



**Resource Guide
for Respondents
in Title IX Sexual
Harassment Matters,
2020–21**

Northwestern

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Being accused of Title IX sexual harassment can be confusing and unsettling. This guide provides information on the Title IX sexual harassment complaint resolution process and the resources available to you. If you have been accused of Title IX sexual harassment, you are referred to as a respondent during the complaint resolution process.

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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 program or activity

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.

Reports to police and the University

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

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 misconduct occurred, the respondent will be found responsible.

See pages 6-7 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.

Timeline

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

Advisor/legal counsel

An advisor is a person who is present to provide support to a complainant or respondent throughout the complaint resolution process. Each complainant and respondent may be accompanied by one advisor throughout the process. The advisor may be, but is not required to be, an attorney. Except for conducting questioning during the hearing, the advisor will play a passive role and is not permitted to communicate on behalf of a party, insist that communication flow through the advisor, or communicate with the University about the matter. In the event a party's advisor of choice engages in material violation of these parameters, the University may preclude the advisor from further participation, in which case the party may select a new advisor of their choice.

While a party has the right to attend and participate in the hearing with an advisor, an advisor who materially and repeatedly violates the rules of the hearing in such a way as to be materially disruptive may be barred from further participation and/or have their participation limited, as the case may be, in 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.

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 inside front cover). Such measures will be kept confidential to the extent possible.

Privacy

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

All participants in an investigation will be informed that privacy helps enhance the integrity of the investigation, protect the privacy interests of the parties, and protect the participants from statements that might be interpreted to be retaliatory or defamatory. The University will not restrict the ability of either party to discuss the allegations under investigation. Witnesses and advisors will be asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law.

Truthfulness

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

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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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 a friend accused of sexual misconduct

Hear your friend's point of view.

Acknowledge your friend's feelings about the situation.

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

Do

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

Talk to your friend about whether getting an advisor might help (see page 4).

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

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

Learn more about Northwestern's Interim Policy on Title IX Sexual Harassment and complaint resolution process at www.northwestern.edu/sexual-misconduct.

Don't

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

Share your friend's story with others except with those conducting an investigation.

Tell your friend what to do.

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

Confidential resources

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

Center for Contextual Change

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

Medical resources

Northwestern University Health Service

847-491-8100 (Evanston)
312-695-8134 (Chicago)

NorthShore University HealthSystem/ Evanston Hospital

847-570-2111

Northwestern Memorial Hospital (Chicago)

312-926-5188

Presence Saint Francis Hospital (Evanston)

847-316-4000

Office of Equity Northwestern University

Fostering a culture of access, belonging, and accountability.

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.