possible, as the passing of time makes a review of the evidence more difficult and the memories of involved parties may become less reliable.

Reporting options

You may report an incident to Northwestern and request supportive measures by contacting a Title IX Coordinator. See page 12 for contact information.

You may also report Title IX sexual harassment electronically:

Sexual Misconduct Reporting Form

bit.ly/NUReportSexualMisconduct

You may also file an anonymous report:

EthicsPoint

866-294-3545

www.northwestern.edu/ethics

While anonymous reports are accepted and will be reviewed, Northwestern's ability to address alleged sexual misconduct reported by anonymous sources is significantly limited. You may report an incident to law enforcement and request a police investigation. See page 13 for Northwestern, Evanston, and Chicago police contact information.

Filing a formal complaint

A formal complaint is a document filed by a complainant or signed by the Title IX coordinator alleging Title IX sexual harassment against a respondent and requesting that Northwestern investigate the allegation of Title IX sexual harassment. In order for Northwestern to proceed to an investigation, at the time of filing a formal complaint, a complainant must be participating in or attempting to participate in Northwestern's

education programs or activities. A complainant may file a formal complaint with the Office of Equity by using the complaint form available at bit.ly/NUFormalTitleIXComplaint or by contacting the Title IX coordinator in person, by regular mail, or by email using the contact information listed on page 12.

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.

When a person does not want Northwestern to investigate or wants to remain anonymous

In cases where an individual reporting Title IX sexual 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 based on concern for the safety or well-being of the broader University community. A list of factors that the Office of Equity will consider in making this determination is available in the Interim Policy on Title IX Sexual Harassment. Northwestern reserves the right to take appropriate action in such circumstances, including in cases when the individual reporting the misconduct chooses not to proceed; however, the University will not compel an individual to participate.

If you are unsure about whether you want to make a report or file a formal complaint, a confidential resource can help you explore your options and provide additional resources, support, and information. See page 11 for a list of confidential resources.

Reporting obligation

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 not obligated to report as identified in the Interim Policy on Title IX Sexual Harassment. Employees are encouraged to fulfill their reporting obligations by completing the Sexual Misconduct Reporting Form available at bit.ly/NUReportSexualMisconduct.

Title IX sexual harassment complaint investigation and resolution

Northwestern typically investigates complaints by meeting with the complainant, respondent, and witnesses and reviewing relevant evidence. Investigations are usually conducted by staff from the Office of Equity, who are trained in handling Title IX sexual harassment matters. 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 8–9 for a flowchart of the Title IX sexual harassment complaint resolution process.

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

Services or other measures to help remedy the effects of sexual misconduct and prevent recurrence may also be provided.

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

Advisor/legal counsel

An advisor is a person who is present to provide support to a complainant or respondent throughout the complaint resolution process. Complainants and respondents 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 timeframes for the complaint resolution process can be found in Section III of the Interim Policy on Title IX Sexual Harassment.

Truthfulness

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

Retaliation

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

Complaints of Title IX retaliation may be made by contacting the Title IX Coordinator. The University will process any report or complaint of Title IX retaliation in the same manner as a report or complaint of sex discrimination under the University's Policy on Institutional Equity.

Overview of the Title IX sexual harassment complaint resolution 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 Office of Equity conducts an initial inquiry to determine whether the allegations, if substantiated, would rise to the level of a violation of University Policy.

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 Equity 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.

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.

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Complaint Resolution Process

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. During the hearing, each party and witness is questioned by the decision maker and subject to cross-examination by the parties' advisors. If a party or witness does not submit to cross-examination at the live hearing, the decision maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility.

After the hearing is complete, the decision maker will evaluate all evidence and reach a determination as to whether there has been a policy violation. If the decision maker determines that the respondent is responsible, the decision maker will consult with the appropriate University personnel, who will determine any sanctions to be imposed.

For student respondents: In the event a policy violation is found, the decision maker will consult with a UHAS sanctioning panel comprising three faculty or staff members.

For staff respondents: In the event a policy violation is found, the decision maker will consult the HR business partner and the respondent's manager or unit leader.

For faculty respondents: In the event a policy violation is found, the decision maker will consult with a faculty sanctioning panel.

The decision maker 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 III(l) 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 complaint resolution process can be found in the policy available on the sexual misconduct website.

How to help someone who tells you about an incident of sexual misconduct

Individuals who have experienced sexual misconduct often respond in a variety of ways, including anger, sadness, confusion, or withdrawal.

Listen: Give the survivor your complete attention. Try not to interrupt or discuss your personal history.

Support: Survivors are often met with skepticism or disbelief. Offering nonjudgmental support and acknowledging the feelings of the survivor can help create a safe space for them to process the next steps.

Refer: You do not have to have all of the answers, and it is not your responsibility to fix the problem or determine what occurred. An important part of being helpful to a survivor is providing them with information about options and resources. Please refer survivors to the confidential resources and other options in this brochure.

If required under the Reporting Obligation section on page 5, be sure to report to the Office of Equity through the online form at bit.ly/NUReportSexualMisconduct.

Do

Tell the survivor: This was not your fault. You have options.

Give the survivor options:

- to sit or stand
- to share or be silent
- to call CARE or other resources or to have you facilitate the connection

Say that the survivor is not alone.

Tell the survivor that resources are available to help.

Take care of yourself. Get support if you need it.

Don't

Say that you know what the survivor is going through.

Ask questions that suggest blame, such as “Why were you drinking?” or “Why didn’t you get help sooner?”

Question whether the survivor is telling the truth.

Touch the survivor in any way without permission.

Panic. Take a deep breath and focus on the survivor.

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

www.northwestern.edu/care

Counseling and Psychological Services (CAPS)

(provides counseling services to students)

847-491-2151 (24 hours)

www.northwestern.edu/counseling

Office of Religious and Spiritual Life

(provides spiritual counseling and advice to members of the University community)

847-491-7256

www.northwestern.edu/religious-life

Employee Assistance Program

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

855-547-1851

www.northwestern.edu/hr/work-life/employee-assistance-program.html

Faculty Wellness Program

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

312-695-2323

www.northwestern.edu/provost/faculty-resources/work-life/faculty-wellness.html

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

Title IX Coordinator and Deputy Title IX Coordinators (to report concerns to Northwestern)

Colleen Johnston, Title IX Coordinator

847-491-3881

colleen.johnston@northwestern.edu

Amanda DaSilva, Deputy Title IX Coordinator

(for complaints involving students)

847-467-6571

amanda.dasilva@northwestern.edu

Karen Tamburro, Deputy Title IX Coordinator

(for complaints involving faculty and staff)

847-491-6697

karen.tamburro@northwestern.edu

Emergency resources

Northwestern University Police Department

(has officers who are specially trained to work with victims of sexual violence)
847-491-3456 (Evanston)
312-503-3456 (Chicago)
www.northwestern.edu/up

Evanston Police

911 or 847-866-5000
www.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)

Northwestern Memorial Hospital (Chicago)

312-926-5188

NorthShore University HealthSystem/ Evanston Hospital

847-570-2111

Presence Saint Francis Hospital (Evanston)

847-316-4000

24-hour services

Counseling and Psychological Services (CAPS)

(provides counseling services to Northwestern students)
847-491-2151 (24 hours)
www.northwestern.edu/counseling

Evanston Domestic Violence Line (YWCA)

877-718-1868

Chicago Metro Rape Crisis Hotline (YWCA)

888-293-2080

Rape, Abuse, and Incest National Network (RAINN)

800-656-HOPE

Chicago Domestic Violence Line

877-863-6338

Office of Equity
Northwestern University

Fostering a culture of access, belonging, and accountability.