

Northwestern Health Sciences University	
<b>TITLE IX, CAMPUS SaVE ACT, &amp; Minn. Stat. § 135A.15 Policy for Employees (Includes: Sexual Harassment, Harassment, Discrimination, &amp; Sexual Violence)</b>	Effective Date: February 2016  Revised: August 1, 2016
Page: 1 of 16	<b>Replaces:</b> Harassment & Offensive Behavior & Sexual Violence

**SCOPE**

The scope of this policy applies to all employees.

**POLICY**

It is the policy of the Northwestern Health Sciences University (the “University”) to maintain a working environment that is free from sexual harassment<sup>1</sup>, sexual intimidation, sexual exploitation, harassment, discrimination or 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. In addition, the University prohibits dating violence, domestic violence, sexual assault, and stalking.

The University is committed to promptly and fairly investigating and addressing incidents of sexual misconduct. **Retaliation against a person who reports or complains about sexual misconduct, sexual harassment, harassment, discrimination, or sexual violence or who participates in or supports the investigation of a complaint is also prohibited and will not be tolerated.**

This policy applies to all of the academic and nonacademic (extracurricular) programs of the University and will be enforced on University property, owned or leased, including the 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, or interferes with the rights of University employees to be free from a hostile working environment taking into consideration the totality of the circumstances on and off campus. That said, University employees 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 employee in reporting the incident to the proper party or authorities.

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<sup>1</sup> Title IX as well as other laws require that the University not discriminate on the basis of sex in the University's employment practices, as well as in its education programs and activities. Inquiries regarding the application of Title IX—or reports of Title IX violations—should be made to the Employee Title IX Coordinator.

The University will also promptly and appropriately investigate all complaints of sexual harassment, harassment, discrimination, or sexual violence—whether formal or informal, verbal or written—based on a University employee’s actual or perceived protected class status, and will discipline or take appropriate action against any student, faculty, or staff that 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, including but not limited to dating violence, sexual assault, and stalking.

If a University investigation reveals that 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 University 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 Employee Title IX Coordinator (the Vice President of Human Resources) to request an accommodation. Any employee of the University who is found to have violated this policy is subject to disciplinary or corrective action, up to and including termination of employment.

## **I. DEFINITIONS**

All violations detailed in this Policy can occur between individuals of the same or different genders.

- A. Advisor.** Any individual who provides the alleged victim or respondent support.
- B. 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
- C. 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
  - Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene
- D. 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).
- E. Campus Safety Officer.** The person who is responsible for compliance with the requirements of the Clery Act.
- F. 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. Past consent does not imply future consent. A person who is mentally incapacitated or physically helpless, as defined by Minnesota law, cannot consent to a sexual act. Corroboration of the victim's testimony is not required to show lack of consent. Consent can be withdrawn at any time.

**G. 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 victim 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.

**H. 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 (or parental) status, sexual orientation, gender identity, status with regard to public assistance, membership or activity in a local commission, family care leave status, or veteran status or any other protected class status defined by applicable law. Harassment includes conduct that denigrates or shows hostility or aversion toward an individual because of his or her actual or perceived protected class status as defined by law and that:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive employment environment; or
2. Has the purpose or effect of unreasonably interfering with an individual's job performance; or
3. Otherwise adversely affects an individual's employment opportunities.

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

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

**I. 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.

**J. 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.

- K. Investigators.** Those persons assigned to investigate possible violations under this Policy.
- L. 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.
- M. Ongoing prevention and awareness campaigns.** 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.
- N. 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.
- O. 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 victims concerning accommodations or protective measures to be provided to a victim.
- P. 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.
- Q. 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.
- R. Risk reduction.** Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- S. 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 victim, including instances where the victim 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 victim, 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 victim to submit or the actor causes personal injury to the victim).
- **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 victim 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 victim 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 victim, including instances where the victim 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.

**T. 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; or distributing intimate or sexual information about a person without his or her consent.

**U. Sexual Harassment** is unwelcome sexual advances, requests for sexual favors, 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

2. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual, or
3. Such conduct unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.

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

1. Repeated and unwelcome suggestions regarding, or invitations to, social engagements or social events; or
2. Any indication, express or implied, that any aspect of employment conditions 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
3. Unwelcome or coerced physical proximity or physical contact which is of a sexual nature or sexually motivated; or
4. The deliberate use of offensive or demeaning terms which have a sexual connotation; or
5. The deliberate creation of an intimidating, hostile or offensive atmosphere, through conduct or communication of a sexual nature; or
6. Inappropriate remarks of a sexual nature.

**V. 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.

**W. 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 victim is mentally incapacitated or impaired, physically impaired (due to the influence of drugs or alcohol), or asleep or unconscious.

**X. Stalking** means to engage in conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

**Y. 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. REPORTING PROCEDURES FOR INCIDENTS OF SEXUAL HARASSMENT, HARASSMENT, AND/OR DISCRIMINATION (please see Section III for reporting Sexual Violence)**

A. If a University employee believes that he or she has been subject to sexual harassment, harassment, or 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. In this circumstance, the employee also retains the right to decline to notify any authorities.

If a University employee observes sexual harassment, harassment, or discrimination, he or she must immediately report the conduct to the following:

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

If a University employee believes that he or she has been subject to sexual harassment, harassment, or 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 Reporting Person 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 victim or complainant.

- B.** If a University employee believes that he or she has been a victim of a forcible or nonforcible sex offense, including dating violence, domestic violence, sexual assault, or stalking, on campus, and in certain circumstances as defined in this policy in or on non-campus buildings or property, or on public property, he or she should, if desired, report the incident to the University as outlined in section II. A. and/or local police agencies.
- C.** If a University employee believes that he or she has been a victim 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 victim 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 II. A. or local police agencies.
- D.** The willful filing of a false report will be considered to be a violation of University policy.
- E.** Although confidentiality cannot be assured, the University will respect the confidentiality of the complainant, the reporter (if someone other than the complainant), the individual(s) against whom the complaint is filed, 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.

### III. REPORTING PROCEDURES FOR INCIDENTS OF SEXUAL VIOLENCE

#### A. Reporting Complaints

1. We encourage victims 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 victims preserve evidence of sexual violence and misconduct. University security staff responding to an incident of sexual violence will inform the victim 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 victim with these contacts if the victim requests such assistance.

It is important for victims 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.

Victims 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 victim 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 victim. However, the University strongly encourages the immediate reporting of sexual violence to the following:

Employee Title IX Coordinator: **(952) 885-5437**.

2. If a University employee reports to the University that the employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, the University will provide the employee with a written explanation of the employee's rights and options.
3. When applicable, the University will notify the victim 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).
4. 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, pursuant to applicable law.
5. If the sexual violence reoccurs, it should immediately be reported to any of the individuals listed above. The Reporting Procedure described above should also be used if a University employee believes he or she has been subjected to prohibited retaliation or intimidation.

6. 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.
7. Pursuant to the law, 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 noncampus buildings or property, and on public property all criminal offenses reported to campus security authorities related, among other things, to forcible or nonforcible sex offenses, dating violence, domestic violence, sexual assault, and stalking.

## **B. Resources**

Victims may wish to utilize the following services:

### **Off Campus Resources:**

- Local Police
  - 9-1-1
  - Bloomington Police (952) 563-4900
- Minnesota Crime Victims Reparations Board (651) 201-7300
  - Visit the Board's website for a summary of crime victims' rights: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>
- Sexual Violence Center, Minneapolis Office (612) 871-5100
- Hennepin County and Sexual Assault Resources (612) 873-5832
  - Available 24 hours a day and at area hospital emergency rooms
- Tubman Chrysalis Centers Crisis Line (612) 825-0000
- Minnesota Coalition Against Sexual Assault (651) 209-9993
- Minnesota Office of Justice, Crime Victim Services (800) 247-0390 (extension 3 for information and referral)
- National Domestic Violence Hotline (800) 799-SAFE (7233)
- National Sexual Assault Hotline (800) 656- HOPE (4673)
- Fairview Southdale Hospital, 6401 York Avenue South, Edina, MN (952) 924-5000
  - Note: If you have been the victim of sexual assault, you should seek immediate medical attention regardless of whether you report the matter to law enforcement or the University.
- Minnesota Commissioner of Public Safety (651) 201-7160

### **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

## **IV. INVESTIGATION**

- A. Upon receipt of a report or 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 victims 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 victim; and how to promote accountability.
- B. The investigation will generally be completed within 60 calendar days from receipt of the complaint. If the investigation proceeding will be delayed, the University will provide the participants with written notice of the delay and the reason for the delay.
- C. The investigation may, as appropriate, consist of personal interviews with the complainant, the reporter (if someone other than the complainant), the individual(s) against whom the complaint is filed, 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.
- D. If the investigation is based on an allegation of domestic violence, dating violence, sexual assault, or stalking, the complainant and the respondent are each entitled to have others present 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.
- E. In determining 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 alleged perpetrator.
- F. 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.
- G. 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.

- H. The complainant and the respondent will be simultaneously notified in writing by the Employee Title IX Coordinator of any change to the results of the investigation that occurs prior to the time that the results become final.

## **V. UNIVERSITY ACTION**

- A. Upon completion of the investigation, the investigator(s) will make a finding of facts report to the Employee Title IX Coordinator. If the complaint involves the President, the report must be filed directly with the Board of Trustees.
- B. The Employee Title IX Coordinator will evaluate the facts, make a determination if the facts violate the policy, and determine any sanction(s). The 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 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.
- C. If a complaint is substantiated, the University will take appropriate and effective action depending on the circumstances. Such action may include, but is not limited to, training, counseling, suspension, expulsion, termination, or other appropriate action.
- D. In appropriate situations, the Employee Title IX Coordinator will provide written notifications to victims about options for, and available assistance in, changing academic situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to University administration or local law enforcement.
- E. Pursuant to applicable law, the University will make timely reports to the campus community on certain crimes considered to be a threat to other students and employees, including forcible and nonforcible sex offenses that are reported to campus security or local law police agencies. These reports will be provided to students and employees in a timely manner, will withhold the name(s) of the victim(s) as confidential, and will aid in the prevention of similar occurrences.
- F. In accordance with applicable law, the Employee Title IX Coordinator retains the right to issue possible sanctions or engage in protective measures following a final determination of a University disciplinary procedure, including in all cases involving rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking. The University reserves the right to issue any of the following sanctions in any order in these circumstances depending on the facts:
- No-contact directive
  - Restriction of privileges
  - Probation
  - Written Warning
  - Suspension
  - Expulsion
  - Termination

## **VI. UNIVERSITY REPORTING OBLIGATIONS:**

Victims of sex discrimination should also be aware that, under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), University administrators 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 victim’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.

The University is required by federal law to report statistics regarding incidents of sexual violence. Annually, the University reports such statistics to students, faculty, and staff. 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).

## **VII. COOPERATION WITH LAW ENFORCEMENT**

The University will comply with law enforcement’s request for cooperation and such cooperation may require the University to temporarily suspend 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 victim(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.

## **VIII. 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.

## **IX. NO REPRISAL**

There will be no retaliation against any complainant or reporter of sexual harassment, harassment, discrimination, or sexual violence under this policy, nor against any person who participates in an investigation. The University will investigate complaints and will take appropriate action against any University 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.

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

## **X. 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.

## **XI. 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)

## **XII. 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, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. These education programs include primary prevention and awareness programs for all incoming students, faculty, adjunct faculty, and staff. 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, or 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, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking;
6. Be informed regarding the procedures victims should follow if a sex offense, 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 victim'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 victim so chooses; and decline to notify such authorities;
7. Be notified that, when applicable, victims 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 victims 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, 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.
  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, victim advocacy, legal assistance, and other services available for victims 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 faculty, adjunct faculty, and staff 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.

#### **IV. QUESTIONS**

Please direct any questions to the Employee Title IX Coordinator.

## STATEMENT OF THE RIGHTS OF THE ALLEGED VICTIM

- 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 victim in notifying the appropriate law enforcement officials of a sexual assault incident. This also includes the right not to report, if this is the victim's desire;
- The right to be treated with dignity by campus authorities, including the right to be free from campus authorities suggesting that the victim is at fault for the crimes or violations that occurred or that the victim 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 victim materials relevant to a campus disciplinary proceeding;
- The right to decide when to repeat a description of the incident of sexual assault;
- 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 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, including an attorney, present (in a support role) during all phases of the investigation, including at any meeting with campus officials concerning the victim's complaint or campus disciplinary proceeding concerning a sexual assault complaint;
- The right to be notified of available counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, or services for victims 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 victim from unwanted contact with the alleged assailant after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available and feasible. 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 a member of the University 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.
- The right to preservation of privacy, to the extent possible and allowed by law.

**This document is provided to Victim in conjunction with  
Northwestern's Title IX & Campus SaVe Act Policy for Employees**

## **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 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;
- 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 Respondent in conjunction with Northwestern's Title IX & Campus SaVe Act Policy for Employees**