

Resource Guide for
Respondents in Policy
on Institutional Equity
Sexual Misconduct
Matters 2022–23

Northwestern

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Being accused of sexual misconduct can be confusing and unsettling. This guide provides information on the sexual misconduct complaint resolution process and the resources available to you. If you have been accused of sexual misconduct, 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.

Policy on Institutional Equity sexual misconduct may include

Sexual assault: sexual penetration without consent, sexual contact without consent, statutory rape, or incest

Sexual exploitation: taking sexual advantage of another person or violating the sexual privacy of another without consent (e.g., voyeurism, indecent exposure, recording intimate activity)

Sexual harassment: unwelcome conduct of a sexual nature that creates a hostile environment or is a condition of employment, academic standing, or participation in a University program or activity

Dating/domestic violence: any violence between two people who are or have been in a romantic or intimate relationship

Stalking: knowingly engaging in a course of conduct directed at a specific person that one knows or should know would cause a reasonable person to fear for their safety or suffer emotional distress (e.g., threats, following, monitoring, communication)

The full definitions of these terms can be found in the 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 the US Department of Education's 2020 regulations implementing Title IX, the University has adopted an Interim Policy on Title IX Sexual Harassment. Specific conduct covered by the Title IX regulations on sexual harassment is addressed through the policy. A resource guide explaining that process is available on our website.

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 sexual misconduct investigation. University sexual misconduct 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.

Complaint investigation and resolution

Northwestern typically investigates complaints by meeting with the complainant, respondent, and witnesses and reviewing relevant evidence. The University uses the preponderance of the evidence standard, which means that if the evidence shows that it is more likely than not that sexual misconduct occurred, the respondent will be found responsible.

Investigations are usually conducted by staff from the Office of Equity, who are trained in handling sexual misconduct matters. See pages 6–7 for a flowchart of the sexual misconduct complaint resolution process.

Violations of the Policy on Institutional Equity 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.

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

Timeline

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

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

Participation in the process

The University invites respondents to participate fully in all aspects of the complaint resolution process. If a respondent chooses not to participate in any part of the process, the University may proceed without the respondent's participation. Respondents will be held accountable for any outcomes issued, even if they decline to participate.

Advisor/legal counsel

An advisor is a person who is present to provide support to a complainant or respondent throughout an investigation and any sanctioning process. Each complainant and respondent 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, 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.

In any matter involving a complaint of sexual assault, stalking, or dating or domestic violence, the advisor may be any person of the party's choosing, including an attorney. However, an advisor may not also serve as a witness in the same matter. Further, the advisor is still limited to the supportive and nonparticipatory role described above. A representative from the University's Office of General Counsel may attend any proceeding where an attorney serving as an advisor is present. In matters not involving a complaint of sexual assault, stalking, or dating or domestic violence, 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.

Privacy

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

All participants in an investigation will be informed that privacy helps enhance the integrity of the investigation, protect the privacy interests of the parties, and protect the participants from statements that might be interpreted to be retaliatory or defamatory. For these reasons, the complainant and respondent will be asked at the beginning of the investigation to keep the information related to the investigation and resolution private, to the extent consistent with applicable law. Witnesses and advisors will be asked to keep any information learned in an investigation meeting confidential, to the extent consistent with applicable law.

Truthfulness

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

Retaliation

Northwestern strictly prohibits retaliation against any member of its community for reporting an incident of sexual misconduct or for participating, in any manner, in an investigation or hearing related to a report of sexual misconduct. The University considers such actions to be protected activities in which all members of the Northwestern community may freely engage.

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 sexual misconduct 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, which shall assess the matter and take appropriate actions to address such conduct.

Overview of the Policy on Institutional Equity sexual misconduct complaint resolution process*

The Office of Equity receives a report of sexual misconduct.

An Office of Equity staff member contacts the person who may have experienced sexual misconduct to provide information about resources and options and extend an invitation to meet.

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

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

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

The Office of Equity conducts an initial inquiry to determine appropriate next steps.

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

An Office of Equity staff member contacts the person who is alleged to have committed sexual misconduct (respondent) to notify them of the complaint, the resolution process, and the resources available to them.

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

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*This is the process for matters falling under the Policy on Institutional Equity. For Title IX sexual harassment matters, please see the Resource Guide for Respondents in Title IX Sexual Harassment Matters.

Complaint Investigation and Resolution

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

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

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

When a policy violation is found and the respondent is a student, the Office of Equity will provide findings to the Office of Community Standards, which will determine sanctions and corrective actions in accordance with the procedures set forth in the *Student Handbook*.

When a policy violation is found and the respondent is a staff member, the findings will be forwarded to the Office of Human Resources and the respondent's manager. Any sanctions or corrective actions will be decided in accordance with the *Staff Handbook*.

When a policy violation is found and the respondent is a faculty member, the findings will be forwarded to the faculty member's dean and department chair and to the associate provost for faculty. Any sanctions or corrective actions will be determined in accordance with the *Faculty Handbook*.

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

This flowchart is intended to provide a general overview. A full explanation of the sexual misconduct complaint resolution process can be found in the policy available at the URL below.

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 policies and processes at 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)
northwestern.edu/counseling

Office of Religious and Spiritual Life

(provides spiritual guidance for students and other members of the University community)
847-491-7256
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)
northwestern.edu/hr/benefits/well-being/programs/employee-assistance-program

Faculty Wellness Program

(provides free consultations for faculty members to identify appropriate resources for personal and professional concerns)
facultywellness@northwestern.edu
northwestern.edu/faculty-wellness

Office of the Ombudsperson

(provides confidential and informal assistance for resolving University-related concerns, is independent of the University's formal administrative structure, and considers all sides of an issue in a neutral manner)
847-467-2430
ombuds@northwestern.edu
northwestern.edu/ombuds

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)

312-926-2000

AMITA Health Saint Francis Hospital (Evanston)

847-316-4000

Supportive measures

Supportive measures are individualized services offered to parties involved in incidents of sexual misconduct. 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 Office of Equity to request supportive measures. Such measures will be kept confidential to the extent possible.

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.