

**Approving University Officials:** Provost; Executive Vice President  
**Responsible Office:** Provost; Human Resources; Student Affairs; Office of Equity  
**Effective Date:** September 1, 2021  
**Next Review Date:** September 1, 2022

**INTERIM POLICY ON TITLE IX SEXUAL HARASSMENT**

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17 in Illinois), physical condition, or disability that impairs the individual's ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which

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

- ii. **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.
- iii. **Title IX Sexual Assault:** Title IX Sexual Assault as defined in 20 U.S.C. 1092(f)(6)(A)(v). Under 20 U.S.C. 1092(f)(6)(A)(v), the term “sexual assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The Uniform Crime Reporting System includes the following offenses as forcible or nonforcible sex offenses:
  - x **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object or instrument, or oral penetration by a sex organ of another person, without the consent of the victim or where the victim is incapable of giving consent, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity. Attempted rape is included. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia.
  - x **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  - x **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - x **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- iv. **Title IX Dating Violence:** “dating violence” as defined in 34 U.S.C. 12291(a)(10). Under 34 U.S.C. 12291(a)(10), the term “dating violence” means violence committed by a person—
  - (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - (i) The length of the relationship.
    - (ii) The type of relationship.
    - (iii) The frequency of interaction between the persons involved in the relationship.
- v. **Title IX Domestic Violence:** “domestic violence” as defined in 34 U.S.C. 12291(a)(8).



Under 34 U.S.C. 12291(a)(8), the term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the.129ie1 (i)28.9 (tc)27.9 (e)-4.3 (c)11.8 ( )a44.1 (es B7)-5

The University will maintain the confidentiality of Supportive Measures provided to either a Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University's ability to provide the Supportive Measures in question. As noted above, an individual may request to receive support – including the Supportive Measures mentioned in this section – even if they do not choose to participate in the University's Complaint Resolution Process.

## **5. 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 (see I(B), above).** A "document filed by a Complainant" means a document or electronic submission (such as an email) that contains the Complainant's physical or electronic

**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

**Other University Report(s) 50.1 a5g Options**

Employees of the University Police are University employees and therefore are obligated to promptly report incidents of Title IX Sexual Harassment of 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 the Title IX Sexual Harassment chooses to pursue criminal charges.

**Northwestern University Police Department**

Evanston Campus: 1201 Davis Street, Evanston  
Phone: (847) 491-3456 (24 hours)

Chicago Campus: 211 East Superior Street, Chicago  
Phone: (312) 503-3456 (24 hours)  
Website: <https://www.northwestern.edu/up/>

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**Evanston Police Department, 1201 Davis Street, Evanston, IL 60201  
Website: (847) 491-3456**

and all incidents of sexual misconduct (including Title IX Sexual 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

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

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



- x Loss of privileges
- x Loss of title and/or honors
- x Loss of oversight, teaching or supervisory responsibility
- x Probation
- x Demotion
- x Loss of pay increase
- x Decrease in pay
- x Transfer (employment)
- x Revocation of offer (employment or admissions)
- x Disciplinary suspension
- x Suspension with pay
- x Suspension without pay
- x Expulsion
- x Termination of employment
- x Revocation of tenure
- x Termination of contract (for contractors)

The University may assign other sanctions as appropriate in each particular situation. Sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements set forth in the

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 not 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](#)

[Faculty Handbook](#)

[Non-Retaliation](#)

[Policy on Minors at Northwestern](#)

[Policy on Consensual Romantic or Sexual Relationships between Faculty, Staff](#)



	(847) 491-2151 (24-hours) <a href="http://www.northwestern.edu/counseling/">www.northwestern.edu/counseling/</a>	
<b>Religious &amp; SpiritualLife</b>	<b>Evanston Campus:</b> 1870 Sheridan Road (847) 491-7256 <a href="mailto:spiritual.life@northwestern.edu">spiritual.life@northwestern.edu</a> <a href="http://www.northwestern.edu/religious-life/">www.northwestern.edu/religious-life/</a>	Provides spiritual guidance for students and other members of the University community.

**Faculty Wellness**

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	<a href="https://hotline.rainn.org/">https://hotline.rainn.org/</a> (online hotline)	
<b>Center on Halsted (LGBTQ Services)</b>	3656 N. Halsted St, Chicago (7 days a week, 8 a.m.to 9 p.m.) LGTBQ Violence Resource Line: (773) 871-2273 <a href="http://www.centeronhalsted.org/avp">http://www.centeronhalsted.org/avp</a>	Services include: counseling services; connecting individuals with professional help, law enforcement, agencies, services, and other providers.
<b>in*power(LGBTQ Survivor Support Services)</b>	4025 N. Sheridan Rd, Chicago (773) 388-1600 ext 3680 <a href="mailto:in.power@howardbrown.org">in.power@howardbrown.org</a> <a href="http://www.howardbrown.org/inpower/">http://www.howardbrown.org/inpower/</a>	Services include: STI testing and treatment,short-term case management, linkage to community resources, holistic health referrals, support groups for young people and adults, legal advocacy
<b>Resilience (Formerly knownas Rape Victim Advocates)</b>	Main Office: 180 N. Michigan Ave, Suite 600, Chicago (312) 443-9603  <a href="http://www.ourresilience.org">www.ourresilience.org</a>	Services include: medical and legal advocacy, counseling services

**Change**

(847) 676-4447 x304 (for appointments or  
aconfidential assessment)

and may be unsure of what they want to, or should, do next. Regardless of whether the individual chooses to report the incident to the University and/or to law enforcement, the University strongly encourages individuals who believe they are victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat visible physical injuries and identify injuries that may not be visible, and, where appropriate, also address concerns regarding sexually transmitted infections and pregnancy, and provide emergency contraception (if requested). In addition, a hospital can test for the presence of alcohol or drugs (e.g., “date rape” drugs) and perform a rape evidence collection procedure (see Section II(D)(2)), which are also strongly recommended to preserve all legal remedies.

As noted above, the Medical Resources in Sections 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).

#### **1. Medical Services Available On or Near the Evanston and Chicago Campuses**

##### **Northwestern University Health Service<sup>5</sup>**

Evidence collection kit cannot be provided; CARE staff can be contacted to provide support services if desired. (See Section II(A) for more information on CARE.)

Evanston Campus: 633 Emerson Street, Evanston  
Phone: (847) 491-8100 (RN call service available 24 hours)  
Website: <http://www.northwestern.edu/healthservice-evanston/>  
(for regular hours of operation and 24-hour emergency contact info)

Chicago Campus: 675 North St. Clair Suite 18-200, Chicago  
Phone: (312) 695-8134  
Website: <http://www.northwestern.edu/healthservice-chicago>  
(for regular hours of operation and 24-hour emergency contact info)

##### **NorthShore University Health System/ Evanston Hospital, Emergency Dept. (24 hours)**

Evidence collection kit available at no charge; Evanston Police Victim Services advocate can present to provide support services, if desired.

Location: 2650 Ridge Avenue, Evanston  
Phone: (847) 570-2111 (emergency room)  
Website: <http://www.northshore.org>

online)

**Northwestern Memorial Hospital, Emergency Department (24 hours)**

Evidence collection kit available at no charge. Advocate from Resilience will be present to provide support services, if desired.

Location: 251 E Huron Street, Chicago  
Phone: (312) 926-2000  
Website: <https://www.nm.org/locations/northwestern-memorial-hospital>  
(for more information)

**Amita Health St. Francis Hospital, Emergency Services (24 hours)**

Evidence collection kit available at no charge; Evanston Police victim services advocate can be present to provide support services, if desired.

Location: 355 Ridge Avenue, Evanston  
Phone: (847) 316-4000  
Website: <https://www.amitahealth.org/our-locations/hospitals/amita-health-saint-francis-hospital-evanston/services>

Under Illinois law, medical personnel are required to alert police when it reasonably appears that the person requesting treatment has sustained an injury as a victim of a criminal offense, including sexual assault or violence, but individuals have the right to refuse to speak to police.

**2. Medical Services Available Near the Miami, Florida Campus**

**Jackson Memorial Hospital Roxcy Bolton Rape Treatment Center (5.8 miles from campus)**

Evidence collection kit available at no charge.

Location: 1611 NW 12th Avenue InSTITUTE Annex 1st Floor,  
Miami, FL 33135



Location: 110 Irving Street NW, Washington, D.C.  
Phone: (202) 877-7000  
Website: <https://www.medstarwashington.org>

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For information on educational training, awareness, and prevention programs offered each year, see: <https://www.northwestern.edu/sexual-misconduct/education>.

### **III. Title IX Sexual Harassment Complaint Resolution Process**

#### **A. Introduction**

The procedures below outline the process the University follows when it receives a report alleging a violation of the **Interim Policy on Title IX Sexual Harassment** committed by a member of the Northwestern community. For the purposes of this Policy, “by a member of the Northwestern community” means current students (as defined by the Student Handbook), current faculty (as defined by the Faculty Handbook), current staff members, and current third-party affiliates who have a formal (including contractual) relationship with the University.

The procedures below do not apply to reports alleging violations of this policy committed by visitors to campus or by former students, former faculty, former staff members, or former third-party affiliates. The procedures below also do not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States. As indicated above, misconduct occurring outside of the jurisdiction of this policy may be addressed by other University policies, which may include but are not necessarily limited to the University’s [Policy on Institutional Equity](#).

The Office of Equity (“the Office”) is responsible for handling reports alleging violations of this policy. University groups, including student groups, and departments are expected to report to the Office of Equity any concerns of Title IX Sexual Harassment of which they become aware, and are not to take independent action to seek to resolve any such

access more information. The outreach will also include an invitation to meet with or provide additional information to an Office of Equity staff member. [Note: The Process for response to Formal Complaints is detailed below in Section F.]

The Office may, in its discretion, reopen a case in the future as appropriate and if additional information becomes available. The closure of a case at the preliminary assessment stage does not prevent the Office from making non-punitive, educational outreach to those involved.

**C. Offer of Supportive Measures**

The University will offer and make available Supportive Measures to the Complainant regardless of whether the Complainant elects to file a Formal Complaint.

In the event a Formal Complaint is filed, contemporaneously with the Respondent being notified, the Office of Equity will notify the Respondent of the availability of Supportive Measures for the Respondent. The University will offer and make available Supportive Measures to the Respondent in the same manner in which it offers and makes them available to the Complainant. The University will also offer and make available Supportive Measures to the Respondent prior to the Respondent being notified of a Formal Complaint, if the Respondent requests such measures.

The University will maintain the confidentiality of Supportive Measures provided to



University Policy; a determination of the specific policy implicated; and an assessment of appropriate University response.

Following an initial inquiry, possible next steps include:

- x **Dismiss the Formal Complaint:** If the conduct alleged in the Formal Complaint would not constitute a violation of this policy even if proved, if it did not occur in Northwestern's Education Program or Activities, or did not occur against a person in the United States, the Office of Equity must dismiss the Formal Complaint with regard to that conduct under this policy.

Such a dismissal does not preclude action under other University policies.

In the event the Office of Equity determines the Formal Complaint must be dismissed pursuant to this Section, the Office of Equity will provide written notice of dismissal, including the reasons for the dismissal, to the parties and advise them of their right to appeal pursuant to the appeal procedures detailed below. The Office of Equity may refer the subject matter of the Formal Complaint to other University offices, as appropriate. A dismissal pursuant to this Section is presumptively a final determination for purposes of this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal. The dismissal of a case does not prevent the office from making non-punitive, educational outreach to those involved.

- x **Restorative resolution<sup>6</sup>:** In matters where a Formal Complaint has been filed and has passed initial inquiry, the parties may elect to resolve the matter through the University's Restorative Justice Program. Restorative resolution is voluntary and the University will not require parties to engage in this process. Parties interested in restorative resolution will receive a written notice disclosing: the allegations, the requirements of the restorative process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations, and notice that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Complaint Resolution Process with respect to the Formal Complaint. In the event a party withdraws from the restorative process, records from the restorative process will not 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

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<sup>6</sup> The University's Restorative Justice Program is expected to become available during the 2021-



case may be; or

- x Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint, or any discrete allegations therein (in which case those discrete allegations may be dismissed).

In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed pursuant to this Section, the Title IX Coordinator will provide written notice of dismissal, including the reasons for the dismissal, to the parties and advise them of their right to appeal as specified in Section III(I). The Title IX Coordinator may refer the subject matter of the Formal Complaint to other





At the conclusion of the evidence-gathering phase of the investigation but prior to the completion of the investigation report, the investigator(s) will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint. This includes evidence upon which Northwestern may choose not to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source. The investigator(s) will send this evidence, in either electronic or hard copy form (r)588.7 (d c)4-maor

written response to the investigation report; setting a date for the pre-hearing conference; setting a date and time for the hearing; and providing a copy of the University's Hearing Procedures. Neither the pre-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 investigative 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.



contemporaneously.

At the request of either party, the live hearing will occur with the parties located in separate rooms with technology enabling the de

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.

Subject to the minimum requirements specified in this Section, the decision maker will have sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, the order of the hearing, and questions of admissibility.

The hearing is not a formal judicial proceeding and strict rules of evidence do not apply. The decision maker will have discretion to modify the Hearing Procedures, when good cause exists to do so, and provided the minimal requirements specified in this Section are met.

#### **8. Relevancy of Questions**

Only relevant cross-examination and other questions may be asked of a party or witness. The decision maker will determine the relevancy of all questions asked during the hearing. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decisionmaker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Parties and advisors may not challenge these determinations during the hearing. The decision maker must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.

- x 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.
- x For faculty Respondents, in the event a policy violation is found, the decision maker will consult with a faculty sanctioning panel.

The decision maker will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive Measures or other remedies will be provided to the Complainant. All consultation should occur within seven (7) calendar days of the hearing.

**11. Written Decision**

After reaching a determination and consulting with the appropriate University personnel and Title IX Coordinator, the decision maker will issue a written determination regarding responsibility applying the preponderance of the evidence standard within seven (7) calendar days of a decision. The written determination will be provided to the parties simultaneously and will include:

- x Identification of the allegations potentially constituting Title IX Sexual Harassment and, if applicable, other University policy violations;
- x A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- x Findings of fact de Tw 0107ED(a)08149(6)T6021aH998g00Th(T)H64CTLB0147MCD580

Either party may appeal the dismissal of a Formal Complaint or any allegations therein or the determination regarding responsibility. The only base42 0i24 6 Tw Tw 7.387 0 Td(43)Tj-0.43r-36.1 0





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. The 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

**L. Sexual History**

During the investigation and adjudication processes, questioning regarding a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. Notwithstanding the foregoing, a Complainant who affirmatively uses information otherwise considered irrelevant by this Section for the purpose of supporting the Complainant's allegations, may be deemed to have waived the protections of this Section.

**M. Neutrality**

From the time a report or Formal Complaint is made, a Respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final; the Complainant is presumed to have brought forward the complaint in good faith, and a conclusion will not be made until the resolution process concludes.

**N. Bad Faith Complaints and False Information**

It is a violation of this policy for any person to submit a report or Formal Complaint that the person knows, at the time the report or Formal Complaint is submitted, to be false. It is also a violation of this policy for any person to knowingly make a materially false statement during the course of an investigation, adjudication, or appeal under this policy. Violations of this Section are not subject to the investigation and adjudication processes in this policy; instead, they will be addressed under the appropriate University policies.

**O. Deadlines, Notices, and Method of Transmittal**

All deadlines and other time periods specified in this policy are subject to modification by the University where, in the University's sole discretion, good cause exists. Good cause may include, but is not limited to, the unavailability of parties or witnesses; the complexities of a given case; extended holidays or closures; sickness of the investigator(s), adjudicator, or the parties; unforeseen weather events; and the like.

Any party who wishes to seek an extension of any deadline or other time period may do so by filing a request with the investigator(s), decision maker, administrative officer, 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 Uefha vexted caews(4u9.9 7 (xt)-28.3 (e)8 cy-32.1 (y(v))-2 (.2 (436

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) years from the date of transmittal.

