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I. Policy

A. Policy Statement

On May 6, 2020, the United States Department of Education issued new regulations, effective August 14, 2020, defining sexual harassment under Title IX of the Education Amendments of 1972 ("Title IX") to include three categories of misconduct on the basis of sex that occur within the University's education programs or activities: quid pro quo harassment by an employee; severe, pervasive, and objectively offensive unwelcome conduct of a sexual nature; and Sexual Assault, Dating Violence, Domestic Violence, or Stalking as defined under the Clery Act and VAWA.

While Northwestern prohibits all forms of discrimination and harassment, including sexual misconduct, this policy applies only to Sexual Harassment under Title IX as defined below. Discriminatory and/or harassing conduct falling outside of the purview of this policy is addressed under the University's Policy on Institutional Equity. Other forms of misconduct may be addressed by other Northwestern policies (e.g. Student Handbook, Faculty Handbook, and Staff Handbook).

B. Jurisdiction

This policy applies to Title IX Sexual Harassment as defined below that occurs in the University's Education Programs or Activities and that is committed by any student, faculty member, staff member, or third-

the Complaint Resolution Process described in Section III below.

C. Purpose

Northwestern is committed to fostering an environment in which all members of our community are free from sexual misconduct in any form. The University expects that all interpersonal relationships and interactions—especially those of an intimate nature—will be based on mutual respect, open communication, and clear consent. Additionally, Northwestern is committed to

conditions) of the sexual activity.

- x Active: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a “no”) should not – in and of themselves – be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location or going on a date.
- x Voluntary: Consent must be freely given and cannot be the result of Respondent’s intimidation (extortion, menacing behavior, bullying), coercion (severe or persistent pressure causing fear of significant

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Under 34 U.S.C. 12291(a)(8), the term “domestic violence” includes felony or misdemeanor crimes of

Supportive Measures needed by each party may change over time, and the Office of Equity will communicate with parties to ensure that Supportive Measures in place are necessary and effective based on the parties'

phone, or electronically as explained below, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, but reports can be made by regular mail, telephone, or electronic mail at any time, including outside normal business hours.

Individuals impacted by Title IX Sexual Harassment may contact the Office of Equity to receive support, resources, and information even if they do not wish to move forward with the Formal Complaint Resolution Process described in Section III below. Please see section III for more information. To speak to someone confidentially without making a report to the University, please see the Confidential Resources listed in Section II(A) below.

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

There is no time limit for reporting an incident of Title IX Sexual Harassment. However, 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. The University encourages reports be made as soon as possible after the incident.

The staff identified below are specially trained to work with individuals who report or are accused of Title IX Sexual Harassment and have knowledge about on- and off- campus resources, services, and options—including the availability of supportive measures as discussed above in Section I(E)(4).

Interim Title IX Coordinator
Contact: Jessica Galanos

Third-party service for reporting complaints, including anonymous complaints, by phone or online

Phone: (866) 294-3545

Website:

which they become aware during the scope of their work as explained below. Employees of the University Police will make reports to the Office of Equity regardless of whether the individual who experienced Title IX Sexual Harassment chooses to pursue criminal charges.

Northwestern University Police Department

Evanston Campus: 1201 Davis Street, Evanston
Phone: (847) 493-456 (24 hours)

Chicago Campus: 211 East Superior Street, Chicago
Phone: (312) 503-456 (24 hours)
Website: <https://www.northwestern.edu/up/>

Evanston Police Department

Evanston Campus: 1454 Elmwood Avenue, Evanston
Phone: 911 or (847) 866-900 (24 hours)
Website: <https://www.cityofevanston.org/police>

Chicago Police Department – 18th District (covers Chicago campus)

Chicago Campus: 1160 North Larrabee Ave., Chicago
Phone: 911 or (312) 744-4000 (24 hours)
Website: <https://www.chicagopolice.org/about/police-districts/18thdistrict-nearnorth/>

2. Reporting Obligations

Sexual Misconduct

All University employees (including student employees) and graduate students

Harassment) involving minors, which should be reported to the Office of Equity as well. Reporters should also advise their supervisor (if the reporter is an employee) or the Dean of Students (if the reporter is a student), as well as notifying the Office of Risk Management and the Office of Compliance, Audit, and Advisory Services in writing that a report has been made.

3. Interim Removal

At any time after receiving a report of Title IX Sexual Harassment, the University may remove a student Respondent from the University's Education Programs and Activities on an emergency basis if individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal. In the event the University imposes an interim removal, it will provide the Respondent with notice and an opportunity to challenge the removal decision immediately following the removal. Any emergency removal of a student will involve consultation with the Behavioral Consultation Team and the Division of Student Affairs.

In the case of a Respondent who is a nonstudent employee and in the University's discretion, the University may place the Respondent on administrative leave at any time after receiving a report of Title IX Sexual Harassment, including during the pendency of the investigation and hearing.

Coordinator. The University will process any report or complaint of Title IX Retaliation in the same manner as a report or complaint of discrimination under the University's Policy on Institutional Equity. Individuals who are found to have engaged in Title IX Retaliation as defined by this policy are subject to disciplinary action that may include, but is not limited to, the sanctions listed in Section I(G). The University retains discretion to consolidate a Formal Complaint of Title IX Retaliation with a Formal Complaint of Title IX Sexual Harassment for investigation and/or adjudication purposes.

5. Amnesty for Title IX Sexual Harassment Complainants and Witnesses

Northwestern encourages reporting of Title IX Sexual Harassment and seeks to remove any barrier to reporting.

on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence and to publish policies and procedures related to the way these reports are handled.

Northwestern has designated the Title IX Coordinator, with assistance of the Deputy Title IX Coordinators, to coordinate Northwestern's compliance with Title IX and VAWA and to respond to reports of violations. The University has directed its Clery Program Manager to coordinate Northwestern's compliance with the Clery reporting related VAWA requirements. 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.htm or calling 1-800- 421-3481.

Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting www.eeoc.gov

- x No-contact directive (with respect to an individual)
- x Loss of privileges
- x Loss of title and/or honors
- x Loss of oversight, teaching or supervisory responsibility
- x Probation
- x

changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, other changes to academic, living, dining, transportation, and working situations, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures. The University may provide other remedies as appropriate in each particular situation. However, remedies need to be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

H. Related Information

1. University policies and procedures
[Policy on Institutional Equity](#)

Resources are not obligated to disclose reports of Title IX Sexual Harassment to the Title IX Coordinator for the University (under any circumstance) or law enforcement (except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law).

Confidential Resources can provide information about University and off-campus resources, support services and other options. As noted above, because of the confidential nature of these Resources, disclosing information to or seeking advice from a Confidential Resource does not constitute making a report or complaint to the University and will not result in a response or intervention by the University. A person consulting with a Confidential Resource may later decide to make a report to the University and/or law enforcement.

The Medical Resources in Section II(B) are also Confidential Resources and are not obligated to disclose reports of Title IX Sexual Harassment to the Title IX Coordinator for the University (under any circumstance) or law enforcement (except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law).

On-Campus Confidential Resources

Resource	Contact Information	Description
CARE: Center for Awareness, Response & Education ^{3,4*}	Evanston Campus 633 Emerson Street, 3rd Floor (847) 491-2054 care@northwestern.edu www.northwestern.edu/care	CARE is a confidential space for students impacted by sexual violence, relationship violence, or stalking, including friends or partners of survivors. CARE can be an advisor through the University complaint resolution process. Advocates can provide a safe space to process, ask questions, safety plan, and learn more about the impact of trauma. CARE also hosts a trauma support group and can connect with legal and medical advocacy, free counseling, and support groups on and off campus.
CAPS: Counseling and Psychological Services*	Evanston Campus 633 Emerson Street, 2nd Floor (847) 491-2151 (24-hours) Chicago Campus:	Provides counseling services to students, also provides a counselor on call 24 hours a day.

³ CARE is designated as the University's confidential advisor under the Illinois Preventing Sexual Violence in

Religious & Spiritual Life	Abbott Hall, 5th Floor 710 N. Lake Shore Drive (847) 491-2151 (24-hours) www.northwestern.edu/counseling/	
	Evanston Campus 1870 Sheridan Road (847) 491-7256 spiritual.life@northwestern.edu www.northwestern.edu/religious	

Off-Campus Confidential Resources

Resource	Contact Information	Description
Hotlines	<p>Chicago Metro Rape Crisis Hotline (YWCA): (888) 293-2080</p> <p>Chicago Domestic Violence Line: (877) 863-6338</p> <p>Evanston Domestic Violence Line (YWCA): (877) 718-1868</p> <p>RAINN: Rape, Abuse & Incest National Network (800) 656-HOPE https://hotline.rainn.org (online hotline)</p>	<p>All hotlines provide 24 hour (7 days/week) crisis counseling and information regarding sexual assault, dating violence, and stalking. Survivors and friends of survivors can call.</p> <p>Note: the hotlines can also provide information on local hospitals, such as what hospitals will have a victim advocator SANE (Sexual Assault Nurse Examiner) available.</p>
Center on Halsted (LGBTQ Services)	<p>3656 N. Halsted St, Chicago (7 days a week, 8 a.m. to 9 p.m.)</p> <p>LGBTQ Violence Resource Line: (773) 472-6469 http://www.centeronhalsted.org/avp</p>	<p>Services include: counseling services, connecting individuals with professional help, law enforcement, agencies, services, and other providers.</p>
in*power (LGBTQ Survivor Support Services)	<p>4025 N. Sheridan Rd, Chicago (773) 388-1600 ext 3680 in.power@howardbrown.org http://www.howardbrown.org/inpower/</p>	<p>Services include: STI testing and treatments, short-term crisis counseling, and support groups.</p>

Apna Ghar	4350 North Broadway, 2 nd Floor Chicago, IL 60613 (773) 334-4663 www.apnaghar.org	Services include: 24/7 crisis line, legal advocacy, counseling, emergency shelter
Mujeres Latinas en accion	2124 West 21 st Place Chicago, IL 60608 (773) 890-7676 www.mujereslatinasenaccion.org	Services include: counseling, legal advocacy, medical advocacy
Greenlight Family Services (Formerly Porchlight Counseling Services) KAN -WIN	(773) 750-7077 confidential helpline and intake http://greenlightfamilyservices.org/services/counseling Offices in Chicago and Park Ridge (773) 583-1392 (Chicago) (847) 299-1392 (Park Ridge) 24-hour Hotline: (773) 583-0880 www.kanwin.org	Services include: free counseling for survivors of sexual and/or domestic/dating violence Services include: (multi

Trauma Recovery
Center (San
Francisco)

2727 Mariposa Street, Suite 100
San Francisco, CA 94110
(415) 437-3000
<http://traumarecoverycenter.org/>

Services include medical services
for acute sexual assault and support
services to survivors of
interpersonal violence.

Website: <https://jacksonhealth.org/locations/roxbury-rape-treatment-center/>

3. Medical Services Available Near the Washington, D.C. Campus

MedStar Washington Hospital Center (29 miles from campus)

Evidence collection kit available at no charge via DC Forensic Nurse Examiners.

Location: 110 Irving Street NW, Washington, D.C.

Phone: (202) 877-7000

Website: <https://www.medstarwashington.org>

4. Medical Services Available Near the San Francisco Campus

Zuckerberg San Francisco General Hospital (7 miles from campus)

Evidence collection kit available at no charge; additional/followup services available via their Rape Treatment Center.

Location: 1001 Potrero Avenue, San Francisco

Phone: (628) 206-8000

Website: <http://zuckerbergsanfranciscogeneral.org/>

C. Preserving Physical Evidence

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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 the individual, relationship,

enforcement

the Complainant's behalf.

In cases where an individual reporting Title IX Sexual Harassment requests anonymity or does not wish to file a Formal Complaint, the University will attempt to honor that request but, in some cases, the Title IX Coordinator may determine that the University needs to proceed with an investigation and will sign a Formal Complaint.

The Office will consider the following factors in reaching a determination on whether to have the Title IX Coordinator sign a Formal Complaint:

- x The totality of the circumstances, including the nature and severity of the alleged conduct, the relationship between the parties, the University's knowledge of the conduct, the University's response to the conduct, and the University's ability to provide a safe and equitable educational environment for all students.

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be shared with those investigating the matter but may be maintained by the Restorative Justice Program. All parties will be asked to provide voluntary, written consent to the restorative process before it begins. This process will not be used to resolve allegations that an employee sexually harassed a student.

- x Open an investigation: If the conduct alleged in the Formal Complaint passes initial inquiry or the Title IX Coordinator has signed a Formal Complaint, and the parties have not elected restorative resolution, the office will proceed with a formal investigation and hearing under these procedures.

G. Investigation

The University invites parties to participate fully in all aspects of the investigation and hearing processes outlined below.

1. Notification

Within seven (7) calendar days of

The University ~~may~~ dismiss a Formal Complaint or any allegations therein at any point during the ~~investigation~~ or hearing process~~s~~

- x The Complainant requests to withdraw the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed) by contacting the Title IX Coordinator in writing. The Title IX Coordinator or designee will determine whether to ~~dismiss~~ the Formal Complaint or allegations or conclude the investigation and hearing without

and present supporting evidence to the investigator(s).

Investigation meetings are not audio or video recorded by the University, and may not be recorded by a participant. Parties and witnesses may take notes during investigation meetings. The Complainant and Respondent will have an equal opportunity to present names of potential witnesses and to propose questions the investigator(s) might ask the other party or witnesses. Complainants and Respondents may identify potential factual and/or expert witnesses but may not present character witnesses. The investigator(s) will take the witness lists provided by the Complainant and Respondent into consideration when identifying the witnesses they will interview and what questions they might ask each witness, but these decisions are solely in the investigator's discretion. The investigator(s) retains discretion to limit the number of witness interviews the investigator(s) conducts if the investigator(s) finds that testimony would be unreasonably cumulative, if the witnesses are offered solely as character references and do not have information relevant to the allegations at

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the hearing portion of the resolution process is explained below.

The parties will be periodically updated on the status of the investigation. In cases where there is a

Coordinator or investigators, who will oversee the hearing process and render a determination of responsibility for the allegations in the Formal Complaint, at the conclusion of the hearing process. The Title IX Coordinator will see that the decision maker is provided a copy of the investigative report and a copy of all evidence transmitted to the parties by the investigator(s).

3. Hearing Notice and Response to the Investigation Report

After the decision maker is appointed by the Title IX Coordinator, the Office of Equity will promptly transmit written notice to the parties notifying the parties of the decision maker's appointment; setting a deadline for the parties to submit any written response to the investigation report; setting a date for the hearing conference; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures. Neither the hearing conference, nor the hearing itself, may be held any earlier than ten (10) calendar days from the date of transmittal of the written notice specified in this Section.

A party's written response to the investigation report must include:

- x To the extent the party disagrees with the investigative report, any argument or commentary regarding such disagreement;
 - x Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition
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answer other questions.

7. Format

The decision maker will facilitate the hearing process. The hearing will be conducted live, with simultaneous and contemporaneous participation by the parties and their advisors. Northwestern's discretion, the live hearing may be conducted in person, with the decision maker, the parties, the advisors, witnesses, and other necessary University personnel together in the physical location, or any oral parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling them to participate simultaneously and contemporaneously.

At the request of either party, the live hearing will occur with the parties located in separate rooms with technology enabling the decision. 7 (i) 6.3 (t) 4.6 (he) 9.2 (r) 3.9 (p) 7 (e) 1.6 (f) 3.1 (d) 7 (c) 3.9 (e) 1.5 (j) 4.6 (h) 6.7 (l) 6.7 (j) 2.0 8.2 5.4 (c) 2.6 (m) 0.0 (2) 4.7 (6)

as alleged in the Formal Complaint.

10. Sanctions and Remedies

In the event the decision maker determines that the Respondent is responsible for violating this policy, the decision maker will, prior to issuing a written decision, consult with the appropriate University personnel with disciplinary authority over the Respondent and such personnel will determine sanctions to be imposed:

- x For student Respondents, in the event a policy violation is found, the decision maker will consult with a UHASSanctioning Panel comprised of three faculty

appeal.

The determination regarding responsibility becomes final either on the date that the appeal reviewer provides the parties with the w

The written decision on an appeal will be issued simultaneously to the parties as expeditiously as possible, usually within seven (7) 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 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 decision maker for further consideration. No further review beyond the appeal is permitted.

J. Advisor of Choice

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, and hearings that are part of the investigation, adjudication, and appeal process. This advisor may be, but is not required to be, an attorney.

Except for the questioning of witnesses during the hearing specified in Section III(H)(7), 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 the parameters specified in this section, 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 specified in Section III(H) the University will provide the party an advisor, without fee or charge, who will conduct questioning on behalf of the party at the hearing. The University will have sole discretion to select the advisor. The advisor the University provides may be, but is not required to be, an attorney.

The University is not required to provide a party with an advisor in any circumstance except where the party does not have an advisor present at the hearing specified in Section III(H) and requests that the University provide an advisor.

K. Treatment Records and Other Privileged Information

During the investigation and adjudication processes, the investigator(s) and adjudicator, as the case may be, are not permitted to access, consider, disclose, or permit questioning concerning, or otherwise use:

- x A party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional or paraprofessional's capacity, or assisting in that capacity, and which

are made and maintained in connection with the provision of treatment to the party; or
x Information or records protected from disclosure by any other legally-recognized privilege, such as the attorney-client privilege;

unless the University has obtained the party's voluntary, written consent to do so for the purposes of the investigation and adjudication process.

Notwithstanding the foregoing, the investigator(s) and/or adjudicator(s) as the case may be, may consider any such records or information otherwise covered by this Section if the party holding the privilege affirmatively discloses the records or information to support their allegation or defense, as the case may be.

L. Sexual

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6.2 (e)-1.6 (a)-1.6 (b) other

(r)-4 (v)(e)-1.6 (t)(a) 6.2 (h)-4.6 (s) 6.2 (g)-1.6 (i) 6.2 (q)-1.6 (i) 6.2 (a)-1.6 (g) 4.6 (r)

6.2 (e)-1.6 (t)(a) 6.2 (h)-4.6 (s) 6.2 (g)-1.6 (i) 6.2 (q)-1.6 (i) 6.2 (a)-1.6 (g) 4.6 (r) 10.9 (d)

appeal reviewer, or Title IX Coordinator, as the case may be, depending on the phase of the process. Such request must state the extension sought and explain what good cause exists for the requested extension. The University of Illinois, in reviewing the request for extension may, but is not required to, give the other party an opportunity to object. Whether to grant such a requested extension will be in the sole discretion of the University.

The parties will be provided written notice of the modification of any deadline or time period specified in this policy, along with the reasons for the modification.

Unless otherwise specified in this policy, the default method of transmission for all notices, reports, responses, and other forms of communication specified in this policy will be email using University email addresses.

A party is deemed to have received notice upon transmittal of an email to their University email address. In the event notice is provided by mail, a party will be deemed to have received notice three (3) calendar days after the notice in question is postmarked.

Any notice inviting or requiring a party or witness to attend a meeting, interview, or hearing will be provided with sufficient time for the party to prepare for the meeting, interview, or hearing as the case may be, and will include relevant details such

