



Resource Guide for
Respondents in Policy
on Discrimination,
Harassment, and
Sexual Misconduct
Matters

Northwestern

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

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Conduct covered by the Policy on Discrimination, Harassment, and 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 Discrimination, Harassment, and Sexual Misconduct.

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.

Preserving evidence

Northwestern encourages parties to preserve evidence to the greatest extent possible as this will preserve more options for them in the future. This includes, but is not limited to, saving or taking screenshots of electronic communications, such as text messages, pictures, and social media posts.

Participation in the process

The University invites respondents to participate fully in all aspects of the formal investigation 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.

Formal investigation

A formal investigation begins with a notice of investigation in which investigators meet with complainant(s), respondent(s), and witnesses and review relevant evidence. The University uses the preponderance of the evidence standard, which means that if the evidence shows that it is more likely than not that sexual misconduct occurred, the respondent will be found responsible.

See pages 6–7 for a flowchart of the sexual misconduct complaint resolution process.

Advisor/legal counsel

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

Timeline

Though the University strives to resolve all cases in a prompt and timely manner, the timeline varies based on the circumstances of the case. Additionally, the timeline for a case may be affected by breaks in the academic calendar, availability of the parties and witnesses (including due to leave of absence), scope of the investigation, need for interim actions, and unforeseen or exigent circumstances. The parties will be periodically updated on the status of their case. In cases where there is a simultaneous law enforcement investigation, the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University will generally proceed with its investigation and resolution of a complaint during any law enforcement investigation. Although the length of each investigation will vary, the University strives to complete each investigation within 90 days of sending the written notice of investigation.

Privacy

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

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

Truthfulness

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

Policy on Non-retaliation

Northwestern strictly prohibits retaliation against any member of its community for reporting an incident of sexual misconduct or for participating, in any manner, in an investigation or hearing related to a report of sexual misconduct. The University considers such actions to be protected activities in which all members of the Northwestern community may freely engage. To view the full Policy on Non-retaliation, please visit policies.northwestern.edu/docs/non-retaliation-policy-FINAL.pdf.

Overview of the Policy on Discrimination, Harassment, and Sexual Misconduct formal complaint resolution process*

The Office of Civil Rights and Title IX Compliance receives a report of sexual misconduct.

An Office of Civil Rights and Title IX Compliance 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 alternative resolution.

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

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

Where an investigation has been opened, a notice of investigation will be sent to both parties with information about the complaint, the resolution process, and resources available to them.

One of more investigators meet with the complainant to gather information. The complainant can suggest witnesses and provide evidence.

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

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

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

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

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

- student, OCR will refer the matter to the Office of Community Standards.
- staff member, OCR will refer the matter to Office of Human Resources.
- faculty member, OCR will refer the matter to the appropriate dean/department chair and associate provost for the faculty.

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

This flowchart is intended to provide a general overview. A full explanation of the sexual misconduct formal resolution process can be found in the policy available at the URL below. See following page for information on the alternative resolution process.

Alternative resolution

Alternative resolution is available as an alternative to a formal investigation to resolve formal complaints. Alternative resolution utilizes informal resolution mechanisms to resolve complaints of prohibited conduct. Through the alternative resolution process, parties develop remedies to address the harm(s) caused and the needs of the parties. Parties may engage in alternative resolution through facilitated agreements in the form of either a facilitated dialogue or shuttle negotiation.

A facilitated dialogue is when a facilitator, who serves as an intermediary, meets with all parties together to help them reach a mutually agreed upon resolution. Parties will interact directly during a facilitated dialogue.

Shuttle negotiation is when a facilitator, who serves as an intermediary, meets with each party separately to help them reach a mutually agreed upon resolution. Parties will not interact directly with each other during a shuttle negotiation.

If an agreement is reached, it is binding, and the parties may not request an investigation into the same matter. The University will monitor to ensure the terms of the agreement are met, and disciplinary action may be taken if a party fails to comply.

Overview of the alternative resolution process

Complaint and request

- Complainant files a formal complaint and it passes initial inquiry.
- Complainant requests to resolve the complaint through alternative resolution.

Review

- OCR will evaluate whether alternative resolution is appropriate based on the circumstances.
- OCR will inform the requesting party of its determination in writing.

Notice and consent to participate

- If it is determined that alternative resolution is appropriate, both parties will receive a written notice.
- The notice will inform the parties of the allegations, the requirements, their rights, and the name of the facilitator(s) and request consent to participate.
- Participation in alternative resolution is voluntary and not required by the University.
- Parties will have three working days to return the consent agreement.

Pre-meetings

- The facilitator will hold an initial process meeting with each party separately.
- The facilitator will also meet with each party to gain an understanding of what occurred and the needs of each party.
- If after meeting with both parties, OCR still believes alternative resolution is appropriate, a meeting will be scheduled to discuss terms.

Alternative resolution meeting

- This meeting will be to discuss the harm, impact, needs of the parties, and potential remedies.
- The meeting will be conducted via Zoom and each party with their respective advisors will be placed in separate virtual meeting rooms.
- The facilitator will shuttle between the parties until a resolution is reached.

Alternative resolution agreement

- If parties reach an agreement, it will be memorialized in a written Alternative Resolution Agreement.
- The agreement must be reviewed and approved by OCR's AVP or designee.
- Once the agreement is signed by both parties and the AVP, it is final.

Supportive measures

Supportive measures are individualized services offered to parties involved in incidents of sexual misconduct. Supportive measures may include

- academic assistance
- 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 Civil Rights and Title IX Compliance to request supportive measures (see page 12). Such measures will be kept confidential to the extent possible.

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

northwestern.edu/care

Counseling and Psychological Services (CAPS)

(provides counseling services to students)

847-491-2151 (24 hours)

northwestern.edu/counseling

Employee Assistance Program

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

northwestern.edu/hr/benefits/well-being/programs/employee-assistance-program

Faculty Wellness Program

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

facultywellness@northwestern.edu

northwestern.edu/faculty-wellness

Office of the Ombudsperson

(provides confidential and informal assistance for resolving University-related concerns, is independent of the University's formal administrative structure, and considers all sides of an issue in a neutral manner)

847-467-2430

ombuds@northwestern.edu

northwestern.edu/ombuds

Office of Religious and Spiritual Life

(provides spiritual guidance for students and other members of the University community)

847-491-3741 (Evanston)

312-503-8649 (Chicago)

northwestern.edu/religious-life

TimelyCare

(supplements Northwestern's existing confidential services for students and provides access to a number of virtual well-being resources, including scheduled counseling, health coaching, and group sessions)

northwestern.edu/studentaffairs/timelycare.html

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

Office of Civil Rights and Title IX Compliance staff (to report concerns to Northwestern)

**Emily Babb, Associate Vice President for Civil Rights and Title IX Compliance;
Title IX Coordinator**

847-467-6165
ocr@northwestern.edu

Other important contacts

Janna Blais, Deputy Director of Athletics for Administration and Policy

(for athletics compliance issues)

847-491-7893
j-blais@northwestern.edu

Qatar campus contacts

Alex Schultes, Assistant Dean for the Student Experience

(for students)

+974 4454 5088
+974 4454 5182

Hannah Balogun, Director of Human Resources

(for faculty and staff)

+974 4454 5121
+974 3334 1038

Emergency resources

Northwestern University Police Department

847-491-3456 (Evanston)

312-503-3456 (Chicago)

northwestern.edu/up

Evanston Police

911 or 847-866-5000

cityofevanston.org/police

Chicago Police

911 or 312-744-4000

home.chicagopolice.org

Medical resources

Northwestern University Health Service

847-491-8100 (Evanston)

312-695-8134 (Chicago)

AMITA Health Saint Francis Hospital (Evanston)

847-316-4000

NorthShore University HealthSystem/Evanston Hospital

847-570-2111

Northwestern Memorial Hospital (Chicago)

312-926-2000

24-hour resources

Administrator on Call, Office of the Dean of Students

(assists students and University community members who need counsel and guidance, especially in a crisis situation)

847-491-8430 (business hours)

847-467-3022 (after hours)

Chicago Domestic Violence Line

877-863-6338

Chicago Metro Rape Crisis Hotline (YWCA)

888-293-2080

Evanston Domestic Violence Line (YWCA)

877-718-1868

National Suicide Hotline

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

988

Rape, Abuse, and Incest National Network (RAINN)

800-656-HOPE

Office of Civil Rights and Title IX Compliance 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, height and weight, or any other classification protected by law in the educational programs or activities Northwestern operates, including but not limited to matters of admission, employment, housing, or services. Harassment, whether verbal, physical, or visual, that is based on any of these characteristics is a form of discrimination. Further prohibited by law is discrimination against any employee and/or job applicant who chooses to inquire about, discuss, or disclose their own compensation or the compensation of another employee or applicant.

Northwestern University complies with federal and state laws that prohibit discrimination based on the protected categories listed above, including Title IX of the Education Amendments of 1972. Title IX requires educational institutions, such as Northwestern, to prohibit discrimination based on sex (including sexual harassment) in the University's educational programs and activities, including in matters of employment and admissions. In addition, Northwestern provides reasonable accommodations to qualified applicants, students, and employees with disabilities and to individuals who are pregnant.

Any alleged violations of this policy or questions with respect to nondiscrimination or reasonable accommodations should be directed to Northwestern's Office of Civil Rights and Title IX Compliance, 1800 Sherman Avenue, Suite 4-500, Evanston, Illinois 60208, 847-467-6165, ocr@northwestern.edu.

Questions specific to sex discrimination (including sexual misconduct and sexual harassment) should be directed to Northwestern's Title IX Coordinator in the Office of Civil Rights and Title IX Compliance, 1800 Sherman Avenue, Suite 4-500, Evanston, Illinois 60208, 847-467-6165, ocr@northwestern.edu.

A person may also file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting www2.ed.gov/about/offices/list/ocr/complaintintro.html or calling 800-421-3481. Inquiries about the application of Title IX to Northwestern may be referred to Northwestern's Title IX Coordinator, the United States Department of Education's Assistant Secretary for Civil Rights, or both.