

<b>Northwestern Health Sciences University</b>	
<b>Policy: Title IX Sexual Misconduct Policy for Students, Employees, and Third Parties</b>	Effective Date: <b>February 2016</b>
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## I. PURPOSE AND NOTICE OF NON-DISCRIMINATION

It is the policy of Northwestern Health Sciences University (the “University”) to maintain an environment that is free from Sexual Harassment, Sexual Intimidation, Sexual Exploitation, Domestic Violence, Sexual Assault, Stalking, Harassment, Discrimination,<sup>1</sup> and all other forms of Sexual Violence, including when these crimes are based on actual or perceived race, color, creed, religion, national origin, sex/gender, ethnicity, gender identity, marital status, familial (or parental) status, disability, status with regard to public assistance, sexual orientation, age, family care leave status or veteran status or any other protected class defined by law. The University prohibits any form of harassment, violence or Discrimination based on actual or perceived protected class status.

It is a violation of this policy for any Student, Employee, or Third Party to (1) sexually harass another individual through conduct or communication (e.g., physical, verbal, graphic or written) or to (2) discriminate against an individual based on that individual’s actual or perceived protected class status; or to (3) inflict, threaten to inflict or attempt to inflict violence against another individual.

The University is committed to promptly and fairly investigating and addressing incidents of Sexual Misconduct. **Retaliation against a person who makes a Complaint about Sexual Misconduct or who participates in or supports the investigation of a Complaint is also prohibited and will not be tolerated.**

This policy applies to all Students, Employees, and Third Parties of the academic and non-academic (extracurricular) programs of the University and will be enforced on University property, owned or leased, including University-hosted social functions, or events sponsored by the University but held at other locations. The policy also applies to conduct that occurs in certain circumstances as defined in this policy in a Non-campus Building or on Non-campus Property or on public property. The policy also applies to any off-campus conduct that causes or threatens to cause a substantial and material disruption at the University, interferes with the rights of Students to be free from a hostile learning environment, or interferes with the rights of Employees to be free from a hostile working environment, taking into consideration the totality of the circumstances on and off campus. That said, Students, Employees, and Third Parties are encouraged to report any instances of Sexual Misconduct to the University and if such report falls outside this particular policy, the University will assist the Student, Employee, or Third Party in reporting the incident to the proper party or authorities.

The University will also promptly and appropriately investigate all complaints of Sexual Misconduct, Sex Discrimination, and Sexual Harassment—whether formal or informal, verbal or written—based on an individual’s actual or perceived protected class status, and will discipline or take appropriate action against any Student, Employee, or Third Party who is found to have violated this policy. The University will investigate and, when appropriate, will conduct prompt, fair, and impartial investigation proceedings for complaints of all Sexual Misconduct.

If a University investigation reveals that Sexual Harassment created a hostile environment, the University will take prompt and effective steps to end the Harassment, eliminate the hostile environment, prevent the Harassment from recurring and, when appropriate, remedy the effects of the hostile environment.

Any Student or Employee who needs a reasonable accommodation to be able to make or respond to a Complaint, or engage in any other activity detailed in this Policy, should contact the University’s Disability Coordinator in Student Affairs, the Student Title IX Coordinator, or

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<sup>1</sup> Please see the University’s Non-Discrimination & Non-Harassment Policy.

the Employee Title IX Coordinator (Vice President of Human Resources), to request an accommodation.

## II. DEFINITIONS

### Definitions of Prohibited Conduct

All violations detailed in this Policy can occur between different sexes or same sex individuals.

- A. Sexual Misconduct** includes a variety of prohibited behaviors, including Sexual Harassment, Sexual Exploitation, Dating Violence, voyeurism, Domestic Violence, Sex Discrimination, Stalking, Sexual Assault, and any other nonconsensual conduct of a sexual nature. Some occurrences of Sexual Misconduct, including in certain forms of Dating Violence, Domestic Violence, and Stalking are not sexual in nature. Regardless, the term “Sexual Misconduct” applies to these non-sexual instances, as well. Similarly, Sexual Exploitation constitutes Sexual Misconduct and may apply to situations where the sexual conduct itself was consensual, but a related conduct—which was not on its own sexual—nonetheless constitutes Sexual Exploitation (e.g., videotaping or allowing friends to watch a consensual sexual activity without the Consent of the other person).
- B. Sexual Assault** is criminal sexual conduct in the first, second, third, or fourth degrees, as well as incest, as defined by Minnesota Statutes §§ 609.342, 609.343, 609.344, 609.345, or 609.365.

Criminal sexual conduct is a sexual act directed against another person, without the consent of the complainant, including instances where the complainant is incapable of giving consent. Some examples include, but are not limited to:

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the complainant, including if circumstances existed at the time of the act that caused the complainant to have a reasonable fear of imminent great bodily harm to the complainant or another (including but not limited to if the actor is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and the actor uses or threatens to use the weapon or article to cause the complainant to submit or the actor causes personal injury to the complainant).
- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against that person’s will where the complainant is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that persons’ will; or not forcibly or against this person’s will where the complainant is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the complainant, including instances where the complainant is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

- **Incest:** Sexual intercourse with another nearer of kin to the actor than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the relationship
  - **Statutory rape:** Sexual intercourse with a person who is under 13 years of age and the actor is more than 36 months older than the complainant; the complainant is at least 13 years of age but less than 16 years of age and the actor is more than 24 months older than the complainant; the complainant is at least 16 but less than 18 years of age and the actor is more than 48 months older than the complainant and in a position of authority over the complainant; the actor has a significant relationship to the complainant and the complainant was at least 16 but under 18 years of age at the time of the sexual penetration; the actor has a significant relationship to the complainant, the complainant was under 18 years of age at the time of the sexual penetration and the actor or an accomplice used force or coercion to accomplish the penetration, the complainant suffered personal injury, or the sexual abuse involved multiple acts committed over an extended period of time.
- C. Sexual Contact** includes, but is not limited to, the non-consensual intentional touching of someone's intimate parts, including the touching of clothing covering someone's intimate parts and the touch with seminal fluid or sperm on a person or a person's clothing. See Minn. Stat. § 609.341, subd. 11.
- D. Sexual Exploitation** is taking non-consensual sexual advantage of another person. For example, sexual exploitation includes taking non-consensual video and/or audio recordings, photographs, or images of an individual while that individual is engaged in intimate or sexual utterances, sounds, or activities; voyeurism; distributing intimate or sexual information about a person without his or her consent; or knowingly transmitting a sexually transmitted disease to another person.
- E. Sexual Harassment** is unwelcome sexual advances, requests for sexual favors, offensive comments, and other verbal or physical conduct of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or education;
  2. Submission to or rejection of such conduct is used as a basis for employment or educational decisions affecting the individual; or
  3. Such conduct unreasonably interferes with an individual's work or educational performance, or creates an intimidating, hostile, or offensive educational or working environment.

Some examples of conduct that may constitute Sexual Harassment include the following:

- Repeated and unwelcome suggestions regarding, or invitations to, social engagements or social events; or
- Any indication, express or implied, that any aspect of employment or academic progress or personal safety depends or may depend on the granting of sexual favors or on a willingness to accept or tolerate conduct or communication of a sexual nature; or
- Unwelcome or coerced physical proximity or physical contact which is of a sexual nature or sexually motivated; or
- The deliberate use of offensive or demeaning terms which have a sexual connotation; or

- The deliberate creation of an intimidating, hostile or offensive atmosphere, through conduct or communication of a sexual nature; or
- Inappropriate remarks of a sexual nature.

Determining whether Sexual Harassment has taken place requires an analysis of all available facts, the situation, and the context.

- F. Sexual Intimidation** involves threatening another person that the perpetrator will commit a sex act against them; engaging in indecent exposure; or stalking another person who reasonably perceives the stalker is pursuing a romantic and/or sexual relationship. **Stalking** is further defined below.
- G. Sexual Violence** is defined as a violation of Minnesota Criminal Sexual Conduct Statutes and may include a range of sexual conduct, including but not limited to acquaintance rape, or other forcible or non-forcible sex offenses. In general, sexual violence means sexual contact achieved without consent or with the use of physical force, coercion, deception, threat, and/or the complainant is mentally incapacitated or impaired, physically impaired (due to the influence of drugs or alcohol), or asleep or unconscious.
- H. Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.
- Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through others, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
  - Reasonable person means a reasonable person in the victim's circumstances.
  - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.

Stalking behavior may include, but is not limited to:

- Repeated, unwanted, and intrusive communications by phone, mail, text message, email, and/or other electronic communications, including social media.
- Repeatedly leaving or sending the victim unwanted items, presents, or flowers.
- Following or lying in wait for the victim at places such as home, school, work, or recreational facilities.
- Making direct or indirect threats to harm the victim or the victim's children, relatives, friends, or pets.
- Damaging or threatening to damage the victim's property.
- Repeatedly posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth that would cause a person to feel threatened or intimidated.
- Unreasonably obtaining personal information about the victim.

Stalking is prohibited by Minnesota law. See Minn. Stat. § 609.746, *et seq.*

I. **Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant and where the existence of such a relationship shall be determined based on consideration of the following factors:

- the length of the relationship,
- the type of relationship, and
- the frequency of interaction between the persons involved in the relationship.

Dating violence includes a pattern of abuse or threat of abuse among dating partners. It includes verbal, emotional, physical, sexual, and digital (Internet) abuse and may have both immediate and long term effects. Dating Violence is prohibited by Minnesota law. See Minn. Stat. § 518B.01, *et seq.*

J. **Discrimination** occurs when an individual is treated adversely or differently because of that person's race, ethnicity, color, creed, religion, sex, gender, age, national origin, disability, marital status, familial status, sexual orientation, gender identity, status with regard to public assistance, family care leave status, or veteran status, membership or activity in a local commission, or any other protected class status defined by applicable law. **Harassment** is a type of discrimination that includes conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, ethnicity, color, creed, religion, sex, gender identity, age, national origin, ethnicity, disability, marital status, sexual orientation, status with regard to public assistance, membership or activity in a local commission, or any other protected class status defined by applicable law and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive educational or work environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's educational or work performance; or
3. Otherwise adversely affects an individual's educational or employment opportunities, including academic, extracurricular, and other programs of the University.

Some examples of conduct that may constitute discrimination or harassment include the following:

- Treating an individual adversely in any other respect because of protected class status; or
- Using epithets, slurs, threatening or intimidating acts, including written or graphic material directed to an individual because of protected class status;
- Written, verbal or physical acts directed to an individual because of protected class status that purport to be jokes or pranks;
- Failure or refusal to hire, train, or promote an individual because of that individual's protected class status;
- Limiting salary increases because of an individual's protected class status; or
- Disciplining or terminating an individual because of that individual's protected class status.

**Sex Discrimination** occurs when an individual is treated adversely because of that person's sex, gender, sexual orientation, or gender identity, or is subject to any other form of Sexual Harassment.

**K. Domestic Violence** is defined as any of the following, if committed against a family or household member by a family or household member:

1. physical harm, bodily injury or assault;
2. the infliction of fear of imminent physical harm, bodily injury, or assault; or
3. terroristic threats, criminal sexual conduct, or interference with an emergency call.

Domestic Violence is prohibited by Minnesota law. See Minn. Stat. § 518B.01, *et seq.*

**L. Retaliation** means an adverse action taken against a Complainant or a person who files a Complaint and/or otherwise participates in an investigation or proceeding under this policy, including Complainants and third-parties. Retaliation includes, but is not limited to, intimidation, threats, coercion, reprisal, or harassment.

### **Other Important Definitions**

**M. Respondent** means a person who is alleged to have been subject to conduct that violates this policy.

**N. Complainant** is the person alleged to have been a Complainant of conduct prohibited by this policy. The Complainant is also referred to herein as the person who is alleged to have been subject to conduct that violates this policy. The Complainant who is alleged to have been subject to conduct that violates this policy may not always be the person who files a Complaint under this policy.

**O. Complaint** means any report of conduct that is in violation of this policy.

**P. Accused** means the person who has been Accused of conduct prohibited by this policy. Once an investigation begins, this person may be referred to as a **Respondent**.

**Q. Advisor.** Any individual who provides the alleged complainant or respondent support.

**R. Awareness programs.** Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration

**S. Bystander intervention.** Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:

- Recognizing situations of potential harm, and
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

**T. Campus** means any building or property owned, leased or controlled by the University within the same reasonably contiguous geographic area of the University and used by the University in direct support of, or in a manner related to, the University's educational purposes, and property within the same reasonably contiguous geographic area of the University that is owned by the University but controlled by

another person, is used by students, and supports University purposes (such as a food or other retail vendor).

- U. **Campus Safety Officer.** The person who is responsible for compliance with the requirements of the Clery Act.
- V. **Consent** means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the complainant or that the complainant failed to resist a particular sexual act. Instead, Consent means a freely given “yes,” not failure to resist, silence, or the absence of a “no.” Past consent does not imply future consent.

Consent can be withdrawn at any time.

A person who is Mentally Incapacitated or physically helpless cannot Consent to a sexual act. **Mentally incapacitated** means a person under the influence of alcohol, a narcotic, anesthetic, or any other substance that was administered to that person without the person's agreement, or that results in an inability to give a reasoned Consent to Sexual Contact or sexual penetration. With respect to incapacitation due to drugs or alcohol, incapacitation requires more than simply being under the influence of drugs or alcohol—a person is not incapacitated simply because he or she has used drugs or alcohol. Instead, facts surrounding the situation will be considered to determine (1) if the individual could understand the circumstances, (2) if the individual was able to communicate Consent (or lack thereof), and (3) whether the Accused/respondent was aware of the situation.

Consent can only be given by someone of legal age—in Minnesota, the statutory age of Consent is 16 years old.

Consent cannot be obtained via threats, force, coercion, or other forms of intimidation.

Corroboration of the Complainant's testimony is not required to show lack of Consent.

- W. **Employee**, for the purposes of this policy, means all non-student employees of the University, including faculty, staff, adjuncts, and administrators.
- X. **Employee Title IX Coordinator.** The Employee Title IX Coordinator, also the VP of Human Resources, is responsible for implementing and monitoring Title IX compliance on behalf of the University. This includes coordination of training, education, communications, and administration of the complaint procedures for the handling of suspected or alleged violations of this Policy. The Employee Title IX Coordinator's responsibilities are focused on Title IX matters relating to Employees.
- Y. **Investigators.** Those persons assigned to investigate possible violations under this Policy.
- Z. **Non-campus Building or Property** means any building or property owned, leased, or controlled by a student organization recognized by the University; and any building or property (other than a branch campus) owned, leased, or controlled by the University that is used in direct support of, or in relation to, the University's educational or employment purposes, is used by students, and is not within the same reasonably contiguous geographic area of the University. This term includes the location of any activity, program, organization, or event sponsored by the University.

- AA. Ongoing prevention and awareness programs.** Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the University.
- BB. Primary prevention programs.** Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- CC. Proceeding.** All activities related to a non-criminal resolution of a University disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. “Proceeding” does not include communications and meetings between officials and complainants concerning accommodations or protective measures to be provided to a complainant.
- DD. Public Property** means all public property that is within the same reasonably contiguous geographic area of the University, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned, leased, or controlled by the University if the facility is used by the University in direct support of, or in a manner related to the University's educational or employment purposes.
- EE. Result.** Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the University.
- FF. Risk reduction.** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for complainants in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- GG. Student,** for the purposes of this policy, means all students at the University, except for full-time Employees of the University who are also taking classes at the University (for the purposes of this policy, those individuals are considered Employees). The term “Student” otherwise includes all individuals taking classes at the University, including all degree and non-degree Students.
- HH. Student Title IX Coordinator.** The Student Title IX Coordinator is responsible for implementing and monitoring Title IX compliance on behalf of the University. This includes coordination of training, education, communications, and administration of the complaint procedures for the handling of suspected or alleged violations of this Policy. The Student Title IX Coordinator’s responsibilities are focused on Title IX matters relating to students.
- II. Third Party,** for the purposes of this policy, includes certain third-party affiliates, including volunteers, vendors, visitors, and independent contractors.
- III. REPORTING PROCEDURES FOR INCIDENTS OF SEXUAL MISCONDUCT, SEXUAL HARASSMENT, AND/OR SEX DISCRIMINATION (PLEASE SEE SECTION III FOR REPORTING SEXUAL VIOLENCE)**

Students and Employees should follow the reporting procedures set out below to report incidents of Sexual Misconduct, Sexual Harassment, and Sex Discrimination. Properly reporting Complaints is of vital importance. If Complaints are improperly reported—e.g.,

reported to the wrong individual, the Complainant risks the possibility that the Complaint will not come to the attention of the appropriate management, and therefore not be acted upon. The team members that are responsible for reports of complaints under this Policy are listed below:

Mary Gale  
Vice President, Human Resources & Employee Title IX Coordinator & Title IX Investigator  
[mgale@nwhealth.edu](mailto:mgale@nwhealth.edu)  
952-885-5437

Dr. Christian Jovanovic  
College of Health & Wellness Program Director & Associate Professor, Student Title IX Coordinator & Title IX Investigator  
[cjovanovic@Thwhealth.edu](mailto:cjovanovic@Thwhealth.edu)  
952-888-4777 x 309

Susan Neppi  
Registrar & Title IX Investigator  
[sneppi@nwhealth.edu](mailto:sneppi@nwhealth.edu)  
952-888-4777 x 387

Dr. Katie Burns Ryan  
Clinical Director & Title IX Investigator  
[kburnsryan@nwhealth.edu](mailto:kburnsryan@nwhealth.edu)  
952-888-4777 x 167

Informal Resolution Designee  
Dr. Dale Healey  
Dean, College of Health & Wellness  
[dhealey@nwhealth.edu](mailto:dhealey@nwhealth.edu)  
952-888-4777 x 348

#### **A. Student Complaints of Sexual Misconduct, Sexual Harassment, or Sex Discrimination**

If a Student believes that he or she has been subject to or observes Sexual Misconduct, Sexual Harassment, or Sex Discrimination by another Student, Employee, or any Third Party,<sup>2</sup> he or she may report the conduct to:

- The Student Title IX Coordinator (952) 888-4777 x 309.
- The Vice President of Human Resources and Employee Title IX Coordinator (952) 885-5437.
- If the Student is reporting an incident relating to an Employee, he or she should also make a report to both the Student Title IX Coordinator (952) 888-4777 x 309, and the Employee Title IX Coordinator ((952) 885-5437).

Students may also make a report on the University's Title IX Reporting Hotline. The University's hotline is hosted by a secure, independent provider, EthicsPoint and

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<sup>2</sup> Please note that the University may be limited in its disciplinary action against a Third Party.

reports are treated confidentially. Reporters may remain anonymous and the IP address of computers cannot be traced. Reports will be provided to the Vice President of Human Resources. It should be understood that an investigation may be hampered or be impracticable if the reporter cannot be identified and questioned about the incident and related facts. There are two ways to use the hotline:

- Online:  
<https://secure.ethicspoint.com/domain/media/en/gui/35060/index.html>
- Phone: toll-free, within the United States, Guam, Puerto Rico and Canada: **855-748-5772**.

The Student also has the right to notify or decline to notify any authorities. As necessary, the University reserves the right to initiate a Complaint, to serve as Complainant, and to initiate conduct proceedings without a formal Complaint or, if necessary, consent, by the Complainant or Complainant.

## **B. Employee Complaints of Sexual Misconduct, Sexual Harassment, or Sex Discrimination When the Employee is the Complainant**

If an Employee believes that he or she has been subject to Sexual Misconduct, Sexual Harassment, or Sex Discrimination by any person whom the Employee encounters during the course of his or her employment, he or she may report the conduct as set out below. The Employee also retains the right to notify or decline to notify any authorities.

- Employee Title IX Coordinator (952) 885-5437.
- If the University employee is reporting an incident relating to a student complainant, he or she should also make a report to the Student Title IX Coordinator (952) 888-4777 x 309.

If an Employee believes that he or she has been subject to Sexual Misconduct, Sexual Harassment, or Sex Discrimination by any person whom the Employee encounters during the course of his or her employment, in addition to his or her right to make a report to the Employee Title IX Coordinator, he or she may also choose to make a report on the University's Title IX Reporting Hotline. The University's hotline is hosted by a secure, independent provider, EthicsPoint and reports are treated confidentially. Reporters may remain anonymous and reporters' IP addresses cannot be traced. Reports will be provided to the Vice President of Human Resources. It should be understood that an investigation may be hampered or be impracticable if the Complainant cannot be identified and questioned about the incident and related facts. There are two ways to use the hotline:

- Online: <https://secure.ethicspoint.com/domain/media/en/gui/35060/index.html>
- Phone: toll-free, within the United States, Guam, Puerto Rico and Canada: 855-748-5772.

As necessary, the University reserves the right to initiate a Complaint, to serve as Complainant, and to initiate conduct proceedings without a formal Complaint or, if necessary, consent, by the Complainant or Complainant.

## **C. Employee Receipt of Complaints or Observation of Sexual Misconduct, Sexual Harassment, or Sex Discrimination Against Another Employee or a Student**

Any Employee who receives a report or Complaint of Sexual Misconduct, Sexual Harassment, or Sex Discrimination regarding a Student or an Employee or observes

Sexual Misconduct, Sexual Harassment, or Sex Discrimination directed at another Student or Employee is required to immediately report it to the following:

- The Student Title IX Coordinator (952) 888-4777 x309;
- Employee Title IX Coordinator ((952) 885-5437).

#### **D. Report of Crimes Due to Protected Status**

If a Student or Employee believes that he or she has been a complainant of the criminal offenses of larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property, and/or any other crime involving bodily injury to any person, in which the Complainant believes he or she was selected because of his or her actual or perceived gender, sexual orientation, or gender identity, he or she should, if desired, report the incident to the University as outlined in section III.B. or local police agencies. This section does not impede a Complainant of these crimes from making a Complaint when the Complainant does not believe the crime was committed because of his or her protected class status.

#### **E. Prohibition Against False Reports**

The wilful filing of a false report is a violation of this policy.

#### **F. Statement on Confidentiality**

Although confidentiality cannot be assured, the University will respect the confidentiality of the Complainant, the reporter (if someone other than the Complainant), the Respondent, and the witnesses as much as possible, consistent with the University's obligations to investigate, to take appropriate action, to publish recordkeeping, and to comply with any legal obligations.

#### **G. Retaliation**

The University does not tolerate any Retaliation or intimidation directed toward anyone who makes a Complaint or report in good faith or who participates in good faith in the investigation of a Complaint.

The reporting procedure described above should also be used if a Student or Employee believes that he or she has been subjected to prohibited Retaliation.

### **IV. REPORTING PROCEDURES FOR INCIDENTS OF SEXUAL VIOLENCE**

#### **A. Reporting Complaints**

The University encourages Complainants of Sexual Violence to seek immediate medical and emotional assistance, including treatment for injuries and preventative treatment for sexually transmitted diseases. Assistance is available by calling 911, the Bloomington Police (952-563-4900), Campus Safety Officer extension 394. Medical treatment, including rape kits, may help Complainants preserve evidence of Sexual Violence and Sexual Misconduct. University security staff responding to an incident of sexual violence will inform the Complainant of his or her options to notify law enforcement authorities, seek medical assistance, and the University's reporting process; and security staff will assist the complainant with these contacts if the Complainant requests such assistance.

It is important for Complainants to preserve any evidence resulting from sexual violence that could be needed for criminal prosecution. Campus security will provide assistance in

preserving materials considered relevant to the internal complaint process and, when requested by the police, provide assistance in obtaining, securing, and maintaining evidence needed for criminal prosecution.

Complainants of Sexual Assault have the right to complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident.

The Complainant may report to the police, to the University, neither, or both. The University recognizes that the decision to report Sexual Violence to the police is the right of the Complainant. However, the University strongly encourages the immediate reporting of Sexual Violence to the following:

- In the case of a Student Complainant, the Student Title IX Coordinator (952) 888-4777 x309 or the Employee Title IX Coordinator (952) 885-5437.
- In the case of an Employee Complainant, the Employee Title IX Coordinator (952) 885-5437.

In addition, any Employee who receives a Complaint regarding a Student must immediately report it to the Student Title IX Coordinator.<sup>3</sup>

When applicable, the University will notify the Complainant of his or her rights and the University's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court (see Resources section below).

Although confidentiality cannot be assured, investigations will be conducted with sensitivity to confidential issues and investigative information will be communicated as appropriate to those with a need to know.

In some cases, unless prohibited by law, an individual may pursue criminal action and a University internal complaint concurrently. In certain circumstances, the University is prohibited from waiting for a criminal case to conclude before proceeding in its own internal investigation.

## **B. Resources**

Complainants may wish to utilize the following services:

### **Confidential Student Resource:**

- University Counseling Services (952) 885-5458
  - Counseling services is a confidential resources for students and conversations are protected by privilege

### **Confidential Employee Resource:**

- Employee Assistance Plan (877) 695-2789
  - Website: [workhealthlife.com/mlassist](http://workhealthlife.com/mlassist)

### **Off Campus Resources:**

- Local Police
  - 9-1-1

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<sup>3</sup> An Employee need not report if he or she is exempt from reporting requirements under applicable law.

- Bloomington Police (952) 563-4900
- Cornerstone is a violence prevention organization based in Bloomington, MN: <http://cornerstonemn.org/about-us/>. 24-hour crises line: 1-866-223-1111 or 952-884-0376
- Hennepin County Medical Center (HCMC) Acute Psychiatric Services, Phone: 612-873-3161
  - Suicide Hotline: 612-873-2222
  - 24-hour phone and walk-in service for evaluation and treatment of behavioral emergencies and significant life crisis.
- Sexual Violence Center - 612-871-5111, Minneapolis Office: 3757 Fremont Ave. N., Chaska Office: 500 North Pine St., Suite 303
  - 24-hour phone counseling, support groups, education, and individual counseling for victims, and loved ones of victims, who have experienced any form of unwanted sexual contact.
- The Walk in Counseling Center: Phone: 612-870-0565, [www.walkin.org](http://www.walkin.org), 2421 Chicago Avenue South, Minneapolis. Crisis intervention and short-term counseling to individuals, couples and families. No appointment is necessary during counseling hours. These services are free, but donations are appreciate
- Minnesota Coalition Against Sexual Assault, 161 St. Anthony Avenue, Suite 1001, St. Paul, MN 55103, Phone: 651-209-9993, Toll-Free: 1-800-964-8847, [www.mncasa.org](http://www.mncasa.org)
- National Domestic Violence Hotline (800) 799-SAFE (7233)
- National Sexual Assault Hotline (800) 656- HOPE (4673)

**Health Care Resources:** We encourage you to seek immediate medical attention regardless of whether you report the matter to law enforcement or the University.

- Fairview Southdale Hospital, 6401 France Avenue South, Edina, MN (952) 924-5000
- Allina Health, Abbott Northwestern Hospital, 800 East 28<sup>th</sup> Street, Minneapolis, MN (612) 863-4000
- Park Nicollet-Methodist Hospital, 6500 Excelsior Blvd, St. Louis Park, MN (952) 993-6600,

**County Resources regarding orders of protection, no contact order, or restraining orders:**

- Hennepin County Domestic Abuse Service Center (612) 348-5073
- Ramsey County Domestic Abuse and Harassment Office (651) 266-5130

## V. INFORMAL AND/OR FORMAL RESOLUTION OF COMPLAINTS

When a Complainant chooses to initiate a Complaint, there are two avenues for resolution: formal and informal resolution. The Complainant has the option to proceed informally, **except** in cases of sexual assault which always require the use of the formal resolution process. If the Complainant proceeds informally, either the Complainant or Respondent has the option to move the Complaint to the formal process at the time. Either the Student or Employee Title IX Coordinator in the Complaint proceeding will explain the informal and formal resolution procedures.

In addition, the Student and Employee Title IX Coordinators have discretion to move the Complainant to the formal resolution process or to refer the matter to other disciplinary procedures. The referral option will generally be used when: (1) the alleged behavior does

not fall within the Policy or (2) the alleged behavior applies to another disciplinary procedure. If the Student or Employee Title IX Coordinator determines that the report or Complaint, even if substantiated, would not violate the policy, he/she/they may close the matter or refer it to another, applicable, disciplinary procedure. The parties will be notified of that determination and the Complainant will be informed of other procedures for resolving the Complaint and of other resources that may be available to complainant.

Every attempt should be made to determine the option for resolution within five (5) business days of the submission of the Complaint.

#### Option A: Informal Procedure and Resolution

If the Complainant, the Respondent, and the institution all agree that an informal resolution should be pursued, the Informal Resolution Designee shall attempt to facilitate a resolution of the conflict that is agreeable to all parties.

The Complainant and Respondent each have the option to discontinue the informal process and request a formal investigation by notifying the Informal Resolution Designee in writing. The institution always has the discretion to bypass or discontinue the informal process and move forward with a formal investigation. If at any point during the informal process, the Complainant, the Respondent, or the institution wishes to cease the informal procedure and to proceed through the formal procedure, the formal procedure outlined below will be invoked.

The informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the institution to stop, remedy, and prevent Policy violations. The recommended resolution may include a variety of institutional responses or requirements, including, but not limited to, the following:

Warning, community service hours, restitution, required attendance at educational programs, required assessment and/or counseling, restriction of privileged, inclusion in the respondent's education or employment record of a finding that the policy was violated, corrective action, and/or probation.

If all parties to the complaint agree in writing to the terms and conditions of the recommended resolution within five (5) business days, the case will be resolved without further process under these Procedures. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) business days, the complaint will move to the formal procedure.

If the complaint is referred to the formal process, the time spent attempting to reach an informal resolution generally will not be counted as part of the 60-day time frame discussed in the "Timeline" section below.

#### Option B: Formal Procedure

If the Complaint is not resolved through the informal procedure outlined above, the Complaint shall be processed according to the formal procedure described below.

##### 1. Receipt of Complaint – Formal Investigation

Upon receipt of a Complaint, the University will notify and, when appropriate, obtain consent from the Complainant to promptly undertake or authorize a fair and impartial investigation. If the allegation is one of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, the investigation and disciplinary proceeding will be conducted by an official who receives annual training on the issues related to Domestic Violence, Dating Violence, Sexual Assault, and Stalking. This training also includes information about interacting with Complainants of sexual assault, including how to reduce the emotional distress resulting from the reporting, investigatory, and disciplinary process. No matter the type of Sexual Misconduct reported, the investigation will be conducted by someone who has been trained on how to conduct a prompt, fair, and impartial investigation; how to provide safety to the Complainant; and how to promote accountability.

## 2. Timeline

While a timeline cannot be guaranteed, the investigation will generally be completed within 60 calendar days from receipt of the complaint. If the investigation proceeding is delayed, the University will provide the participants with written notice of the delay and the reason for the delay.

## 3. Methods

The investigation may, as appropriate, consist of personal interviews with the Complainant, the Respondent, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the Complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

To determine whether alleged conduct constitutes a violation of this policy, the University may consider the facts and surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved, and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances using a preponderance of the evidence (*i.e.*, more likely than not) standard to evaluate Complaints. During the investigation, the University will never consider evidence about the Complainant's prior sexual conduct with anyone other than, when appropriate, the Respondent.

The University, at its discretion, may take immediate steps, based on the severity of the allegations, to protect the parties involved in the complaint process pending completion of an investigation.

To ensure the University can gather the information necessary to uphold University policies, each faculty, staff, or student who is requested to participate in a fact finding is required to fully cooperate with the investigator. Unless otherwise directed by the investigator, faculty, students, or staff will be expected to limit their discussion of the matter under investigation to those who need to know the information for the purposes of assisting in the resolution of the complaint. Nothing in this paragraph is intended to limit or restrict in any way a complainant from contacting at any time the police or governmental agencies responsible for the enforcement of any applicable laws.

## 4. Advisors in Cases Involves Allegations of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

For Complaints of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, the Complainant and the Respondent are each entitled to have another person present (in a support role) during a University disciplinary proceeding, including to be accompanied to any related meeting or proceeding by an Advisor of their choice. The Advisor may not participate in the meeting, but may attend and observe. The purpose of the Advisor is to support an individual throughout the investigation and resolution process. The Advisor's access to information is subject to the same limitations as those placed upon the Complainant and Respondent and conditioned upon the Advisor's agreement to maintain the confidentiality of certain information.

#### 5. Notification to Parties

The Complainant and the Respondent will be simultaneously notified in writing by the Student Title IX Coordinator or Employee Title IX Coordinator of any change to the results of the investigation that occurs prior to the time that the results become final.

### **VI. UNIVERSITY ACTION**

Upon completion of the investigation, the Investigator(s) will make a finding of facts report to the Student Title IX Coordinator or Employee Title IX Coordinator. If the Complaint involves the President, the report must be made directly to the Board of Trustees.

The Student or Employee Title IX Coordinator will evaluate the facts, make a determination if the facts violate the policy, and determine any sanction(s). The Student or Employee Title IX Coordinator will simultaneously inform the Complainant and Respondent of the Results of the investigation and any sanction(s) that will be imposed. The Student or Employee Title IX Coordinator will issue a report in writing and the sanctions, if any, will be detailed and the rationale for the decision will be given, including in all cases of domestic violence, dating violence, sexual assault, or stalking.

If a Complaint is substantiated, the University reserves the right to issue any of the following sanctions depending on the facts:

- No-contact directive
- Restriction of privileges
- Probation
- Written Warning
- Suspension
- Expulsion
- Termination
- Discontinuation of relationship or association (in the case of a Third Party)

In appropriate situations, the Student or Employee Title IX Coordinator will provide written notifications to Complainants about options for, and available assistance in, changing academic situations, if so requested by the Complainant and if such accommodations are reasonably available, regardless of whether the Complainant chooses to report the crime to the University or local law enforcement.

### **VII. APPEALS (ONLY APPLICABLE WHEN A STUDENT IS A PARTY)**

If either the Complainant or Respondent is a Student, both parties have a right to appeal. If the Complainant or Respondent is dissatisfied with the determinations made under this policy, that person may file an appeal if one of the below grounds for appeal exists. The Appeal should be filed in writing with the Student Title IX Coordinator within 10 business days of being notified of the results of the investigation. The Appeal should set forth the grounds on which

the Appeal is being filed and all of the facts and arguments in support of the Appeal. Absent good cause as determined by the **Title IX Appeal Officer**, a delay in filing the Appeal will be grounds for rejection of that Appeal. The Appeal will be forwarded to the **Title IX Appeal Officer** to review and make a final determination regarding the Appeal. Before an Appeal is determined, the Respondent may be given the opportunity to review the Appeal and, should he or she wish, to submit a written opposition to the Appeal within 10 business days. The **Title IX Appeal Officer** will strive to complete a determination regarding the appeal within 30 calendar days of receipt of the Appeal, or, when applicable, receipt of written opposition. The **Title IX Appeal Officer** will notify the Complainant and Respondent if the decision will take longer than 30 calendar days from the receipt of all documentation. **Please Note: the appeal process is limited to cases where the Complainant or Respondent is a Student.**

The **ONLY** grounds for an appeal are as follows:

- A procedural error occurred that significantly impacted the outcome of the investigation. A summary of the error and its potential impact must be included.
- To consider new evidence, unavailable during the original investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

**Note:** Appeals are not intended to be full re-investigations of complaints. In most cases, appeals are confined to a review of the written documentation and the appeal notice.

The Student Title IX Coordinator, in her or his discretion, will determine the appropriate appeals officer on a case-by-case basis from the list of Title IX Team Members.

The Title IX Appeal Officer will simultaneously notify the Appellant and Respondent of the decision in writing. The decision of the Title IX Team Member who reviewed and decided the Appeal is final.

### **VIII. UNIVERSITY REPORTING OBLIGATIONS:**

Under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), the University has a legal duty to track and publish information about certain types of Sexual Misconduct. The University will collect, prepare, publish, and distribute, through appropriate publications or mailings, to all current Students and Employees, and to any applicant for enrollment or employment upon request, an annual security report containing, among other things, information relating to the Campus crime statistics of the University and statistics concerning the occurrence on Campus, in or on non-campus buildings or property, and on public property, all criminal offenses reported to Campus security authorities related, among other things, to forcible or non-forcible sex offenses, Dating Violence, Domestic Violence, Sexual Assault, and Stalking. The University will not disclose the Complainant's name or other personally identifiable information in its report.

In addition to its reporting obligations under the Clery Act, under Minnesota Law, the University has a legal duty to track and report similar information about Sexual Assault on its website and to the Minnesota Office of Higher Education.

The University also must issue timely warnings to Students and Employees for certain types of incidents reported to them that pose a substantial threat of bodily harm or danger to members of the University community. The University will make every effort to ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Compliance with this Policy does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. § 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

#### **IX. COOPERATION WITH LAW ENFORCEMENT**

The University will comply with law enforcement's request for cooperation and such cooperation may require the University to suspend temporarily the fact-finding aspect of a Title IX investigation while the law enforcement agency gathers evidence. The University will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, which typically takes three to ten calendar days, although the delay in the University's investigation could be longer in certain instances.

The University will implement appropriate interim steps during the law enforcement agency's investigation period to provide for the safety of the complainant(s) and the campus community and the avoidance of retaliation.

When appropriate or legally obligated, the University may share investigative information with the law enforcement.

#### **X. ATTEMPTED VIOLATIONS**

In most circumstances, the University will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

#### **XI. NO REPRISAL**

There will be no Retaliation against any Complainant or reporter under this policy, nor against any person who participates in an investigation. The University will investigate Complaints and will take appropriate action against any Student or Employee who retaliates against any person who makes a good-faith report; who testifies, assists or participates in an investigation; or who testifies, assists or participates in a process relating to the report. Retaliation includes, but is not limited to, any form of intimidation, reprisal or Harassment. Appropriate action may include disciplinary or corrective action, up to and including termination or expulsion.

In addition, neither the University, nor any officer, employee, or agent of the University may retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights to avail themselves of the University's grievance procedures.

#### **XII. CONFLICT OF INTEREST**

If there is a conflict of interest with respect to any party affected by this policy, appropriate accommodations will be made, such as, but not limited to, appointing or contracting with a Consultant to conduct the investigation, or recusing the person from the process for whom a conflict or potential conflict of interest exists.

#### **XIII. ALTERNATIVE COMPLAINT PROCEDURES**

These procedures do not deny the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a charge with the United States Department of Education Office for Civil Rights (OCR).

The OCR office for Minnesota is located at:

U.S. Department of Education  
Office for Civil Rights  
Citigroup Center  
500 W. Madison Street, Suite 1475  
Chicago IL 60661-4544

Tel: 312.730.1560  
TDD: 877.521.2172  
Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov)

#### **XIV. STUDENT WAIVER OF DRUG/ALCOHOL VIOLATIONS**

The University strongly encourages Students to report instances of Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence or Stalking. As such, Students who report such information—either witnesses or Complainants—will not be disciplined by the University for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident. The use of alcohol or drugs does not make the Complainant at fault of Sexual Violence.

#### **XV. PROGRAMS DESIGNED TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

Pursuant to the Clery Act, the University has designed and implemented programs meant to prevent Domestic Violence, Dating Violence, Sexual Assault, and Stalking. Notably, the University has created education programs to promote the awareness of Rape, Domestic Violence, Dating Violence, Sexual Assault, and Stalking. These education programs include primary prevention and awareness programs for all incoming Students and Employees. In these programs, participants will

1. Be provided a statement that the University prohibits the offenses of Domestic Violence, Dating Violence, Sexual Assault, and Stalking;
2. Receive documentation with the definitions of Domestic Violence, Dating Violence, Sexual Assault, Stalking, and Consent;
3. Learn safe and positive options for Bystander Intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Domestic Violence, Dating Violence, Sexual Assault, and Stalking against a person other than such individual to encourage bystanders to intervene and to overcome any barriers to intervening;
4. Receive information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
5. Learn the possible sanctions or protective measures that the University may impose following a final determination of a University disciplinary procedure regarding Rape, Domestic Violence, Dating Violence, Sexual Assault, or Stalking;
6. Be informed regarding the procedures Complainants should follow if Domestic Violence, Dating Violence, Sexual Assault, or Stalking has occurred, including receiving information in writing about:

- The importance of preserving evidence as may be necessary to the proof of criminal Domestic Violence, Dating Violence, Sexual Assault, or Stalking, or in obtaining a protection order;
  - To whom the alleged offense should be reported;
  - Options regarding law enforcement and campus authorities, including notification of the Complainant's option to notify proper law enforcement authorities, including on-campus officials and local police; be assisted by campus authorities in notifying law enforcement authorities if the Complainant so chooses; and decline to notify such authorities;
7. Be notified that, when applicable, Complainants have rights and the University has responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
  8. Learn procedures for University disciplinary action in cases of alleged Domestic Violence, Dating Violence, Sexual Assault, or Stalking, which shall include a clear statement that the proceedings will provide a prompt, fair, and impartial investigation and resolution; and will be conducted by officials who receive annual training on the issues related to these crimes and how to conduct an investigation and hearing process that protects the safety of Complainants and promotes accountability;
  9. Be notified of the fact that the Complainant and Respondent are entitled to the same opportunities to have others present during a University disciplinary proceeding related to Domestic Violence, Dating Violence, Sexual Assault or Stalking, including the opportunity to be accompanied to any related meeting or proceeding by an Advisor of their choice;
  10. Be notified in writing that both the Complainant and Respondent shall be simultaneously informed, in writing, of – the outcome of any University disciplinary proceeding that arises from an allegation of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; and where a Student is involved, the University's procedures for the Complainant or Respondent to appeal the results of the University disciplinary proceeding when such results become final.
  11. Obtain information about how the University will protect the confidentiality of Complainants to the extent required by the law, including how publicly available recordkeeping will be accomplished without the inclusion of identifying information about the Complainant, to the extent permissible by law;
  12. Receive written notification about existing counseling, health, mental health, complainant advocacy, legal assistance, and other services available for Complainants both On-campus and in the community; and
  13. Receive written notification of Complainants' options for, and available assistance in, changing academic situations, if so requested by the Complainant and if such accommodations are reasonably available, regardless of whether the Complainant chooses to report the crime to campus officials or local law enforcement.
  14. The University will also offer ongoing prevention and awareness campaigns for Students and Employees and will provide attendees with, at minimum, the

same information listed above. These campaign programs will occur on a regular basis and no less frequently than once per year.

The University provides individuals responsible for investigating or adjudicating Complaints of Sexual Assault with training on preventing and responding to Sexual Assault in collaboration with the Bureau of Criminal Apprehension or another law enforcement agency with expertise in criminal sexual conduct. The training includes a presentation on the dynamics of Sexual Assault; responses to trauma; and preventing, responding to, and investigating Sexual Assault. The training also includes presentations on preventing Sexual Assault, responding to incidents of Sexual Assault, the dynamics of Sexual Assault, responses to trauma, and compliance with state and federal laws on Sexual Assault.

The University also provides Sexual Assault training to Students who attend one or more courses on campus or will participate in on-campus activities and who are pursuing a degree or certificate, and any other categories of Students determined by the University. This training includes information about topics including but not limited to Sexual Assault, Consent, preventing and reducing the prevalence of Sexual Assault, procedures for reporting campus sexual assault, and campus resources on Sexual Assault, including organizations that support complainants of Sexual Assault.

## **XVI. QUESTIONS**

Please direct any questions to:

Student Questions	Employee Questions
Student Title IX Coordinator (952) 888-4777 x 309	Employee Title IX Coordinator (952) 885-5437

## **STATEMENT OF THE RIGHTS OF THE ALLEGED COMPLAINANT**

- The right to choose to report an incident to University officials and the option to notify local law enforcement, including the right to file criminal charges with local law enforcement officials in Sexual Assault cases. This also includes the right to request that campus authorities promptly assist the Complainant in notifying the appropriate law enforcement officials of a Sexual Assault incident. This also includes the right not to report, if this is the Complainant's desire;
- The right to be treated with dignity by campus authorities, including the right to be free from campus authorities suggesting that the Complainant is at fault for the crimes or violations that occurred or that the Complainant should have acted in a different manner to avoid the crime;
- The right to complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident. This right includes the right to the assistance of campus authorities in preserving for a Sexual Assault complainant or Complainant materials relevant to a campus disciplinary proceeding;
- The right to a prompt, fair, and impartial investigation and appropriate resolution of all credible complaints of Sexual Misconduct made in good faith to university administrators;
- The right to decide when to repeat a description of the incident of Sexual Assault;
- The right to be notified of the timeframes for all major stages of the investigation;
- The right to present witnesses and evidence;
- In instances of reports of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, the right to have another person which may be an attorney, present (in a support role) during all phases of the investigation, including at any meeting with campus officials concerning the Complainant's Complaint or campus disciplinary proceeding concerning a Sexual Assault Complaint;
- The right to be notified of available counseling, health, mental health, complainant advocacy, legal assistance, visa and immigration assistance, student financial aid, or student services for Complainants of Sexual Assault, both on Campus and in the community;
- During and after the process of investigating a Complaint and conducting a campus disciplinary procedure, the notification of and options for, and available assistance in, shielding a Complainant from unwanted contact with the alleged assailant, including changing classes after an alleged Sexual Assault incident, if so requested by the Complainant and if such changes are reasonably available and feasible. Accommodations may include: exam (paper, assignment) rescheduling; transferring class sections; or alternative course completion options. This right includes the right to the assistance of University personnel, in cooperation with the appropriate law enforcement authorities, in implementing the requested changes;
- The right to a campus no contact order against another Student or Employee who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior;

- The right to a written notice of the outcome and, when applicable, resulting sanction of the investigation, generally within 24 hours of the decision. After a disciplinary proceeding involving an allegation of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, this right includes the right to be informed of the outcome in writing, including a summary of any sanctions and the rationale for the decision.
- If a Student is a party, the right to appeal<sup>4</sup> the findings and sanction, in accordance with the standards for appeal established in this policy;
- The right to preservation of privacy, to the extent possible and allowed by law;
- Consistent with applicable law, the right for a Student or Employee who reported an incident of Sexual Assault to be provided access to his/her description of the incident as it was reported to the University, including if that Student transfers to another postsecondary institution;
- In instances in which a Student reported a Sexual Assault to the University and subsequently chose to transfer to another postsecondary institution, the right to be provided with information about resources for Complainants of Sexual Assault at the institution to which the Complainant is transferring; and
- The right to notification of and options for changing classes after an alleged Sexual Assault incident, if requested by the Complainant.
- Complete information about Complainant's rights under Minnesota law can be found at: <https://dps.mn.gov/divisions/ojp/help-for-crime-complainants/Pages/crime-complainants-rights.aspx>

**This document is provided to Alleged Complainants in conjunction with Northwestern's Title IX Sexual Harassment, Harassment & Discrimination, and Sexual Violence Policy for Students, Employees, and Third Parties**

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<sup>4</sup>Appeals are not intended to be full re-investigation of the Complaint. In most cases, appeals are confined to a review of the written documentation and the appeal notice. Additionally, an appeal is only permitted in limited circumstances. Please see Section VII to review the grounds for an appeal.

## **STATEMENT OF THE ACCUSED INDIVIDUAL'S RIGHTS**

- The right to a prompt, fair, and impartial investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to University administrators against the Accused individual;
- The right to be notified of the timeframes for all major stages of the investigation;
- The right to present witnesses and evidence;
- In instances of reports of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, the right to have another person, which may be an attorney, present (in a support role) during all phases of the investigation;
- The right to be informed of and have access to campus resources for counseling and advisory services;
- If a Student is a party, the right to appeal<sup>5</sup> the findings and sanction, in accordance with the standards for appeal established in this policy;
- The right to a decision based solely on evidence presented during the investigative process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- The right to a written notice of the outcome and, when applicable, resulting sanction of the investigation, generally within 24 hours of the decision. After a disciplinary proceeding involving an allegation of sexual assault, dating violence, domestic violence, or stalking, this right includes the right to be informed of the outcome in writing, including a summary of any sanctions and the rationale for the decision.
- The right to preservation of privacy, to the extent required by law.

**This document is provided to Respondents in conjunction with Northwestern's  
Title IX Sexual Harassment, Harassment & Discrimination,  
and Sexual Violence Policy for Students, Employees, and Third Parties**

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<sup>5</sup>Appeals are not intended to be full re-investigation of the Complaint. In most cases, appeals are confined to a review of the written documentation and the appeal notice. Additionally, an Appeal is only permitted in limited circumstances. Please see Section VII to review the grounds for an Appeal.