

2024 ANNUAL SECURITY REPORT
INCLUDING 2021, 2022, 2023 CAMPUS CRIME STATISTICS

Issued September 30, 2024



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MESSAGE FROM THE PRESIDENT AND CEO

Thank you for spending time reviewing our annual security report. Northwestern Health Sciences University publishes this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), Campus Sexual Violence Elimination Act (Campus SaVE Act) and the Higher Education Opportunity Act of 2008 and Minn. Stat. § 135A.15. This report includes statistics for the previous three years concerning reported crimes that occurred on campus or property owned or controlled by Northwestern Health Sciences University and on public property within, immediately adjacent to, and/or accessible from the campus.


Northwestern Health Sciences University is committed to ensuring a safe environment for all members of our community by providing adequate and appropriate security services and establishing procedures for reporting crimes on campus. However, a safe campus can only be achieved with the cooperation of all members of the campus community. Students and employees are encouraged to be aware of the safety issues on campus and to act to prevent and report illegal and inappropriate activities. All employees are required to report any alleged sexual misconduct to the Title IX Coordinator.

This report is written by the Office of Student Affairs and Human Resources and we work diligently with other departments and agencies to compile the necessary information for this report. We encourage all community members to review this report. If you have any questions, please contact Anthony Molinar, Dean of Students and Student Title IX Coordinator or Mary Gale, Vice President of Human Resources and Employee Title IX Coordinator.

A copy of this report is available during regular business hours in the Offices of Student Affairs and Human Resources.

Let's work together to ensure a safe and secure environment at Northwestern Health Sciences University.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Bushway". The signature is written in dark ink and is positioned below the word "Sincerely,".

Deborah Bushway, Ph.D.
President and CEO

Mission

Northwestern Health Sciences University prepares the next generation of healthcare professionals to deliver and advance healthcare.

Vision

We are a premier health sciences university creating a healthier world. Live, Learn, Serve Healthy!

Values

- Accountability
- Collaboration
- Excellence
- Innovation
- Respect
- Service

Our Promises

- We cultivate caring and are by nature invested in the personal success and well-being of others.
- We listen deeply and with open minds to fully appreciate other perspectives.
- We look beyond symptoms to understand cause, then co-create solutions.
- We embody integrity and innovation; blending mastery with forward thinking.
- We practice intellectual humility and continuously engage in learning.
- We bridge the worlds of seen and unseen, of knowledge and action, of past and future.
- We foster physical, spiritual, and emotional health in ourselves and others.
- We bring generosity of spirit to our work and take joy in what we do together.
- We are united in purpose; earning one another's trust and respectful of our differences

Campus Safety

Northwestern Health Sciences University does not have a campus law enforcement staff and does not have residential facilities. Campus safety and security duties are the responsibilities of the Facilities department.

The Facilities department is responsible for maintaining University owned buildings and grounds with a concern for safety and security. Primary safety and security functions of the department include:

- * conduct routine security and safety inspections;
- * investigate reported incidents and suspicious activities;
- * provide escort services for the main campus
- * monitor main campus building access;
- * secure and unlock main campus buildings according to schedule;
- * monitor closed circuit television system on the main campus;
- * enforce campus parking regulations;
- * maintain the campus card access system for the main campus;
- * monitor security, fire and building-mechanical alarm systems;
- * contact law enforcement agencies when required.

Employees of the Facilities department perform routine safety functions on the main campus Monday through Friday from 7 a.m. to 4 p.m. and emergency assistance is available through local police, fire, or medical agencies. The University provides contract security personnel on the main campus Monday through Friday from 4:00 p.m. to 12:00 a.m. and weekends from 7 a.m. to 11:00 p.m. Contract services for special events may be made with off-duty police officers. Facilities and Security personnel do not have police powers or the authority to arrest individuals. All applicants for security or facilities positions undergo a background check in compliance with Minnesota regulations.

Escort service is available by calling extension 555.

Escort service is available until 11:00pm on weeknights, and until 9:00pm on weekends by calling ext.555.

The Facilities department or security personnel are responsible for first response to all emergency situations until assistance is available by local police, fire or medical agencies. NWHSU maintains a close working relationship with the Bloomington Police Department, state and federal law enforcement agencies, and all appropriate elements of the criminal justice system.

Campus Access

All areas of the main University campus are accessible during normal business hours Monday through Friday. Some areas of the campus such as the library, student lounge, and cafeteria are also accessible evenings and weekends. Outside doors to the campus are equipped with electronic card access control systems that keep a record of entrances and exits from the building. The campus building is accessible by card access only from 6:00 p.m. to 10:30 p.m. Monday through Friday and from 7 a.m. to 8:30 p.m. Saturday and Sunday. Surveillance camera systems operate 24 hours a day at key interior locations.

Crime Prevention

Crime prevention is a shared responsibility of the University and members of the campus community. The University efforts are based on minimizing or eliminating criminal opportunities along with encouraging students and employees to be responsible for their own security and the security of others. Northwestern provides information regarding campus security, sexual harassment and violence, substance abuse, and unacceptable behavior during new student orientations and through its student handbooks.

Students and employees are encouraged to:

- * report all incidents or suspicious activities immediately
- * lock your motor vehicle at all times
- * protect your personal property when on campus
- * maintain custody of the keys and access cards which you have been provided, and report promptly the loss of any such keys or cards.
- * use the correct size lock for lockers
- * don't leave books, jewelry, wallets, keys, backpacks or other valuables unattended
- * don't leave valuables visible in motor vehicles
- * don't leave purses unattended in unlocked desks
- * don't leave valuables on a chair behind you while at a study carrel, in the library or computer lab

Reporting Crimes on Campus

Students and employees of the University are encouraged to immediately report emergencies and criminal activities using the following guidelines:

1. If immediate danger to life or property exists, dial 911.
2. On campus incidents involving violence or injury should be reported immediately by contacting local law enforcement officials (911) and the Facilities department using the emergency extension 555. University officials will assist victims of crime in notifying local law enforcement officials upon request.
3. Report any personal property loss to the following:
 - Facilities Director (extension 555)

4. Incidents that involve offensive or harassing behavior, a violation of the University's anti-drug and alcohol policies or incidents of domestic violence, sexual assault or stalking should be reported to one of the following:
 - Dean of Students and Student Title IX Coordinator (952) 887-1381
 - Vice President, Human Resources and Employee Title IX Coordinator (952) 885-5437
5. When circumstances warrant, special security alerts will be distributed to students and employees using the campus e-mail system, RAVE and/or postings, including digital signage.

Confidential Reporting for Crime Statistic Collection Purposes

Victims or witnesses of crimes may choose to report incidents confidentially for the purposes of data collection for inclusion in this Annual Security Report, and in our annual disclosure of crime statistics. To make a voluntary, confidential report for these purposes, community members may utilize our reporting hotline. The reporting hotline is a confidential online and toll-free resource operated by a third-party provider, EthicsPoint. The reporting hotline should not be used to report emergencies as discussed in the previous section.

- Making a report online: <https://secure.ethicspoint.com/domain/media/en/gui/35060/index.html>
- Making a report by phone: 855-748-5772

Memorandum of Understanding

Northwestern Health Sciences University has entered into a Memorandum of Understanding (MOU) with the Bloomington Police Department to assist with investigation of crimes as required by Minnesota Statute.

The Minnesota Statute requires postsecondary institutions and local law enforcement agencies to enter into a MOU that delineates responsibilities and requires certain information sharing, in accordance with applicable state and federal privacy laws, about certain crimes.

Education and Prevention Programs

The University engages in comprehensive web-based educational programming which consists of primary prevention and awareness programs for all incoming students and new employees as well as ongoing awareness and prevention campaigns for students and faculty and staff that identify and define Sexual Misconduct and Stalking, identify and define Consent for Sexual Harassment, Sexual Abuse, and Relationship Violence, provide safe and positive options for bystander intervention, provide risk reduction information. Additional programming may be communicated through a variety of communication strategies including email blasts, notices on bulletin board, etc. These campaign programs will occur on a regular basis and no less frequently than once per year.

Responsibility for Compliance with Campus Security Act

The Director of Facilities has responsibility for:

Overseeing the supervision of campus security.

Providing timely warning to the University campus community of any occurrences of a serious or continuing threat to students and employees on campus.

Assigning primary responsibility to respond to and to take appropriate action on reports of criminal actions and other emergencies.

The Student Title IX Coordinator and the Employee Title IX Coordinator share responsibility for:

Preparing, publishing, and disseminating all required policy statements, operating procedures, and reports as required by law.

Supervising and overseeing the execution of all established policies and procedures.

Supervising and overseeing the gathering and reporting of all statistics as required by law.

Crime Alerts

Crime Alerts, also known as “timely warnings,” are used to inform the campus community of security issues and campus crimes that, in the judgment of the Director of Facilities or their designee, constitute an ongoing or continuing threat. Crime alerts may be distributed selectively, to an effected group or area of campus, or to the entire campus as circumstances warrant. Crime Alerts may be distributed via e-mail, posted in or near building entrances and/or posted on the University web site and through our RAVE alert system.

Notification of an Immediate Threat

If the President and CEO or his designee confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the University community, the members of the Preparedness and Response Team will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the University community or to the appropriate segment of the community. If the threat is limited to a particular building or segment of the population the Preparedness and Response Team will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Preparedness and Response Team and/or local police, fire and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the Northwestern community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include network emails, emergency text messages through the NWHSU RAVE Alert, broadcast phone calls, 2 way radios and telephone calling trees.

Evacuation Procedures

Each building at NWHSU has a written emergency evacuation procedure. Floor plans indicating exits, fire extinguishers, and defibrillators accompany each of these procedures. The floor plans are kept on file in the Facilities Department.

In the event of a situation in which it is no longer safe to remain inside the building, the evacuation procedure below should be followed.

1. An evacuation will occur when the fire alarm sounds and/or notification is made by University Administration, or the Bloomington Police or Fire Departments.
2. Everyone should leave by the nearest marked exit and alert others to do the same. Evacuation routes are posted in each office and clinic area.
3. Disabled individuals should be assisted in exiting the building.
4. Elevators should not be used to evacuate the building.
5. Once outside the building, individuals should proceed to the designated assembly area if your department has identified a meeting area. If not, you may go to the East or West side of the main campus building. Streets, fire lanes, hydrants, and walkways should be kept clear for emergency vehicles and personnel.

6. Employees should not return to the building, or leave the designated assembly area, until directed to do so by University officials.

Clery Offenses (Federal Offense Definitions):

Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of a human being by another.

Negligent Manslaughter: The killing of another person through gross negligence.

Sexual assault. Sexual assault is any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. This includes the following offenses:

- **Rape**—The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of his/her temporary or permanent mental or physical incapacity.
- **Sodomy**—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
- **Sexual Assault With An Object**—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of their temporary or permanent mental or physical incapacity.
- **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of his/her temporary or permanent mental or physical incapacity.
- **Incest**—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape**—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Aggravated Assault: An unlawful attack by a person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce health or great bodily harm. (It is not necessary that injury from an aggravated assault occur when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary: The unlawful entry into a structure to commit a felony or theft. For reporting purposes this definition includes: unlawful entry with the intent to commit a larceny or felony, breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. Motor vehicle theft includes all cases where automobiles are taken by persons not having lawful access to the vehicle, even though the vehicles are later abandoned – including joyriding.

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

Drug Abuse Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Weapons Law Violations: The violation of laws or ordinances dealing with weapons offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons (concealed or openly); furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Dating Violence: Sexual or physical abuse or the threat of such abuse 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.

Domestic Violence: 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.

Stalking: 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.

Hate Crime: Criminal acts—or attempted criminal acts—against an individual or group of individuals because of their actual or perceived race, religion, national origin, ethnicity, sex/gender, disability, or any other protected classes defined by law.

Report Categories

These offenses are reported according to their occurrence in the following location categories:

Campus – (1) Buildings or property owned or controlled by Northwestern Health Sciences University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, Northwestern's educational purposes; and (2) buildings or property that are within or reasonably contiguous to the area identified in paragraph (1) of this definition, that are owned by Northwestern but controlled by another person, are frequently used by students, and support institutional purposes.

Public Property - All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Public property statistics are compiled and supplied by the City of Bloomington Police Department.

Sources of Data

Northwestern Health Sciences University relies on the City of Bloomington Police Department to provide statistics on crimes committed on campus, non-campus and public property as defined in the section of this report titled Report Categories.

Northwestern Health Sciences University also relies on crimes reported to Campus Security Authorities. Although every effort is made to avoid duplication between Police Department and Campus Security Authority incidents, individual incidents may be reported multiple times within the same calendar year.

“Campus Security Authorities” include the Director of Facilities as well as officials of Northwestern who have significant responsibility for student and campus activities including, but not limited to, student discipline and campus judicial proceedings.

Crime Statistics

The following is the statistical report of crimes occurring on the Northwestern Health Sciences University campus for the reporting period during 2016-2018. The report includes the number of reports of crimes, not necessarily confirmed cases. Statistics include information reported to University officials for incidents occurring on campus and on public property adjacent to the campus (sidewalks, streets, etc.). Northwestern does not have any residence halls or non-campus buildings or property.

Reported Crime	On-Campus			Public Property		
	2023	2022	2021	2023	2022	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	1	0
Arson	0	0	0	0	0	0
Liquor Law Violations Arrests	0	0	0	0	0	0
Liquor Law Violations Referrals	0	0	0	0	0	0
Drug-Related Violations Arrests	0	0	0	0	0	0
Drug-Related Violations Referrals	0	0	0	0	0	0
Weapons Violations Arrests	0	0	0	0	0	0
Weapons Violations Referrals	0	0	0	0	0	0

HATE CRIMES: There were no hate crimes reported for 2021, 2020 or 2019.

Reported Crime (VAWA)	On-Campus			Public Property		
	2023	2022	2021	2023	2022	2021
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking Incidents	0	0	0	0	0	0

Sexual Assault Data as Required by the Minnesota Office of Higher Education per Minn. Stat. § 135A.15, subd. 6

Categories	Number(s)
1. Total incidents of sexual assault reported to the institution during the prior calendar year	0
2. Of those in category #1, the number investigated by the institution to determine whether the institution's policy was violated	0
3. Of those in category #2, the number referred for a disciplinary process at the institution	0
4. Total incidents (category 1) where alleged victim reported to law enforcement, to the extent that the institution is aware	0
5. The number for which a campus disciplinary process is pending but has not reached a final resolution as of the date of this report	0
6. The number in which the respondent(s) was/were found responsible for sexual assault by the disciplinary process at the institution	0
7. The number that resulted in any action by the institution greater than a warning issued to the respondent	0
8. The number that resulted in a disciplinary process at the institution that closed without resolution	0
9. Of those in category #8, the number that resulted in a disciplinary process at the institution that closed without resolution because respondent withdrew from institution	0
10. Of those in category #8, the number that resulted in a disciplinary process at the institution that closed without resolution because alleged victim chose not to participate in the process	0
11. The number in which the alleged victim chose not to participate in the institution's process prior to a disciplinary process beginning?	0
12. The number of reports made through online reporting system established in Minn. Stat §135A.15 subd. 5, excluding reports submitted anonymously	0

Daily Crime Log

The Facilities Department maintains a daily crime log, available for viewing in the Facilities Department during the normal hours of operation. This log records the nature, date, time, and general location of each call or complaint.

Information about Registered Sex Offenders

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Minnesota, convicted sex offenders must register with the Department of Corrections. You can link to this information, by accessing State Department of Corrections website at <https://coms.doc.state.mn.us/publicregistrantsearch>.

Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the University or the criminal justice system, you may still consider making a confidential report. With your permission, University Counseling Services can file a report as to the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. University Counseling Services are licensed counselors and are not obligated to report the incidents of sexual harassment, since those individuals are viewed as confidential resources. Confidential reporting may limit the University's ability to investigate specific complaints and issue sanctions.

Emergency Drills, Testing, and Evacuation Procedures

Emergency policies, procedures, and notification systems are publicized to the all members of our community are evaluated as needed, and are tested on an annual basis. The tests generally are announced to the public, but occasionally they may be unannounced.

Drug Free Campus and Prevention Program

The collective vision at Northwestern Health Sciences University is to develop an environment that fosters exemplary, innovative and ethically based educational programs in natural health care. Drug and alcohol use and abuse can interfere with a student's ability to pursue an education and the University's ability to carry out its mission. Alcohol and drug abuse affect the health, safety and well-being of all students and staff.

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989, Northwestern has implemented the following policies to prevent the illicit use of drugs and the abuse of alcohol by students and employees.

The unlawful manufacture, distribution, dispensation, possession, or use of any controlled substance or illegal drug is prohibited on campus, including all University premises where the activities of the University are conducted, while on University business or as part of any of the University's programs or activities. In addition, the University also prohibits the unauthorized possession, use or distribution of alcohol on campus, while on University business or as part of any of the University's programs or activities. At certain sanctioned University functions, alcoholic beverages may be allowed, but will be monitored.

Storing any unauthorized controlled substances, drug paraphernalia or alcohol in a locker, desk, University owned vehicle or other place on University owned or occupied premises is prohibited. It is the responsibility of employees and students to know and comply with this policy. To facilitate this, the campus alcohol and drug policy is clearly laid out and distributed to all students and employees as follows:

1. The University's drug and alcohol policy is available in the [Student Handbook](#) and the Personnel Policy and Procedure Manual, which are made available to students and employees. Information on Northwestern's drug and alcohol policies are distributed to all new and current students, staff and faculty through various University departments. At orientation sessions for new students, staff, and faculty, information about the University's drug and alcohol policies are provided.
2. Each year, copies of this policy are sent to all students and employees via email. Those who violate this drug and alcohol use policy will be subject to disciplinary action up to and including dismissal. Employees and students who violate this policy may be referred for criminal prosecution. The use of controlled substances/illegal drugs or narcotics and the service of or selling of alcohol to those less

than 21 years of age is against the law. Many states will not grant license privileges to graduates convicted of a federal offense.

3. This alcohol and drug policy applies to all functions on the Northwestern Health Sciences University campus as well as all university-sponsored events off campus. This policy is subject to the jurisdiction of the University Cabinet. The University conducts a biennial review of this policy to determine the effectiveness of this policy and to ensure that disciplinary sanctions for violating student conduct are enforced consistently.

A full list of policies can be found in the Student Handbook.

Legal Sanctions

There are significant criminal penalties under state and federal law for the unlawful possession or distribution of alcohol and illicit drugs.

Penalties include:

- Consumption of alcohol by a minor - up to a \$700 fine and /or 90 days in jail
- Illegal sale of alcohol – up to \$3,000 fine and/or 1 year in jail
- Possession of a small amount of marijuana – up to a \$700 fine and/or 90 days in jail
- Sale or possession of controlled substances – up to a \$1,000,000 fine and/or 30 years in jail

A host or organization accepting donations or charging for alcoholic beverages served may, in some circumstances, be guilty of selling liquor without a license and may also be liable if someone served becomes intoxicated and his or her behavior results in injury or loss to another person. Both criminal and civil liability can result.

Penalties

Schedule of Drugs (I-V)

- I. Heroin, LSD, mescaline and peyote, amphetamine variants, marijuana, other hallucinogens.
- II. Opium, morphine, codeine, methadone, cocaine, barbiturates.
- III. Anabolic steroids, opium, codeine, methadone, cocaine, barbiturates.
- IV. Barbiturates, benzodiazepines, chloral hydrates, other narcotics, stimulants, and depressants.
- V. Opium, codeine, other narcotics and depressants.

Examples of Federal Drug Law Penalties

Fines and sentences may be higher than stated below. Always subject to change.

Schedule I Drugs (Penalty for possession)

First Offense: 10 years to life, 10 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$4 million fine individual, \$10 million other than individual. Second Offense: 20 years to life, 20 year mandatory minimum; if death or serious injury, not less than life; up to \$8 million fine individual, \$20 million other than individual.

Schedule II Drugs (Penalty for possession)

First Offense: 5 to 40 years, 5 year mandatory minimum; if death or serious injury, 20 year minimum; up to \$2 million fine individual, \$5 million other than individual. Second Offense: 10 years to life, 10 year mandatory minimum; if death or serious injury, not less than life; up to \$4 million fine individual, \$10 million other than individual.

Schedule I or Schedule II Controlled Drugs

(Penalty for possession of drugs other than Heroin, LSD, and Fentanyl Analogue)

First Offense: 0 to 20 years, if death or serious injury, 20 year minimum, not more than life; up to \$1 million fine individual, \$5 million other than individual. Second Offense: 0 to 30 years, if death or serious injury, not less than life; up to \$2 million fine individual, \$10 million other than individual.

Schedule III Drugs (Penalty for possession)

First Offense: 0 to 5 years, up to \$250,000 fine individual, \$1 million other than individual. Second Offense: 0 to 10 years; up to \$500,000 fine individual, \$2 million other than individual.

Schedule IV Drugs (Penalty for possession)

First Offense: 0 to 3 years, up to \$250,000 fine individual, \$1 million other than individual. Second Offense: 0 to 6 years, up to \$500,000 fine individual, \$2 million other than individual.

Schedule V Drugs (Penalty for possession)

First Offense: 0 to 1 year, up to \$100,000 fine individual, \$250,000 other than individual. Second Offense: 0 to 2 years, up to \$200,000 fine individual, \$500,000 other than individual.

Minnesota Alcohol Violations

Fines and sentences may be higher than stated below. Always subject to change.

Driving while intoxicated:

\$1,000 fine, 90 days in jail, revocation of driver's license for 30 days, reinstatement fee of \$20, retake driver's license exam – written and behind-the-wheel.

Possession by persons under 21:

\$100 fine.

Use of false identification for alcohol purchase:

\$100 fine.

Furnishing alcohol to persons under 21:

\$3,000 fine and/or 1 year in jail

Party Ordinance:

\$300 fine and/or 90 days in jail.

Examples of Minnesota Drug Laws and Penalties

Fines and sentences may be higher than stated below. Always subject to change.

First Degree

Sale: 10+ grams of cocaine, 50+ grams of other narcotic drug, 200+ doses hallucinogen, 50 kilos marijuana, or 25+ kilos marijuana in a school zone, park zone, or public housing zone.

Possession: 25+ grams cocaine, 500+ grams of other narcotic drug, 500+ doses hallucinogen, 110+ kilos marijuana.

Penalty: 0 to 40 years, 4 year mandatory minimum if prior drug felony; up to \$1,000,000 fine. 0 to 40 years, 2nd offense.

Second Degree

Sale: 3+ grams cocaine, 10+ grams of other narcotic drug, 50+ doses hallucinogen, 25+ kilos marijuana, or sale of a Schedule I or II narcotic drug of 5+ doses hallucinogen or methamphetamine either to a person under 18 or in a school zone, park zone, or public housing zone.

Possession: 6+ grams cocaine, 50+ grams of other narcotic drug, 100+ doses hallucinogen, 50+ kilos marijuana.

Penalty: 0 to 40 years, 3 year mandatory minimum if prior drug felony; up to \$500,000 fine.

Third Degree

Sale: Narcotic drug, 10+ doses hallucinogen, 5+ kilos marijuana, or sale of any Schedule I, II, or III drug (except a Schedule I or II narcotic drug or marijuana) to a person under 18 or employment of person under 18 to sell the same.

Possession: 3+ grams cocaine, 10+ grams of other narcotic drug, 10+ kilos marijuana, and any amount of a Schedule I or II narcotic drug or LSD or methamphetamine or 5+ kilos marijuana in a school zone, park zone, or public housing zone.

Penalty: 0 to 30 years, 2 year mandatory minimum if prior drug felony; up to \$250,000 fine. 0 to 30 year years, 2nd or subsequent offense.

Fourth Degree

Sale: Any Schedule I, II or II drug (except marijuana), or sale of marijuana in a school zone, park zone, or public housing zone or any Schedule IV or V drug to a person under 18 or conspiracy for the same.

Possession: 10 doses hallucinogen, any amount of a Schedule I, II or III drug (except marijuana) with the intent to sell it.

Penalty: 0 to 30 years, 1 year mandatory minimum if prior drug felony; up to \$100,000 fine.

Fifth Degree

Sale: Marijuana, or any Schedule IV drug.

Possession: All Schedule I, II, III, IV drugs except 42.5 grams or less of marijuana. Any prescription drugs obtained through false pretenses or forgery.

Penalty: 0 to 5 years, 6 month mandatory minimum if prior drug felony; up to \$10,000 fine.

For Your Information

This policy has been developed in compliance with the National Drug Control Strategy. This measure, issued in September 1989, proposed that Congress pass legislation requiring schools, colleges and universities to implement and enforce firm drug prevention and education programs as a condition of eligibility to receive federal financial assistance. On December 12, 1989, the President signed the Drug-Free School and Communities Act Amendments of 1989 which require that institutions of higher education implement a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by its students and employees on school premises or as part of any of its activities.

Please refer to state and federal statutes for further sanctions related to drug and alcohol use. These statutes can be found at:

- Minnesota Crimes and Penalties – Alcohol and Drunk Driving
- Minnesota Crimes and Penalties – Drugs
- Federal Crimes and Penalties – Drug Trafficking

Drugs and Alcohol Health Risk

In compliance with the Drug Free Schools and Communities Act of 1989 (Public Law 101-226) the University has adopted a program to prevent the unlawful possession, use and distribution of illicit drugs and alcohol by members of the University community. In compliance with this requirement, information below describes the various health risks associated with alcohol abuse and the use of specific types of drugs. It is not intended to be an exhaustive or complete statement of all the possible health consequences of substance abuse. A copy of "A Matter of Facts: Information about alcohol and other drugs" is available in the Office of Student Affairs Office.

Alcohol Use and Abuse

Alcohol is the most widely used and abused drug in the United States. Alcohol acts as a central nervous system depressant. Alcohol intake causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident.

Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death.

If combined with other depressants of the central nervous system, much lower doses of alcohol can be fatal. Repeated use of alcohol can lead to dependence. In addition, research indicates that children of alcoholic parents are at a greater risk of developing alcohol dependency later in life.

Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs, such as the brain and liver.

Mothers who consume alcohol during pregnancy may give birth to infants with fetal alcohol spectrum disorders. Because every woman metabolizes alcohol differently, even the smallest amount of alcohol could harm a developing baby. Infants with fetal alcohol spectrum disorders have irreversible physical abnormalities and mental retardation. Alcohol can affect the baby during every trimester of pregnancy.

Drinking alcohol up to the 13th week of pregnancy can cause:

- severe brain damage
- problems with the heart, liver and kidneys
- miscarriage
- facial malformations

Drinking alcohol between weeks 14 and 26 can cause:

- brain damage
- miscarriage
- damaged muscles, skin, teeth, glands and bones

Drinking alcohol between weeks 27 and 40 can cause:

- brain and lung damage
- low birth weight
- early labor and delivery

Amphetamines/Other stimulants

Amphetamines (speed, uppers), methamphetamines and other stimulants can cause increased heart and respiratory rate, elevated blood pressure, dilated pupils and decreased appetite. In addition, users may experience sweating, headache, bad breath, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection causes a sudden increase in blood pressure that can result in stroke, very high fever or heart failure.

In addition to the physical effects listed above, stimulant users report feeling restless, anxious and moody. People who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia.

Barbiturates/Other depressants

Barbiturates (downers), methaqualone (Quaaludes), tranquilizers (valium and rohypnol) and other depressants have many of the same effects as alcohol. Small or prescribed doses can produce calmness and relaxed muscles, but larger doses can cause slurred speech, staggering and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks. Use can also cause liver damage, convulsions, and coma.

Cannabis / Marijuana

The physical effects of marijuana include a substantial increase in heart rate, bloodshot eyes, a dry mouth and throat, and increased appetite. It may impair short-term memory and comprehension, alter sense of time and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that motivation and cognition may be altered, making the acquisition of new information difficult. When marijuana contains 2 percent THC, it can cause severe psychological damage, including paranoia and psychosis. Since the early 1980's, most marijuana has contained from 4 to 6 percent THC - two or three times the amount capable of causing serious damage.

Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer causing agents than tobacco smoke. Long-term users of marijuana may develop psychological dependence and require more of the drug to get the same effect.

Cocaine / Crack

Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, increased heart and respiratory rate, and elevated body temperature. Injecting cocaine with contaminated equipment can cause AIDS, hepatitis and other diseases. Crack or freebase rock is a purified form of cocaine that is smoked. Smoking crack provides intensified cocaine effects because higher doses of the drug reach the brain very quickly. Crack is far more addictive than heroin or barbiturates. Continued use can produce violent behavior and psychotic states similar to schizophrenia.

Health risks include malnutrition, respiratory problems, addiction, stroke, liver problems, seizures, heart and respiratory failure, psychosis, coma, convulsions, and sexual dysfunction. Cocaine in any form, but particularly in the purified form known as crack, can cause sudden death from cardiac arrest or respiratory failure.

Hallucinogens phencyclidine (PCP, angel dust), mescaline, peyote, LSD, and mushrooms interfere with the part of the brain that controls the intellect and keeps instincts in check. Hallucinogens are psychedelic, mind-altering drugs that affect a person's perceptions, feelings, thinking, and self-awareness. Use causes increased body temperature, heart rate and blood pressure, sweating, loss of appetite, sleeplessness, tremors, confusion, paranoia, and sometimes violence.

Because PCP blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. Large doses may produce convulsions and coma, as well as heart and lung failure. Psychological reactions may include panic, confusion, suspicion, anxiety and loss of control. Delayed effects or flashbacks can occur even after use has ceased.

Inhalants

The immediate negative effects of inhalants (laughing gas, whippets) include nausea, sneezing, coughing, nosebleeds, fatigue, and lack of coordination and loss of appetite. Solvents and aerosol sprays also decrease heart and respiratory rates and impair judgment. Amyl and butyl nitrite cause rapid pulse, headaches and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage. Deeply inhaling the vapors or using large amounts over a short period of time may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops.

MDMA / Ecstasy

MDMA is a stimulant with psychedelic properties. Short-term effects include feelings of mental stimulation, emotional warmth, enhanced sensory perception, and increased physical energy. Adverse health effects can include nausea, chills, sweating, teeth clenching, muscle cramping, and blurred vision. Chronic use of MDMA may lead to changes in brain function.

Narcotics

Narcotics such as opium, Demerol, heroin, codeine and morphine initially produce a feeling of euphoria that often is followed by drowsiness, nausea and vomiting. Users also may experience constricted pupils, watery eyes and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma and possible death. Narcotics are extremely addictive.

Steroids may contribute to increases in body weight and muscular strength. Steroids are injected directly into the muscle or taken orally. Steroids are illegal to possess without a prescription from a licensed physician. They are prescribed for specific medical conditions. Possible signs of use/abuse: sudden increase in muscle and weight; increase in aggression and combativeness; violence; hallucinations; depression; jaundice; purple or red spots on body, inside mouth, or nose; swelling of feet or lower legs; tremors; and bad breath. Health risks include, but are not limited to high blood pressure; liver and kidney damage; heart disease; increased risk of injury to ligaments and tendons; bowel and urinary problems; gallstones and kidney stones; and liver cancer.

Additional information about the health risks of drug use and abuse can be accessed through the [National Institute on Drug Abuse](#).

Where to go for help/community resources

Students are encouraged to contact Northwestern Health Sciences University's counselor for information regarding treatment services and self-help programs related to substance use and abuse. Call the Office of Student Affairs at 952-888-4777 ext. 405 to schedule an appointment.

Employees are encouraged to contact the Employee Assistant Program (MyLibertyAssist EAP) toll free at 1-877-695-2789.

Chemical Dependency/Addiction Resources

Chemical Dependency/Addiction Treatment Centers (inpatient and outpatient) – Twin Cities Area

- Fairview Chemical Dependency Services / 612-273-3000
- Twin Town Treatment Center (St. Paul/Eagan) / 651-645-3661
- Hazelden Center for Youth and Families / 651-213-4000

- Pride Institute (for GLBT communities) / 952-934-7554
- Substance Abuse Treatment Facility Locator/ Locate treatment programs near you.

Chemical Dependency/Addiction Resources

- Alcoholics Anonymous Greater Minneapolis Intergroup / 952-922-0880
- Al-Anon(for those affected by someone else's alcoholism) / 888-425-2666
- Adult Children of Alcoholics
- GLBT in Recovery Minnesota / 612-822-4477
- Narcotics Anonymous / 952-939-3939

Additional Resources

United Way's First Call for Help
Dial 2-1-1 or 651-224-1133

Insert new title IX policy

TITLE IX POLICY (Updated August 2024)

I. PURPOSE AND STATEMENT OF NON-DISCRIMINATION

Northwestern Health Sciences University (NWHSU or the “University”) does not discriminate on the basis of sex and prohibits sex discrimination in any Education Program or Activity that it operates, as required by Title IX, including in admissions and employment. NWHSU prohibits all forms of sex discrimination, sexual harassment, and sexual misconduct against employees, students, and third parties, including Discrimination or Harassment based on actual or perceived sex, gender, gender identity, sexual orientation, and gender expression, and Discrimination or Harassment based on current, potential, or past pregnancy or related conditions. NWHSU is committed to responding to all complaints of sex discrimination, sexual harassment, and sexual misconduct, including complaints of sexual assault, stalking, dating violence, domestic violence.

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); (2) discriminate against an individual based on that individual’s actual or perceived protected class status; or (3) inflict, threaten to inflict, or attempt to inflict violence against another individual because of their sex, gender, gender identity, sexual orientation, or gender expression.

NWHSU also prohibits sexual misconduct, as defined by the Minnesota Campus Sexual Misconduct Policy Law, which includes sexual violence, intimate partner violence, domestic violence, sexual assault, sexual harassment, nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts, sex trafficking, or stalking.

NWHSU also prohibits retaliation, including peer retaliation, against any employee, student, or third party for the purpose of interfering with any right or privilege secured by Title IX or its operating regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Policy. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a resolution proceeding does not constitute retaliation.

This Policy concerns all instances of sex discrimination, including sexual harassment. For other situations, please see the following policies:

Non-Discrimination and Non-Harassment Policy
Employee-Student & Employee-Employee Relationships Policy

Any student or employee who needs a reasonable accommodation to make or respond to a complaint, or engage in any other activity detailed in this Policy, should contact NWHSU’s Disability Coordinator in student Affairs, the Student Title IX Coordinator, or the Employee Title IX Coordinator (Vice President of Human Resources) to request an accommodation.

II. APPLICATION OF THIS POLICY

This Policy and the procedures described herein apply to all instances of sex discrimination, sexual harassment, and sexual misconduct, as defined in this Policy. The Policy applies to all students, employees, and third parties of the educational programs and activities of NWHSU, and applies to conduct that occurred on University property, owned or leased, including University-hosted social functions, or events sponsored by NWHSU but held at other locations, and any buildings owned or controlled by student organizations. This Policy also applies to any off-campus conduct, including

conduct outside of the United States, that interferes with the rights of students and employees to be free from a hostile education or employment environment within NWHSU's education program and activities.

The process described in Section VIII of this Policy applies to all complaints of sex discrimination, sexual harassment, and sexual misconduct, except complaints of sexual harassment or sexual misconduct involving student Complainants or Respondents. The process described in Section IX of this Policy applies to complaints of sexual harassment and sexual misconduct involving student Complainants or Respondents. Note that **sex discrimination, sexual harassment, and sexual misconduct** have different definitions. For clarity about the definition of each term, please consult the definitions in Section III, below.

The process described in Section VIII of this Policy also applies to all complaints of retaliation related to sex discrimination, sexual harassment, and sexual misconduct, unless the retaliation complaint is consolidated with a complaint of sexual harassment involving a student Complainant or student Respondent. If the retaliation complaint is consolidated with a complaint of sexual harassment involving a student Complainant or student Respondent, the process described in Section IX of this Policy applies.

The Informal Resolution Process described in Section VI is available to resolve any complaint of sex discrimination, sexual harassment, or sexual misconduct.

Complaint Resolution Process to Address Sex Discrimination Complaints and Complaints of Sexual Harassment Not Involving Students (Process A) (Section VIII)	Complaint Resolution Process to Address Complaints of Sexual Harassment Involving Students (Process B) (Section IX)	Informal Resolution Process (Section VI)
Sex discrimination complaints—Any Complainant	Sexual harassment and sexual misconduct complaints—students	Available to resolve <u>any</u> complaint of sex discrimination, sexual harassment, or sexual misconduct
Sexual harassment and sexual misconduct complaints—non-students (employees, third parties)		
Retaliation complaints—Any Complainant (unless consolidated with a Process B Complaint, in which case Process B applies)		

In implementing this Policy, NWHSU will treat Complainants and Respondents equitably. All provisions, rules, and practices under this Policy apply equally to both parties. Remedies will be designed to restore or preserve equal access to NWHSU's education program and activities.

Violations detailed in this Policy can occur between individuals of the same or different sexes or genders.

All reports and Complaints made under this Policy will be addressed within reasonably prompt timeframes, as described in specific sections below.

III. DEFINITIONS

Definitions of Prohibited Conduct¹

Sex discrimination. Sex discrimination occurs when an individual is treated adversely because of that person's sex, gender, sexual orientation, gender identity, or gender expression. Sex discrimination includes discrimination on the basis of sex stereotypes, sex characteristics, and pregnancy or related conditions. This includes treating an individual adversely in any respect because of their sex, gender, sexual orientation, gender identity, or gender expression.

Sexual harassment is a form of sex discrimination. Sexual harassment means harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sexual harassment may occur in the following ways.

- (1) Quid pro quo harassment. An employee of NWHSU conditions the provision of an aid, benefit, or service of NWHSU on an individual's participation in unwelcome sexual conduct.
- (2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from NWHSU's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of several factors:
 - The degree to which the conduct affected the Complainant's ability to access NWHSU's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within NWHSU's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred.
- (3) Other sexual harassment in NWHSU's education program or activity, including sexual violence in the form of sexual assault, dating violence, domestic violence, and stalking.

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

Sexual assault. Sexual assault is any sexual act directed against another person, without consent of that person, including instances where the person is incapable of giving consent. This includes the following offenses:

1. Rape—The carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent because of their age or because of his/her temporary or permanent mental or physical incapacity.

¹ State law definitions and examples of conduct prohibited under this Policy can be found in Appendix B.

2. Sodomy—Oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity.
3. Sexual Assault With An Object—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her age or because of their temporary or permanent mental or physical incapacity.
4. Fondling—The touching of the private body parts of another person for the purpose of sexual gratification without the consent of the person, including instances where the person is incapable of giving consent because of their age or because of his/her temporary or permanent mental or physical incapacity.
5. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
6. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent.

Stalking. 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 same circumstances as the person subject to the conduct.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or professional treatment or counseling.

Dating violence. Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the person experiencing the violence. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic violence. Domestic violence is defined as a felony or misdemeanor crime of violence committed

- by a current or former spouse or intimate partner of the person experiencing the violence.
- by a person with whom the person experiencing the violence shares a child in common.
- by a person who is cohabitating with, or has cohabitated with, the person experiencing the violence as a spouse or intimate partner;
- by a person similarly situated to a spouse of the person experiencing the violence under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- by any other person against an adult or youth who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Retaliation. Retaliation means an adverse action taken against any individual for the purpose of interfering with any right or privilege secured by title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing provided under this Policy. Retaliation includes, but is not limited to, intimidation, threats, coercion, reprisal, discrimination, or harassment.

Sexual exploitation, a form of sexual harassment, 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; possession of child pornography; prostituting another person; exposing one's genitals in non-consensual circumstances; distributing intimate or sexual information about a person without their consent; lying about contraception; or knowingly transmitting a sexually transmitted disease to another person.

Sexual misconduct means the conduct covered by this term in the Minnesota Campus Sexual Misconduct Policy Law, including sexual violence, intimate partner violence, domestic violence, sexual assault, sexual harassment, nonconsensual distribution of sexual images, sexual extortion, nonconsensual dissemination of a deepfake depicting intimate parts or sexual acts, sex trafficking, or stalking.

Definitions of Process Participants

Advisor means a person selected by a Complainant or Respondent to assist that party during a Complaint Resolution Process. An advisor may accompany a party to all meetings during a Complaint Resolution Process or Informal Resolution Process and may assist a party with preparing statements and other materials during the process.

Complainant means a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, sexual harassment, or sexual misconduct, or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination, sexual harassment, or sexual misconduct and who was participating in or attempting to participate in NWSU's education program or activity when the alleged conduct occurred. Where a process involves more than one Complainant, references in this Policy to the singular "Complainant" include the plural, as applicable.

Decisionmaker. The Decisionmaker is the individual designated to determine in a Complaint Resolution Process whether the Respondent is responsible for a violation of this Policy.

Employee, for the purposes of this Policy, means all non-student employees of NWSU, including faculty, staff, adjuncts, and administrators.

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 NWSU. 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. Typically, the Employee Title IX Coordinator manages cases that do not involve students. In certain circumstances, the Employee Title IX Coordinator may delegate some responsibilities to the Student Title IX Coordinator.

Party means a Complainant or Respondent. Where a process involves more than one Complainant and/or more than one Respondent, references in this Policy to the singular "party" include the plural,

as applicable.

Respondent means a person who is alleged to have violated NWHSU's prohibition on sex discrimination, sexual harassment, or sexual misconduct. Where a process involves more than one Respondent, references in this Policy to the singular "Respondent" include the plural, as applicable.

Student Title IX Coordinator means the person who is primarily responsible for addressing issues of sex discrimination and/or sexual harassment, including coordinating NWHSU's efforts to comply with its obligations under Title IX and its governing regulations. This includes coordination of training, education, communications, and the effective implementation of supportive measures and administration of the complaint procedures for the handling of suspected or alleged violations of this Policy. Typically, the Student Title IX Coordinator manages cases involving students. In certain circumstances, the Student Title IX Coordinator may delegate some responsibilities to the Employee Title IX Coordinator.

Investigator means the person appointed by the Title IX Coordinator to investigate a complaint of sex discrimination, sexual harassment, or sexual misconduct. The Investigator may be an employee of NWHSU or may be a person external to NWHSU retained specifically for this purpose.

Third party, for the purposes of this Policy, includes certain third-party affiliates, including volunteers, vendors, visitors, and independent contractors.

Student, for the purposes of this Policy, means all students at NWHSU, except for full-time employees of NWHSU who are also taking classes at NWHSU (for the purposes of this Policy, those individuals are considered employees). The term "student" otherwise includes all individuals taking classes at NWHSU, including all degree and non-degree students.

Other Definitions Related to Title IX Resolution Processes

Coercion or force includes conduct, intimidation, and expressed or implied threats of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm and that are used in order to persuade or compel someone to engage in sexual contact. Any sexual contact occurring after a person has engaged in coercion or force will be presumed non-consensual, even if the particular sexual contact that occurs is different from the form of sexual contact in which the individual was attempting to engage, and even if the other individual uses words or actions that would otherwise appear to convey consent.

Complaint means an oral or written request to NWHSU that objectively can be understood as a request for NWHSU to investigate and make a determination about alleged discrimination under Title IX or its regulations.

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 they have 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 a reasonable person in the Respondent's position would have known that the individual was incapacitated.

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.

Disciplinary sanctions are consequences imposed on a Respondent following a determination under NWHSU's Complaint Resolution Process that the Respondent violated NWHSU's prohibition on sex discrimination.

Incapacitation means an individual's physical and/or mental inability to make informed, rational judgments that is known or reasonably should have been known to the individual initiating sexual contact. An individual who is incapacitated is unable to give consent to sexual contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact.

Regardless of their own level of intoxication, individuals who are initiating sexual contact are always responsible for obtaining consent before proceeding. Intoxication is never an excuse for or a defense to committing sexual assault or any other sexual harassment. Use of drugs or alcohol does not diminish one's responsibility to obtain consent, or reduce one's personal accountability or criminal liability. The issue is whether the individual initiating sexual contact knew, or a reasonable sober person in the position of the individual initiating sexual contact should have known, that the other person was incapacitated.

Informal Resolution means any voluntary, structured interaction between a Complainant and Respondent intended to resolve allegations of sex discrimination, sexual harassment, or sexual misconduct without engaging in a Complaint Resolution Process. The Informal Resolution Process is intended to be flexible while also providing for a full range of possible outcomes and may happen in the form of mediation, shuttle diplomacy, or other means devised by and agreed to by the parties. Typically, the Student or Employee Title IX Coordinator facilitates Informal Resolution, but the Title IX Coordinator may designate a trained, external facilitator. Informal Resolution may be used to address any form of sex discrimination, sexual harassment, or sexual misconduct. The University reserves the right to determine whether Informal Resolution is appropriate for each specific case.

Preponderance of evidence. The standard of evidence used to determine responsibility under this Policy is the preponderance of evidence standard, which means "more likely than not" that NWHSU's Title IX Policy was violated.

Process. 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. References to process may include the Complaint Resolution Process or the Informal Resolution Process, depending on the context.

Relevant means related to the allegations of sex discrimination under investigation as part of these

Complaint Resolution Processes. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a Complainant or any other person NWHSU identifies as having had their equal access to NWHSU's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to NWHSU's education program or activity after NWHSU determines that sex discrimination occurred.

Report means information provided to the Student Title IX Coordinator or the Employee Title IX Coordinator, or to another University official who has the authority to institute corrective action on behalf of NWHSU, that indicates that sex discrimination, sexual harassment, or sexual misconduct as defined by this Policy, may have occurred.

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.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after filing a Complaint or where no Complaint has been filed. Supportive measures are designed to restore or preserve equal access to NWHSU's educational program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or NWHSU's educational environment or deter sexual harassment.

Other Definitions Related to Institutional Responsibilities

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

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.

Campus means any building or property owned, leased or controlled by NWHSU within the same reasonably contiguous geographic area of NWHSU and used by NWHSU in direct support of, or in a manner related to, NWHSU's educational purposes, and property within the same reasonably contiguous geographic area of NWHSU that is owned by NWHSU but controlled by another person, is used by students, and supports University purposes (such as a food or other retail vendor).

Campus Safety Officer. The person who is responsible for compliance with the requirements of the Clery Act.

Education program or activity includes locations, events, or circumstances over which NWHSU exercised substantial control over both the Respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by NWHSU. This definition includes both education and employment activities within the United States.

Non-campus building or property means any building or property owned, leased, or controlled by a student organization recognized by NWHSU; and any building or property (other than a branch campus) owned, leased, or controlled by NWHSU that is used in direct support of, or in relation to, NWHSU's educational or employment purposes, is used by students, and is not within the same reasonably contiguous geographic area of NWHSU. This term includes the location of any activity, program, organization, or event sponsored by NWHSU.

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 NWHSU.

Pregnancy and related conditions includes pregnancy, childbirth, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

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.

Public property means all public property that is within the same reasonably contiguous geographic area of NWHSU, such as a sidewalk, a street, other thoroughfare, or parking facility, and is adjacent to a facility owned, leased, or controlled by NWHSU if the facility is used by NWHSU in direct support of, or in a manner related to NWHSU's educational or employment purposes.

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.

IV. REPORTING SEX DISCRIMINATION, SEXUAL HARASSMENT, AND SEXUAL MISCONDUCT

A. Reporting Overview

NWHSU strongly encourages reporting of sex discrimination, sexual harassment, and sexual misconduct in any form. Anyone who has observed or experienced sex discrimination, sexual harassment, or sexual misconduct in the context of University programs can report by contacting either NWHSU Student Title IX Coordinator or NWHSU Employee Title IX Coordinator in person, by mail, by telephone, or by electronic mail, or by any other means that results in the Student Title IX Coordinator or Employee Title IX Coordinator receiving the report. A report may be made at any time, but delaying a report may impact NWHSU's ability to access evidence and thoroughly investigate the claims.

NWHSU recognizes that the decision to report sexual violence to authorities, including NWHSU or the

police, is the right of the Complainant. A Complainant has the right to report to NWHSU, the police, neither, or both. If the Complainant chooses to report to the police, NWHSU will assist the Complainant in that process.

It is important for Complainants to preserve any evidence resulting from sexual violence that could be needed for criminal prosecution. Complainants have the right to complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence. Campus security will also provide assistance in preserving materials considered relevant to the NWHSU resolution process and, when requested by the police, provide assistance in obtaining, securing, and maintaining evidence needed for criminal prosecution.

NWHSU also encourages Complainants of sexual harassment and sexual misconduct to seek immediate medical and emotional assistance, as applicable, including treatment for injuries and preventative treatment for sexually transmitted diseases. Assistance is available by calling 911, the Bloomington Police (952) 563-4900, or Campus Safety Officer (952) 452-9124. Medical treatment, including rape kits, may help Complainants preserve evidence of sexual assault. University security staff responding to an incident of sexual violence will inform the Complainant of their options to notify law enforcement authorities, seek medical assistance, and NWHSU's reporting process; and security staff will assist the Complainant with these contacts if the Complainant requests such assistance.

Note that NWHSU's ability to take action against a third party may be limited.

B. Employee Reporting Responsibilities

All employees (except any employees designated as confidential resources) who have information about conduct that reasonably may constitute sex discrimination, sexual harassment, or sexual misconduct are required to promptly report all known details to the Title IX Coordinator. When possible, before obtaining information from an individual sharing a report of sex discrimination, sexual harassment, or sexual misconduct, faculty and staff with required reporting responsibilities should inform the individual of the faculty or staff member's reporting obligations. Employees should report incidents involving students to the Student Title IX Coordinator² at (952) 887-1381. Employees should report incidents involving other employees to the Employee Title IX Coordinator at (952) 885-5437.

Students who are not also employees of NWHSU are not required to report information about conduct that reasonably may constitute sex discrimination, sexual harassment, or sexual misconduct or provide information about how to make a complaint. But students are encouraged to report that information to the Title IX Coordinator or to provide the Title IX Coordinator's contact information to the individual reporting the conduct.

An employee or student who has personally been subject to conduct that reasonably may constitute sex discrimination, sexual harassment, or sexual misconduct does not have an obligation to report that information.

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C. Employee Reporting Responsibilities Regarding Pregnant Students

When a student informs any employee of the student's pregnancy or related condition, the employee must provide the student with the Title IX Coordinator's contact information and inform the student that the Title IX Coordinator can coordinate support and modifications to ensure that the student maintains equal access to NWHSU's Education program and activities, unless the employee reasonably believes the Title IX Coordinator has already been notified.

D. How to Report

² An employee need not report if they are exempt from reporting requirements under applicable law.

In the case of a student Complainant, the reporter is encouraged to contact the Student Title IX Coordinator at (952) 887-1381 or through the contact information provided on NWHSU website.

In the case of an employee Complainant, the reporter is encouraged to contact the Employee Title IX Coordinator at (952) 885-5437 or through the contact information provided on NWHSU website.

Anyone who has observed or experienced sex discrimination, sexual harassment, or sexual misconduct in the context of University programs may also report on NWHSU's Title IX Reporting Hotline. NWHSU's hotline is hosted by a secure, independent provider, EthicsPoint, and 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. 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 response to an anonymous report may be hampered or impracticable if the reporter cannot be identified and questioned about the incident and related facts.

Although confidentiality cannot be assured in all cases, all reports will be handled with sensitivity to confidentiality issues, and information will only be communicated as appropriate to those with a need to know.

E. Notifying Law Enforcement

Any individual who believes they have been subject to conduct that may constitute a crime also retains the right to notify—or decline to notify—law enforcement authorities. In some cases, unless prohibited by law, an individual may pursue criminal action and a University internal Complaint concurrently. In certain circumstances, NWHSU is prohibited from waiting for a criminal case to conclude before proceeding in its own internal investigation.

F. Prohibition Against False Reports

The willful filing of a false report is a violation of NWHSU Policy. Allegations of false reporting will be addressed under the student Code of Conduct if the alleged false reporting involves a student reporter. Allegations of false reporting will be addressed under the employee Personal Conduct Policy if the alleged false reporting involves an employee reporter.

G. Access to Report

A person who reports an incident to NWHSU will be provided access to their report upon request, consistent with state and federal laws governing privacy of and access to education records. A request for access to a report should be made to the Title IX Coordinator.

V. INITIAL RESPONSE TO A REPORT OF SEX DISCRIMINATION, SEXUAL HARASSMENT, OR SEXUAL MISCONDUCT UNDER THIS POLICY

A. Initial Contact with Title IX Coordinator

Upon receipt of a report of sex discrimination, sexual harassment, or sexual misconduct, the Student Title IX Coordinator or Employee Title IX Coordinator will promptly contact the Complainant to discuss

the availability of supportive measures and to explain the options for addressing a report. Generally, options include but are not limited to

- Taking no action;
- Arranging supportive measures to help the Complainant navigate the NWHSU environment and continue to participate in NWHSU's education program and activities;
- Requesting that the student or employee Title IX Coordinator have a conversation with the Respondent about the conduct;
- Engaging in an Informal Resolution Process with the Respondent;
- Initiating a Complaint Resolution Process under this Policy that will result in a determination of whether the Respondent is responsible for sex discrimination, sexual harassment, or sexual misconduct.

The Complainant has the right to decide whether to take any action to address the alleged conduct, whether to seek supportive measures, and whether to be involved in a process addressing the conduct. Under some circumstances, described in Section VIII, below, the Title IX Coordinator managing the case may determine that NWHSU will initiate a Complaint Resolution Process to address the discrimination or harassment even if the Complainant decides not to participate in the process.

NWHSU will treat the Complainant with dignity and will not make any suggestion that the Complainant is at fault for the alleged incident or that the Complainant should have acted in a different manner to avoid such an incident.

If appropriate, the Title IX Coordinator managing the case will meet with the Respondent to inform them of the report and to discuss the availability of supportive measures during any ensuing process.

When responding to a report of sex discrimination, sexual harassment, or sexual misconduct, and throughout any Complaint Resolution Process, the Title IX Coordinator will treat the Complainant and Respondent equitably.

Supportive measures are available to a Complainant at any time after a report of sex discrimination, sexual harassment, or sexual misconduct, with or without the filing of a complaint. If an Informal Resolution Process or Complaint Resolution Process has been initiated, supportive measures are also available to a Respondent.

Supportive measures may include, but are not limited to:

- Extensions of deadlines or other course-related adjustments,
- Modifications of work or class schedules
- Campus escort services
- Mutual restrictions on contact between Complainants and Respondents
- Changes in work locations
- Leaves of absence
- Increased security and monitoring of certain areas of campus
- Other similar measures

Supportive measures will be designed to restore or preserve equal access to NWHSU's education program or activity without unreasonably burdening the other party. The Title IX Coordinator managing the case will consider the Complainant's wishes with respect to supportive measures and will coordinate the implementation of supportive measures.

NWHSU may not impose any disciplinary sanctions or other actions that are not supportive measures

against a Respondent absent a determination of responsibility for a policy violation through a Complaint Resolution Process, as described in this Policy.

NWHSU will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining confidentiality will not impair NWHSU's ability to provide the supportive measures.

When applicable, NWHSU will also notify the Complainant of their rights and NWHSU'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).

B. Opportunity to Challenge Supportive Measures

Both the Complainant and the Respondent may seek modification or reversal of NWHSU's decision to provide, deny, modify, or terminate supportive measures applicable to them. The Title IX Coordinator managing the case will receive requests to seek modification or reversal of supportive measures and will designate an impartial employee to decide whether to grant the modification or reversal request. The impartial employee will not be the employee who made the challenged decision and will be an employee with the authority to modify or reverse the decision. The decision will be modified or reversed if the impartial employee determines that the decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition of supportive measure provided in this Policy.

Complainants and Respondents may seek additional modification or termination of supportive measures applicable to them if circumstances change materially.

C. Emergency Removal and Administrative Leave

Regardless of whether a complaint is filed, NWHSU retains the right to remove a Respondent from NWHSU's education program or activity on an emergency basis. NWHSU will perform an individualized safety and risk analysis, evaluating whether an imminent and serious threat to the physical health or safety of a Complainant, any students, employees, or other individual arising from the allegations of sex discrimination, sexual harassment, or sexual misconduct exists that justifies removal.

If NWHSU determines that removing a Respondent is justified, it will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal. The Title IX Coordinator managing the case should be notified of any challenge to the removal decision. The final decision regarding an emergency removal decision will be made as soon as practicable after the Title IX Coordinator managing the case is notified of the challenge.

The emergency removal determination, including the specific parameters of the removal, will be made by a member of the Title IX team not otherwise involved in the case. A final decision about any challenge to the emergency removal determination will be made by the Vice President of Academic Affairs.

If the Respondent is a Non-student employee, in non-emergency situations, NWHSU may place the Respondent on administrative leave after a Complaint is filed and during the pendency of a resolution process. In this case, the administrative leave determination, including the specific parameters of the administrative leave, will be made by a Human Resources staff member not otherwise involved in the case.

D. Other Resources

Complainants who have experienced sexual harassment or sexual misconduct may also wish to

access the following services:

Confidential Student Resource:

NWHSU partners with StudentLinc to provide all students with access to 24/7 access to a licensed mental health professional for immediate support, and options to schedule subsequent in-person or virtual counseling appointments. In-the-moment support can be accessed by calling 1-888-893-5462, and additional information on counseling services can be found on the NWHSU website at <https://www.nwhealth.edu/student-affairs/personal-counseling/>.

Confidential Employee Resource:

- Employee Assistance Plan (888) 628-4824
- Website: www.guidanceresources.com

Off Campus Resources:

- Local Police
 - 9-1-1
 - 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 persons who have experienced any form of unwanted sexual contact and their loved ones.
- The Walk in Counseling Center: Phone: 612-870-0565, 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 appreciated.
- 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
- National Domestic Violence Hotline (800) 799-SAFE (7233)

Health Care Resources:

We encourage Complainants who have experienced any form of sexual violence to seek immediate medical attention regardless of whether a report is made to law enforcement or NWHSU.

- Fairview Southdale Hospital, 6401 France Avenue South, Edina, MN (952) 924-5000
- Allina Health, Abbott Northwestern Hospital, 800 East 28th 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

VI. INFORMAL RESOLUTION PROCESS

A. Overview

At any time prior to reaching a determination regarding responsibility for sex discrimination, sexual harassment, or sexual misconduct through the Complaint Resolution Processes described in Sections VIII and IX, below, the parties may choose to enter into an Informal Resolution Process that does not involve the full investigation and adjudication described in those processes. NWHSU encourages the use of the Informal Resolution Process, recognizing that parties' participation in the Informal Resolution Process is voluntary and the process will only be implemented with the full written consent of all parties, in accordance with the requirements of this Section.

NWHSU has the discretion to determine whether it is appropriate to offer an Informal Resolution Process in each situation and may decline to offer the Informal Resolution Process despite one or more of the parties' wishes. NWHSU may decline to offer the Informal Resolution Process if, for instance, it determines that the alleged conduct would present a future risk of harm to others.

When a report or complaint of sex discrimination, sexual harassment, or sexual misconduct is resolved through an Informal Resolution Process, the Title IX Coordinator managing the case will also take steps, as appropriate, to ensure that the sex discrimination, sexual harassment, or sexual misconduct does not continue or recur.

The Informal Resolution Process may be used to address complaints of retaliation related to sex discrimination, sexual harassment, and sexual misconduct.

B. Consent by the Parties

All parties must provide voluntary, written consent to participate in the Informal Resolution Process. NWHSU cannot require the parties to participate in an Informal Resolution of a complaint of sexual harassment.

NWHSU may not require a party to waive the right to investigation and adjudication of a complaint, as outlined in the Complaint Resolution Process, as a condition of enrollment, continuing enrollment, employment, continuing employment, or provision of any other right.

C. Timeframe for the Informal Resolution Process

Generally, an Informal Resolution Process will be completed within 60 calendar days from receipt of the request for Informal Resolution. This timeline may be extended if necessary, including a temporary delay or the limited extension of time for good cause.

The parties will simultaneously be notified in writing of any extension of the timeframe and the reasons for such extension.

D. Notice to the Parties

Before initiating an Informal Resolution Process, NWHSU will provide written notice to the parties that explains the following:

- The allegations;
- The requirements of the Informal Resolution Process;
- The right of any party to withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and to resume the Complaint Resolution Process;
- That the parties' agreement to a resolution at the conclusion of the Informal Resolution Process precludes the parties from initiating or resuming Complaint Resolution Process arising from the same allegations;
- The potential terms that may be requested or offered in an Informal Resolution agreement, including notice that an Informal Resolution agreement is binding only on the parties;
- What information NWHSU will maintain from the Informal Resolution Process and whether and how NWHSU could disclose such information for use in the Title IX Complaint Resolution Process if such a process is initiated or resumed.

E. Informal Resolution Process Facilitator

The facilitator for the Informal Resolution Process will be the Student Title IX Coordinator, the Employee Title IX Coordinator, or a person designated by the Student or Employee Title IX Coordinator. A facilitator designated by the Student or Employee Title IX Coordinator may be an employee of NWHSU or may be an external consultant. The facilitator will not be the same person as the Investigator or Decisionmaker in NWHSU's Complaint Resolution Process.

The facilitator for an Informal Resolution Process will not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. The facilitator will be trained consistent with the Title IX regulations.

F. Description of Process

The facilitator, in consultation with the Student or Employee Title IX Coordinator, will work with the parties to determine a structure for the Informal Resolution Process that all parties agree to. Working with the facilitator, the parties generally have latitude to determine the structure of the process, which may include mediation or other alternative dispute resolution procedures. The parties are not required to meet face-to-face during the process.

The parties have the right to withdraw from an Informal Resolution Process at any time and resume the Complaint Resolution Process. Once the parties have arrived at an agreement and finalized an agreement, the process is concluded, and the parties are precluded from entering a complaint Resolution Process arising from the same allegations.

G. Potential Terms and Outcomes of an Informal Resolution Process

The parties generally have latitude to determine the terms and potential outcomes of an Informal Resolution agreement. The facilitator can assist the parties in developing possible terms and outcomes. Potential terms and outcomes may include, but are not limited to,

- Restrictions on contact between the parties;
- Restrictions on the Respondent's participation in one or more University activities or programs;
- Priority in class registration, to ensure parties are not registered for the same classes;
- Restrictions on physical presence in certain areas;
- Required attendance at educational programs
- Required assessment and/or counseling
- Apology and recognition of harm.

At the conclusion of an Informal Resolution Process, the parties will be asked to sign an Informal Resolution outcome agreement. If all parties to the complaint agree in writing to the terms and conditions of the Informal Resolution within 5 business days, the case will be resolved without additional process, including a Complaint Resolution Process, under this Policy. If all parties to the complaint do not agree in writing to the terms and conditions of the Informal Resolution within 5 business days, the complaint will move to the formal process for resolution.

NWHSU will simultaneously provide the parties with the final, signed written summary of the outcome.

The Title IX Coordinator managing the case or their designee is responsible for ensuring that the terms of an Informal Resolution agreement are adhered to.

NWHSU reserves the right to take other appropriate prompt and effective steps to end any sex discrimination and prevent its recurrence even if the matter is resolved by the parties through an Informal Resolution Process.

Records about Informal Resolution Processes will be maintained by the Student Title IX Coordinator or Employee Title IX Coordinator, consistent with this Policy's recordkeeping provision, and will only be shared with University employees who have a need to know. Records from an Informal Resolution Process, including statements made by the parties during the process, will not be shared in a later Complaint Resolution Process.

VII. GENERAL PRINCIPLES GOVERNING COMPLAINT RESOLUTION PROCESSES

A. Overview of Complaint Resolution Processes

NWHSU has adopted Complaint Resolution Processes that provide for the prompt and equitable resolution of Complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or brought by the Student or Employee Title IX Coordinators, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaint Resolution Process A, set out in Section VIII, below, applies to all complaints of **sex discrimination**, involving employees, students, or third parties, and to complaints of **sexual harassment** or **sexual misconduct** that do not involve student Complainants or student Respondents. Complaint Resolution Process B, set out in Section IX, below, applies to all complaints of **sexual harassment** or **sexual misconduct** that involve student Complainants or student Respondents. Note that **sex discrimination, sexual harassment, and sexual misconduct** have

different definitions. For clarity about the definition of each term, please consult the definitions in Section III, above.

When a Complainant or Respondent is both a student and an employee of NWHSU, NWHSU will make a fact-specific inquiry to determine whether Process A, described in Section VIII, or Process B, described in Section IX, applies. In making this determination, NWHSU will consider whether the party's primary relationship with NWHSU is to receive an education and whether the alleged sexual harassment occurred while the party was performing employment-related work.

The Complaint Resolution Process A, set out in Section VIII, below, also applies to complaints of retaliation brought in relation to a report or complaint of sex discrimination, sexual harassment, or sexual misconduct, unless the retaliation complaint is consolidated with a complaint of sexual harassment involving a student Complainant or student Respondent. In that case, the Complaint Resolution Process B set out in Section IX applies.

When a sex discrimination complaint alleges that a University's policy or practice discriminates on the basis of sex, NWHSU is not considered a Respondent under these procedures.

B. Training of Individuals Who Implement Complaint Resolution Processes

All Investigators, Decisionmakers, Title IX Coordinators, and other persons responsible for implementing NWHSU's Complaint Resolution Processes will be trained annually, as required by Federal Title IX regulations. As required by law, 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. All investigations under this Policy will be conducted by individuals who have been trained on how to conduct a prompt, fair, and impartial investigation; how to provide safety to individuals during an investigation; and how to promote accountability. Any materials used to train Title IX Coordinators, Investigators, Decisionmakers, and any person who facilitates an Informal Resolution Process will not rely on sex stereotypes and will promote impartial investigations and adjudications. All materials used to train Title IX Coordinators, Investigators, Decisionmakers, appeals officers, and Informal Resolution facilitators will be available upon request.

C. Bias and Conflict of Interest

NWHSU requires that any Title IX Coordinator, Investigator, or Decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A Decisionmaker may be the same person as the Title IX Coordinator or Investigator.

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 conflicted person from the process.

D. Standard of Proof

In implementing these Complaint Resolution Processes, NWHSU will use the preponderance of evidence standard of proof to determine whether sex discrimination, sexual harassment, or sexual misconduct occurred. Applying this standard, the Decisionmaker will evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination, sexual harassment, or sexual misconduct occurred, whatever the quantity of the evidence is, the Decisionmaker will not determine that sex discrimination, sexual harassment, or sexual misconduct occurred.

E. Burden of Proof

The burden is on NWHSU—not the parties—to conduct an investigation under these Complaint Resolution Processes that gathers sufficient evidence to determine whether sex discrimination, sexual harassment, or sexual misconduct occurred.

F. Equitable Treatment and Presumption of Non-Responsibility

NWHSU will treat Complainants and Respondents equitably when implementing these Complaint Resolution Processes. NWHSU presumes that the Respondent is not responsible for the alleged sex discrimination, sexual harassment, or sexual misconduct until a determination is made at the conclusion of the Complaint Resolution Process.

G. Evaluation of Evidence

During all Complaint and Investigation processes, the University will perform an objective evaluation of all evidence that is relevant and not otherwise impermissible, including both inculpatory and exculpatory evidence.

H. Credibility Determinations

Decisionmakers will not make credibility determinations based on a person's status as a Complainant, Respondent, or witness

I. Limitation on Imposing Disciplinary Sanctions

NWHSU may not impose any disciplinary sanctions of a Respondent for sex discrimination, sexual harassment, or sexual misconduct under this Policy unless a Decisionmaker determines at the conclusion of a Complaint Resolution Process that the Respondent engaged in prohibited sex discrimination, sexual harassment, or sexual misconduct.

J. Advisors

NWHSU will provide the parties with the same opportunities to have others present during any Complaint Resolution Process, including the opportunity to be accompanied to any related meetings or proceedings by an advisor of their choice. An advisor may be, but is not required to be, an attorney. Advisors may not participate in the meetings or proceedings, except as specifically allowed under this Policy.

NWHSU will not limit the choice or presence of the advisor for either party in any meeting or proceeding. If an advisor learns of confidential information in the course of their role, they may not disclose such information other than for advising the Complainant or Respondent.

K. Participation Expected for Non-Parties

To ensure NWHSU can gather the information necessary to uphold University policies, each non-party faculty, staff, or student who is requested to participate in an investigation is requested to fully cooperate with the Investigator. Unless otherwise directed by the Investigator, non-party faculty, students, and 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 a Complainant or Respondent from speaking about the allegations under investigation or contacting at any time the police or governmental agencies

responsible for the enforcement of any applicable laws.

L. False Evidence

Willfully submitting evidence that a party or witness knows to be false is a violation of NWHSU policy. Allegations of submitting false evidence will be addressed under the student Code of Conduct if the evidence was submitted by a student. Allegations of submitting false evidence will be addressed under the employee Personal Conduct Policy if the evidence was submitted by an employee.

M. Discipline for Conduct During the Complaint Resolution Process

NWHSU will not conclude that any participant in a process made false statements, and impose discipline as a result, based only on a determination that no sex discrimination, sexual harassment, or sexual misconduct occurred. Discipline for making false statements will occur only if an independent Student Code of Conduct or employee discipline process establishes that such statements were made.

N. Notice of Meetings

NWHSU will provide any party whose participation is expected or invited written notice of the date, time, location, participants, and purpose of all investigative interviews and other meetings with sufficient time for the party to prepare to participate.

O. Privacy

NWHSU will take reasonable steps to protect the privacy of the parties and witnesses during the reporting process and Complaint Resolution Process, including during any Informal Resolution Process. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the Complaint Resolution Process.

NWHSU will not disclose personally identifiable information obtained when responding to a report or complaint of sex discrimination, sexual harassment, or sexual misconduct under this Policy except

- When NWHSU has obtained prior written consent from a person with the legal right to consent to the disclosure;
- When the information is disclosed to someone with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- To carry out the purposes of the Policy, including action taken to address conduct that may constitute sex discrimination;
- As required by Federal law, Federal regulations, or the terms and conditions of a Federal award;
- To the extent such disclosure are not otherwise in conflict with Title IX, when required by State or local law or when permitted under FERPA.

NWHSU will take reasonable steps to prevent and address any unauthorized disclosure of information and evidence obtained solely through Complaint Resolution Process. Disclosures for purposes of administrative proceedings or litigation related to the complaint are authorized.

P. Waiver of Drug and Alcohol Violations

NWHSU strongly encourages students to report instances of sexual harassment, sexual assault, dating violence, domestic violence or stalking. As such, students who report such information—either witnesses or Complainants—will not be disciplined by NWHSU for any violation of its drug and alcohol policies that arises in connection with the reported incident. The use of alcohol or drugs does not make the Complainant at fault for sexual violence.

VIII. COMPLAINT RESOLUTION PROCESS TO ADDRESS SEX DISCRIMINATION COMPLAINTS AND COMPLAINTS OF SEXUAL HARASSMENT NOT INVOLVING STUDENTS (PROCESS A)

The process described in this Section applies to all complaints of **sex discrimination**, involving employees, students, or third parties, and to all complaints of **sexual harassment** or **sexual misconduct** that do not involve students. Note that **sex discrimination, sexual harassment, and sexual misconduct** have different definitions. For clarity about the definition of each term, please consult the definitions in Section III, above.

Section IX of this Policy applies to all complaints of **sexual harassment** and **sexual misconduct** involving student Complainants or Respondents.

A. Commencing a Complaint Resolution Process

Any of the following persons may make a complaint of sex discrimination, sexual harassment, or sexual misconduct under this process:

- an employee of NWHSU who is alleged to have been subjected to conduct that could constitute sex discrimination, sexual harassment, or sexual misconduct; or
- A parent, guardian or authorized legal representative with the legal right to act on behalf of a Complainant; or
- A person other than a student or employee of NWHSU who is alleged to have been subjected to conduct that could constitute sex discrimination, sexual harassment, or sexual misconduct at a time when that person was participating or attempting to participate in NWHSU's education program or activity, and the person allegedly responsible for sexual harassment was not a student;
- NWHSU's Student or Employee Title IX Coordinator, under the circumstances described below.

With respect to complaints of sex discrimination other than sexual harassment, in addition to the persons listed above, the following persons have the right to make a complaint under this process:

- any student of NWHSU; or
- any person other than a student or employee who was participating or attempting to participate in NWHSU's education program or activity at the time of the alleged sex discrimination.

A Complaint Resolution Process to address a complaint of sex discrimination, sexual harassment, or sexual misconduct begins when a Complainant requests that NWHSU move forward with a Complaint Resolution Process. A Complainant can make this request to the Employee Title IX, either in writing or in person.

If a Complainant does not request that NWHSU move forward with a process to address reported conduct, or the allegations in a complaint are withdrawn, NWHSU may still move forward with a complaint if, after a fact-specific determination, the Title IX Coordinator managing the case concludes that a process is necessary to address reported conduct. To make this determination, the Title IX

Coordinator will consider, at a minimum, the following factors:

- The Complainant's request not to proceed with initiating a complaint;
- The Complainant's reasonable safety concerns about initiating a complaint;
- The risk that additional discriminatory conduct would occur if a complaint is not initiated;
- The severity of the conduct, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to stop the conduct and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of NWHSU;
- The scope of the alleged sex discrimination, including information suggesting a pattern of conduct, ongoing or recurring conduct, or conduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred; and
- Whether NWHSU could end the alleged sex discrimination and prevent its recurrence without initiating a Complaint Resolution Process.

If, after considering all relevant factors, the Title IX Coordinator managing the case concludes that the alleged conduct presents an imminent and serious threat to the health or safety of the Complainant or another person, or that the alleged conduct prevents NWHSU from ensuring equal access to its education program or activity, then the Title IX Coordinator may initiate a complaint.

Additionally, after reviewing a complaint, the Title IX Coordinator managing the case may conclude that NWHSU will not move forward with a Complaint Resolution Process if they reasonably determine that the conduct alleged in the complaint could not constitute sex discrimination, sexual harassment, or sexual misconduct.

If the Title IX Coordinator decides to initiate a complaint, NWHSU will ensure that the Complainant is notified prior to the initiation of the complaint and that appropriate measures are taken to address any reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures.

Two main steps occur after the Complaint Resolution Process is initiated: (1) investigation and (2) adjudication. The investigation stage includes notice to the parties, assignment of an appropriate Investigator, and commencement of the fact-finding process. Adjudication includes a determination of responsibility, imposition of sanctions, and an optional appeal.

B. Timeframes for Complaint Resolution Process A

NWHSU will make every effort to conclude the process for resolving a Complaint under this Policy within a reasonably prompt time frame, generally within 120 to 150 calendar days. This timeframe includes the period from commencement of an investigation through the determination and appeal. The timeframe for each major stage of the process is set out in the discussion of each stage.

Occasionally, a process may be temporarily delayed or a timeframe extended for good cause. Good cause may include, but is not limited to, absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. If NWHSU anticipates that a resolution process will be delayed or a timeframe extended, the Title IX Coordinator managing the case will provide written notice to the Complainant and Respondent of the delay or extension and the supporting reasons. Any party to the case may request an extension for good cause. The Title IX Coordinator managing the case will determine whether extensions are

warranted for good cause.

C. Notices to Parties

After a Complaint Resolution Process is initiated, NWHSU will provide notice of the allegations to the parties. The notice will include the following:

- NWHSU's Complaint Resolution Process A;
- Availability of the Informal Resolution Process;
- Sufficient information, available at the time, to allow the parties to respond to the allegations, including the identities of parties involved in the incident(s), the conduct alleged to be discriminatory, and the relevant dates and locations;
- A statement that retaliation is prohibited;
- A statement that the parties are entitled to an equal opportunity to access an investigation report that describes the evidence collected during the investigation, including any documentary evidence attached to the investigation report, and that parties may request access to the evidence itself;

If, during an investigation, NWHSU decides to investigate additional allegations of conduct by the Respondent towards the Complainant that are not described in the initial notice, NWHSU will provide additional notice of the new allegations to the parties.

D. Dismissal of a Complaint

NWHSU may dismiss a complaint made under this Section for any of the following reasons:

- NWHSU is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in NWHSU's educational program or activity or is not employed by NWHSU;
- The Complainant voluntarily withdraws any or all of the allegations in the complaint, and the Title IX Coordinator managing the case declines to initiate a complaint;
- After making reasonable efforts to clarify the allegations with the Complainant, the Title IX Coordinator managing the case determines that the alleged conduct, even if proven, would not constitute sex discrimination.

If a complaint is dismissed because the Complainant voluntarily withdraws the allegations, the Title IX Coordinator will obtain the Complainant's withdrawal in writing.

Generally, a decision to dismiss a complaint will be made within 30 calendar days of the filing of the complaint. A Complainant may decide to voluntarily withdraw allegations at any time, however, which may lead to a decision to dismiss.

When a complaint is dismissed, the Title IX Coordinator managing the case will promptly notify the Complainant of the basis for the dismissal. If the complaint has been dismissed after the Respondent has been notified of the complaint, the Title IX Coordinator will also promptly notify the Respondent of the dismissal and the basis for the dismissal. If the notification of dismissal is in writing, the parties will be notified simultaneously.

The Title IX Coordinator managing the case will notify the parties of the right to appeal a dismissal.

E. Appeal of a Complaint Dismissal

The dismissal of a complaint may be appealed by the Complainant or by the Respondent, if the Respondent has been notified of the allegations.

An appeal may be made on the following bases:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

To appeal a complaint dismissal, a party should submit to the Title IX Coordinator managing the case a written appeal request that includes a brief explanation of the basis of the appeal. The request must be submitted within three business days of notification of the dismissal. The Title IX Coordinator will notify the parties of the appeal. The appeal notification will include notice of the allegations, as described in the Notice Section above, if notice of the allegations was not previously provided to the Respondent. The parties then have five business days to submit a written statement in support of or challenging the complaint dismissal to the Decisionmaker for the appeal.

The Decisionmaker for the appeal will be appointed by the Title IX Coordinator managing the case, and will be either an employee of NWHSU or an external consultant. The Decisionmaker shall not have taken part in an investigation of the allegations, the decision to dismiss the complaint, or any Informal Resolution proceedings related to the complaint. The Decisionmaker for the appeal will be trained, as required by the Title IX regulations, and will be free of bias and conflict of interest.

Within five business days of the deadline for parties to submit a written statement on the appeal, the Decisionmaker will notify the parties of the result of the appeal and the rationale for the result in writing.

After the dismissal of a complaint, NWHSU will offer supportive measures to the Complainant, as appropriate. The Title IX Coordinator will take other appropriate steps to ensure that sex discrimination does not continue or recur within NWHSU's educational program.

Appeal procedures will be implemented equally for the parties.

F. Consolidation of Complaints

NWHSU may consolidate complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

If one of the complaints to be consolidated is a complaint of sexual harassment involving a student Complainant or student Respondent, this Complaint Resolution Process B applies.

G. Investigation

An investigation is a fact-finding process that leads to a determination of whether a particular action or incident constitutes a violation of this Policy. During the investigation, an Investigator will meet with parties and witnesses to collect information and evidence. At the end of the investigation process, the Investigator will produce a written report and make a recommendation about whether a policy violation has occurred. The Investigator will forward the recommendation to the Title IX Coordinator managing

the case, who will finalize the decision about whether a policy violation occurred and determine sanctions.

The Title IX Coordinator managing the case will appoint an Investigator at the beginning of the Complaint Resolution Process. The Investigator may be an employee of NWHSU or may be an external consultant. The Investigator will be trained to conduct Title IX investigations, including how to conduct an investigation that is adequate, reliable, and impartial. The Investigator will be free of bias or conflicts of interest. The Investigator will not have participated in any Informal Resolution Process between the parties.

During the investigation, the Investigator will gather evidence by conducting individual interviews with the parties and with other individuals who the Investigator determines may have knowledge of the events. The Investigator will also collect evidence in the form of text messages, social media messages, emails, videos, photos, security cameras, and other sources, as appropriate. The investigation may also consist of any other methods deemed pertinent by the Investigator.

Generally, the investigation stage of the process will be completed within 30 calendar days.

H. Privacy During the Investigation

NWHSU recognizes the need for privacy during an investigation and will take steps to protect the privacy of the parties. But NWHSU does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the Complaint Resolution Process.

Unless otherwise directed by the Investigator, students and employees who participate in an investigation as witnesses 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 Section 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.

I. Evidence Collected During the Investigation

While NWHSU bears the burden of gathering evidence to investigate a complaint, the parties will have an equal opportunity to present witnesses, including fact and expert witnesses, if allowed, and other inculpatory and exculpatory evidence.

The following types of evidence, and questions seeking that evidence, are not allowed during an investigation and will not be accessed or considered during the Complaint Resolution Process:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless NWHSU obtains that party's or witness's voluntary, written consent for use in its Complaint Resolution Process; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to

the alleged sexual harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sexual harassment or preclude determination that sexual harassment occurred.

Evidence of a Respondent's prior sex-based conduct may be admitted as pattern evidence if, after an objective evaluation, it is determined to be relevant to the allegations under investigation and may aid the Decisionmaker in determining whether the conduct occurred. Decisions about pattern evidence will be made on a case-by-case basis.

J. Investigation Report and Review

The Investigator will review all of the evidence gathered through the investigation and determine what evidence is relevant. The Investigator will also determine whether any of the evidence is impermissible under the previous section and should be excluded. The Investigator will then produce a written investigation report that accurately describes the relevant and permissible evidence and includes, by attachment or other means, any relevant documentary evidence.

The parties will then have the opportunity to access the investigation report and any documentary evidence included with the report. Access to the report will be facilitated by the Title IX Coordinator managing the case, who will arrange for a reasonable time period for the review, typically ten business days. The parties may submit a written response to the investigation report by the end of the review period. The parties' responses will be attached to the report, and the Investigator will consider the responses before making a recommendation about whether a policy violation occurred. parties may be assisted in their review of the report and in preparing their response to the report by an advisor of their choice.

In addition to accessing the investigation report, upon request to the Title IX Coordinator managing the case, either party may also access the relevant and not impermissible evidence. parties will have an equal opportunity to access the relevant evidence.

NWHSU will take reasonable steps to prevent and address any unauthorized disclosure of information and evidence obtained through the Complaint Resolution Process, including during the evidence review and response period. During the evidence review period, this may involve restricting access to the report and evidence, watermarking the report and evidence, or other measures.

K. Determination of Responsibility

At the end of the investigation report review period, the Investigator will evaluate all relevant and not impermissible evidence for persuasiveness, and, applying the preponderance of evidence standard of proof, make a recommendation about whether sex discrimination, sexual harassment, or sexual misconduct occurred. The Investigator will include a rationale with the recommendation. The Investigator will then forward the investigation report and any supporting documentary evidence, the parties' responses to the report, and a recommendation and supporting rationale about whether sex discrimination, sexual harassment, or sexual misconduct occurred to the Title IX Coordinator managing the case. The Title IX Coordinator managing the case will finalize the determination of responsibility and determine sanctions.

When the credibility of any Party or witness is in dispute and is relevant to evaluating allegations of sex discrimination, sexual harassment, or sexual misconduct, the Decisionmaker will meet with parties or witnesses in separate, individual meetings to ask questions relevant to credibility. A party's advisor may be present during the individual meeting. The parties will not be asked to meet together

with the Decisionmaker.

Upon finalizing the determination of whether sex discrimination, sexual harassment, or sexual misconduct has occurred, the Title IX Coordinator managing the case will notify the parties in writing of the determination. The written notification to the parties will include a rationale for the determination and will explain sanctions and remedies, if appropriate.

The determination of responsibility is final on the date NWHSU provides the parties with a written determination of the result of any appeal, or, if an appeal is not filed, on the date on which an appeal would no longer be timely.

Generally, the Determination stage of the process will be completed within 30 calendar days.

L. Sanctions and Remedies

The Title IX Coordinator managing the case will coordinate any disciplinary sanctions imposed on the Respondent and will notify the Complainant about any disciplinary sanctions. Possible sanctions include, but are not limited to:

- No-contact directive
- Corrective action
- Change in job position
- Required counseling, training, and/or assessment
- Unpaid suspension
- Termination of employment
- Other available sanctions as deemed appropriate under the circumstances
- Discontinuation of relationship or association (in the case of a third party)

Sanctions may be combined.

Where a determination of responsibility for sexual harassment has been made against a Respondent, NWHSU may also provide remedies to a Complainant or to any other person whose access to NWHSU's education program or activity was limited or denied by the sex discrimination. Remedies will be designed to restore or preserve equal access to NWHSU's education program or activity. The Title IX Coordinator managing the case will coordinate the provision and implementation of remedies. Remedies may include any of the supportive measures listed in Section V.B, above. The Title IX Coordinator may also take other appropriate steps to ensure that sex discrimination does not continue or recur.

IX. COMPLAINT RESOLUTION PROCESS TO ADDRESS COMPLAINTS OF SEXUAL HARASSMENT AND SEXUAL MISCONDUCT INVOLVING STUDENTS (PROCESS B)

The process described in this Section applies to complaints of ***sexual harassment*** or ***sexual misconduct*** involving student Complainants or Respondents. Note that ***sex discrimination, sexual harassment, and sexual misconduct*** have different definitions. For clarity about the definition of each term, please consult the definitions in Section III, above.

The process described in Section VIII of this Policy (Process A) applies to all complaints of ***sex discrimination***, including those involving students.

A. Commencing a Complaint Resolution Process

Any of the following persons may make a complaint of sexual harassment under this process:

- A student of NWHSU who is alleged to have been subjected to conduct that could constitute sex discrimination;
- A parent, guardian or authorized legal representative with the legal right to act on behalf of a Complainant; or
- A person other than a student or employee of NWHSU who is alleged to have been subjected to conduct that could constitute sexual harassment at a time when that person was participating or attempting to participate in NWHSU's education program or activity, and the person allegedly responsible for sexual harassment was a student; or
- NWHSU's Title IX Coordinator managing the case, under the circumstances described below.

A Complaint Resolution Process to address a complaint of sexual harassment involving a student begins when a Complainant requests that NWHSU move forward with a Complaint Resolution Process. A Complainant can make this request to the Student Title IX Coordinator, either in writing or in person.

If a Complainant does not request that NWHSU move forward with a Complaint Resolution Process to address reported conduct, or the allegations in a complaint are withdrawn, NWHSU may still move forward with a complaint if, after a fact-specific determination, the Title IX Coordinator managing the case concludes that a process is necessary to address the reported conduct. To make this determination, the Title IX Coordinator will consider, at a minimum, the following factors:

- The Complainant's request not to proceed with initiating a complaint;
- The Complainant's reasonable safety concerns about initiating a complaint;
- The risk that additional discriminatory conduct would occur if a complaint is not initiated;
- The severity of the conduct, including whether the sexual harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to stop the conduct and prevent its recurrence;
- The age and relationship of the parties, including whether the Respondent is an employee of NWHSU;
- The scope of the alleged sexual harassment, including information suggesting a pattern of conduct, ongoing or recurring conduct, or conduct alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred; and
- Whether NWHSU could end the alleged sexual harassment and prevent its recurrence without initiating a Complaint Resolution Process.

If, after considering all relevant factors, the Title IX Coordinator concludes that the alleged conduct presents an imminent and serious threat to the health or safety of the Complainant or another person, or that the alleged conduct prevents NWHSU from ensuring equal access to its education program or activity, then the Title IX Coordinator may initiate a complaint.

Additionally, after reviewing a complaint, the Title IX Coordinator managing the case may conclude that NWHSU will not move forward with a Complaint Resolution Process if they reasonably determine that the conduct alleged in the complaint could not constitute sexual harassment.

If the Title IX Coordinator decides to initiate a complaint, NWHSU will ensure that the Complainant is notified prior to the initiation of the complaint and that appropriate measures are taken to address any reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures.

Two main steps occur after the Complaint Resolution Process is initiated by a complaint: (1) investigation and (2) adjudication. The investigation stage includes notice to the parties, assignment of an appropriate Investigator, and commencement of the fact-finding process. Adjudication includes a determination of responsibility, imposition of sanctions, and an optional appeal.

B. Timeframes for the Complaint Resolution Process B

NWHSU will make every effort to conclude a process for resolving a complaint under this Policy within a reasonably prompt time frame, generally within 120 to 150 calendar days. This timeframe includes the period from commencement of an investigation through the determination and appeal. The timeframe for each major stage of the process is set out in the discussion of each stage.

Occasionally, a process may be temporarily delayed or a timeframe extended for good cause. Good cause may include, but is not limited to, absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. If NWHSU anticipates that a resolution process will be delayed or a timeframe extended, the Title IX Coordinator managing the case will provide written notice to the Complainant and Respondent of the delay or extension and the supporting reasons. Any party to the case may request an extension for good cause. The Title IX Coordinator managing the case will determine whether extensions are warranted for good cause.

C. Notices to Parties

After a Complaint Resolution Process is initiated, NWHSU will provide notice of the allegations to the parties. The notice will include the following:

- NWHSU's Complaint Resolution Process (Process B);
- Availability of the Informal Resolution Process;
- Sufficient information, available at the time, to allow the parties to respond to the allegations, including the identities of parties involved in the incident(s), the conduct alleged to be discriminatory, and the relevant dates and locations;
- A statement that retaliation is prohibited;
- A statement that the parties are entitled to an equal opportunity to access an investigation report that describes the evidence collected during the investigation, including any documentary evidence attached to the investigation report, and that parties may request access to the evidence itself;
- A statement that the Respondent is presumed not responsible for the alleged sexual harassment until a determination is made at the conclusion of the Complaint Resolution Process and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;
- A statement that the parties may have an advisor of their choice and that the advisor may be, but is not required to be, an attorney;
- A Statement that the parties are entitled to an equal opportunity to access an investigative report that accurately summarizes this evidence, and are entitled to an equal opportunity to access the relevant and not impermissible evidence upon request; and
- NWHSU's Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the Complaint Resolution Process.

If, during an investigation, NWHSU decides to investigate additional allegations of sex discrimination

by the Respondent towards the Complainant that are not described in the initial notice, NWHSU will provide additional notice of the new allegations to the parties.

If NWHSU has reasonable concerns for the safety of any person as a result of providing this written notice of allegations, NWHSU may delay providing the notice in order to address the safety concerns. Reasonable concerns must be based on individualized safety and risk analysis and not on speculation or stereotypes.

D. Dismissal of a Complaint

NWHSU may dismiss a complaint made under this Section for any of the following reasons:

- NWHSU is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in NWHSU's educational program or activity or is not employed by NWHSU;
- The Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator managing the case declines to initiate a complaint;
- After making reasonable efforts to clarify the allegations with the Complainant, the Title IX Coordinator managing the case determines that the alleged conduct, even if proven, would not constitute sexual harassment.

If a complaint is dismissed because the Complainant voluntarily withdraws the allegations, the Title IX Coordinator will obtain the Complainant's withdrawal in writing.

Generally, a decision to dismiss a complaint will be made within 30 calendar days of the filing of the complaint. A Complainant may decide to voluntarily withdraw allegations at any time, however, which may lead to a decision to dismiss.

When a complaint is dismissed, the Title IX Coordinator managing the case will simultaneously notify the parties of the dismissal and the basis for the dismissal. If a dismissal occurs before the Respondent has been notified of the allegations, the Title IX Coordinator managing the case will provide notice of dismissal only to the Complainant.

The Title IX Coordinator managing the case will notify the parties of the right to appeal a dismissal.

E. Appeal of a Complaint Dismissal

The dismissal of a complaint may be appealed by the Complainant or by the Respondent, if the Respondent has been notified of the allegations.

An appeal may be made on the following bases:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

To appeal a complaint dismissal, a party should submit to the Title IX Coordinator managing the case a written appeal request that includes a brief explanation of the basis of the appeal. The request must

be submitted within three business days of notification of the dismissal. The Title IX Coordinator will notify the parties of the appeal. The appeal notification will include notice of the allegations, as described in the Notice Section above, if notice of the allegations was not previously provided to the Respondent. The parties then have five business days to submit a written statement in support of or challenging the complaint dismissal to the Decisionmaker for the appeal.

The Decisionmaker for the appeal will be appointed by the Title IX Coordinator managing the case, and will be either an employee of NWHSU or an external consultant. The Decisionmaker shall not have taken part in an investigation of the allegations, the decision to dismiss the complaint, or any Informal Resolution proceedings related to the complaint. The Decisionmaker for the appeal will be trained, as required by the Title IX regulations, and will be free of bias and conflict of interest.

Within five business days of the deadline for parties to submit a written statement on the appeal, the Decisionmaker will notify the parties of the result of the appeal and the rationale for the result in writing.

After the dismissal of a complaint, NWHSU will offer supportive measures to the Complainant, as appropriate. The Title IX Coordinator will take other appropriate steps to ensure that sexual harassment does not continue or recur within NWHSU's educational program.

Appeal procedures will be implemented equally for the parties.

F. Consolidation of Complaints

NWHSU may consolidate complaints of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations arise out of the same facts or circumstances.

G. Investigation

An investigation is a fact-finding process that leads to a determination of whether a particular action or incident constitutes a violation of this Policy. During the investigation, an Investigator will meet with the parties and witnesses to collect information and evidence that will assist in making a determination about whether a policy violation occurred.

At the beginning of the Complaint Resolution Process, the Title IX Coordinator managing the case will appoint an Investigator. The Investigator may be an employee of NWHSU or may be an external consultant. The Investigator will be trained to conduct Title IX investigations, including how to conduct an investigation that is adequate, reliable, and impartial. The Investigator will be free of bias or conflicts of interest. The Investigator will also serve as the Decisionmaker at the end of the investigation process, and, as such, will make a determination about whether a violation of this Policy occurred.

During the investigation, the Investigator will gather evidence by conducting individual interviews with the parties and with other individuals who the Investigator determines may have knowledge of the events. The Investigator will also collect evidence in the form of text messages, social media messages, emails, videos, photos, security cameras, and other sources, as appropriate. The Investigator may seek evidence relevant to the credibility of parties and witnesses. The investigation may also consist of any other methods deemed pertinent by the Investigator.

NWHSU will provide parties whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews or other proceedings with sufficient time for the party to prepare to participate.

Generally, the Investigation stage of the process will be completed within 30 calendar days.

H. Privacy During the Investigation

NWHSU recognizes the need for privacy during an investigation and will take steps to protect the privacy of the parties. But NWHSU does not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the Complaint Resolution Process.

Unless otherwise directed by the Investigator, students and employees who participate in an investigation as witnesses 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 Section 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.

I. Evidence Collected During the Investigation

While NWHSU bears the burden of gathering evidence to investigate a complaint, the parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The following types of evidence, and questions seeking that evidence, are not allowed during an investigation and will not be accessed or considered during the Complaint Resolution Process:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless NWHSU obtains that party's or witness's voluntary, written consent for use in its Complaint Resolution Process; and
- Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove consent to the alleged sexual harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged sexual harassment or preclude determination that sexual harassment occurred.

Evidence of a Respondent's prior sex-based conduct may be admitted as pattern evidence if, after an objective evaluation, it is determined to be relevant to the allegations under investigation and may aid the Decisionmaker in determining whether the conduct occurred. Decisions about pattern evidence will be made on a case-by-case basis.

J. Investigation Report Review and Opportunity for Parties to Ask Questions of Parties and Witnesses

The Investigator will review all of the evidence gathered through the investigation and determine what evidence is relevant. The Investigator will also determine whether any of the evidence is impermissible under the previous section and should be excluded. The Investigator will then produce a written

investigation report that accurately describes the relevant and permissible evidence and includes, by attachment or other means, any relevant documentary evidence.

The parties will then have the opportunity to access and review the investigation report and any documentary evidence included with the report. Access to the report will be facilitated by the Title IX Coordinator managing the case, who will arrange for a reasonable time period for the review, typically ten business days.

In addition to accessing the investigation report, upon request to the Title IX Coordinator managing the case, either party may also access the relevant and not impermissible evidence. Parties will have an equal opportunity to access the relevant evidence.

During the ten-day review period, the Investigator will coordinate a process through which the parties may propose questions and follow-up questions for the parties and witnesses. The purpose of the questioning process is to gather additional information regarding the allegations and the credibility of the parties and Witnesses. The process is not intended to be a reinvestigation of the complaint.

During the review period, the parties may prepare proposed questions for the other party and for witnesses and submit those questions to the Investigator in writing. A party's advisor may assist with preparation of questions. Each party may submit an initial set of questions to the Investigator by the end of the ten-day review period. The Title IX Coordinator may assist with facilitating the process. Questioning will never be conducted by a party personally.

Upon receipt of the parties' proposed questions, the Investigator will evaluate the questions to determine whether they seek relevant and not impermissible evidence. The Investigator will allow all relevant and not impermissible questions. If the Investigator decides to exclude a question as not relevant or as impermissible, they will explain the decision in writing to the party proposing the question.

Questions that are unclear or harassing of a party or witness will not be allowed. If the Investigator determines that a question is unclear or harassing of a party, the Investigator will give the party proposing the question the opportunity to clarify or revise the question. If the party sufficiently clarifies or revises the question, the Investigator will ask the question.

After evaluating all proposed questions for relevance and clarity, the Investigator will meet individually with parties and Witnesses to ask all proposed relevant and not impermissible questions. During these individual meetings, the Investigator may also ask relevant and not impermissible questions of their own devising. All individual meetings with the Investigator will be audio recorded. These individual meetings will occur within a reasonable time after the end of the review period and submission of the questions.

After the completion of individual meetings with parties and witnesses to ask relevant questions, the Investigator or Title IX Coordinator managing the case will provide each party with either the audio recording or a transcript of the individual meetings in which the questions were asked. The recordings will be provided to the parties within a reasonable time after the completion of the individual meetings.

The parties then have an opportunity to submit to the Investigator any proposed follow-up questions for the other party or for witnesses. Follow-up questions must be submitted to the Investigator within three business days of the receipt of the recordings or transcript. The Investigator will then meet again with parties and witnesses in individual meetings, as necessary, to ask any relevant and not impermissible follow-up questions. The Investigator will notify each party at the close of the questioning process.

After the close of the questioning process, the parties may each submit a written response to the investigation report and the questioning process. The written response must be submitted within five

business days of the close of the questioning process. parties may be assisted by their advisor in their review of the report and in preparing their response.

NWHSU will take reasonable steps to prevent and address any unauthorized disclosure of information and evidence obtained through the Complaint Resolution Process, including during the evidence review and response period and the questioning process. During the evidence review period and questioning process, this may involve restricting access to the report and evidence, watermarking the report and evidence, or other measures.

K. Determination of Responsibility

At the end of the investigation report review period and questioning process, the Investigator will evaluate all relevant and not impermissible evidence and any responses of the parties. The Investigator will then make a written determination about whether sexual harassment occurred, applying the preponderance of evidence standard of proof. The Investigator will include a written rationale with the recommendation.

In making a recommendation, the Investigator may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible during the questioning process. The Investigator will not draw an inference about whether sexual harassment occurred based solely on a party's or witness's refusal to respond to such questions.

The Investigator will then forward to the Title IX Coordinator managing the case the investigation report and any supporting documentary evidence, the parties' responses to the report, and the determination and written rationale about whether sexual harassment occurred.

If the Investigator determined that a policy violation had occurred in the case, the Title IX Coordinator managing the case will determine sanctions. The Title IX Coordinator may consult other members of NWHSU's Title IX team in determining sanctions.

Title IX Coordinator will simultaneously notify the parties in writing of the outcome. The written notification to the parties will include

- A description of the alleged sexual harassment or sexual misconduct;
- Information about the policies and procedures that NWHSU used to evaluate the allegations;
- The Investigator's/Decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sexual harassment occurred, including a rationale;
- When the Investigator/Decisionmaker finds that sexual harassment or sexual misconduct occurred, any disciplinary sanctions NWHSU will impose on the Respondent, and whether remedies other than the imposition of disciplinary sanctions will be provided by NWHSU to the Complainant, and/or, if appropriate, to other students experiencing the effects of the sexual harassment; and
- NWHSU's procedures and permissible bases for the Complainant and Respondent to appeal.

The determination of responsibility is final on the date NWHSU provides the parties with a written determination of the result of any appeal, or, if an appeal is not filed, on the date on which an appeal would no longer be timely.

Generally, the Determination stage of the process will be completed within 30 calendar days.

L. Appeals

The determination of responsibility may be appealed by the Complainant or the Respondent. Appeals are not intended to be a full reinvestigation of the complaint. In most cases, appeals are confined to a review of the appeal request, the investigation report and supporting documentation, and the parties' appeal statements.

An appeal may be made on the following bases:

- Procedural irregularity that would change the outcome.
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, Investigator, or Decisionmaker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

To appeal a determination of responsibility, a party should submit to the Title IX Coordinator managing the case a written appeal request that includes a brief explanation of the basis of the appeal. The request must be submitted within three business days of notification of the determination of responsibility. The Title IX Coordinator managing the case will notify the parties of the appeal in writing, including the basis for the appeal. The parties then have business five business days to submit a written statement in support of or challenging the determination of responsibility.

The Decisionmaker for the appeal will be appointed by the Title IX Coordinator managing the case, and will be either an employee of NWHSU or an external consultant. The Decisionmaker shall not have taken part in an investigation of the allegations or any Informal Resolution proceedings related to the complaint. The Decisionmaker for the appeal will be trained, as required by the Title IX regulations, and will be free of bias and any conflict of interest.

Within ten business days of the deadline for parties to submit a written statement on the appeal, the Decisionmaker will notify the parties in writing of the result of the appeal and the rationale for the result. The Decisionmaker may take, but is not limited to, the following actions:

- Affirm the determination of responsibility;
- Remand for additional procedures or additional investigation if any of the bases for appeal is satisfied.

Appeal procedures will be implemented equally for the parties.

M. Sanctions and Remedies

The Title IX Coordinator managing the case will coordinate any disciplinary sanctions imposed on the Respondent and will notify the Complainant about any disciplinary sanctions.

Possible sanctions for students include, but are not limited to:

- No-contact directive
- Restriction of privileges
- Required attendance at educational programs
- Restitution
- Revocation of an honor or degree
- Probation

- Written warning
- Suspension
- Dismissal
- Any other sanctions listed in the Code of student Conduct or deemed appropriate under the circumstances

Possible sanctions for employees include, but are not limited to:

- No-contact directive
- Corrective action
- Change in job position
- Required counseling, training, and/or assessment
- Unpaid suspension
- Termination of employment
- Other available sanctions as deemed appropriate under the circumstances

Sanctions may be combined.

Where a determination of responsibility for sexual harassment has been made against a Respondent, NWHSU may also provide remedies to a Complainant or to any other person whose access to NWHSU's education program or activity was limited or denied by the sex discrimination. Remedies will be designed to restore or preserve equal access to NWHSU's education program or activity. The Title IX Coordinator managing the case will coordinate the provision and implementation of remedies. Remedies may include any of the supportive measures listed in Section V.A, above. The Title IX Coordinator may also take other appropriate steps to ensure that sex discrimination does not continue or recur.

X. RECORDKEEPING

NWHSU will maintain records of its response to all Complaints addressed under this Policy for seven years. Records will document

- Each sex discrimination, sexual harassment, or sexual misconduct investigation conducted by NWHSU, including any determination regarding responsibility, any audio or audiovisual recording or transcript of a Complaint Resolution Process meeting, any disciplinary sanctions imposed on a Respondent, and any remedies provided to the Complainant;
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom; and
- All materials used to train Title IX Coordinators, Investigators, Decisionmakers, Appeals Officers, and Informal Resolution facilitators.

NWHSU will also maintain records about all reports of sex discrimination, sexual harassment, or sexual misconduct for seven years. Records maintained will include documentation about any actions taken, including the provision of supportive measures in response to a report or Complaint. If supportive measures are not provided in response to a report or Complaint, NWHSU will document the reasons for that action.

XI. UNIVERSITY REPORTING OBLIGATIONS

Under the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics

Act ("Clery Act"), NWHSU has a legal duty to track and publish information about certain types of sexual misconduct. NWHSU 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 NWHSU 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. NWHSU 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, NWHSU has a legal duty to track and report similar information about sexual misconduct on its website and to the Minnesota Office of Higher Education.

NWHSU 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 NWHSU community. NWHSU 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).

XII. COOPERATION WITH LAW ENFORCEMENT

NWHSU will comply with law enforcement's request for cooperation and such cooperation may require NWHSU to suspend temporarily the fact-finding aspect of a Title IX investigation while the law enforcement agency gathers evidence. NWHSU 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 NWHSU's investigation could be longer in certain instances.

NWHSU 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, NWHSU may share investigative information with the law enforcement.

XIII. ALTERNATIVE COMPLAINT PROCEDURES

The procedures set out in this Policy do not deny the right of any individual to pursue other avenues of recourse which may include, but are not limited to, filing a complaint 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

XIV. PROGRAMS DESIGNED TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Pursuant to the Clery Act, NWHSU has designed and implemented programs meant to prevent domestic violence, dating violence, sexual assault, and stalking. Notably, NWHSU 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

- a. Be provided a statement that NWHSU prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
- b. Receive documentation with the definitions of domestic violence, dating violence, sexual assault, stalking, and consent;
- c. 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;
- d. Receive information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- e. Learn the possible sanctions or protective measures that NWHSU may impose following a final determination of a University disciplinary procedure regarding rape, domestic violence, dating violence, sexual assault, or stalking;
- f. 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:
 - i. 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;
 - ii. To whom the alleged offense should be reported;
 - iii. 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;
- g. Be notified that, when applicable, Complainants have rights and NWHSU has responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
- h. 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;

- i. 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;
- j. 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, NWHSU's procedures for the Complainant or Respondent to appeal the results of NWHSU disciplinary proceeding when such results become final.
- k. Obtain information about how NWHSU 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;
- l. 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
- m. 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.
- n. NWHSU 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.

NWHSU 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.

NWHSU 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 NWHSU. 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.

XV. QUESTIONS

Please direct any questions to:

Student Questions	Employee Questions
Student Title IX Coordinator (952) 887-1381	Employee Title IX Coordinator (952) 885-5437

APPENDIX A

STATEMENT OF THE COMPLAINANT'S RIGHTS

- 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 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 NWHSU, including if that student transfers to another postsecondary institution;
- In instances in which a student reported a sexual assault to NWHSU 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 NWHSU's Title IX Policy**

STATEMENT OF THE RESPONDENT'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 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
NWSU's Title IX Policy**

APPENDIX B

Information about Minnesota State Law Definitions of Prohibited Conduct and Examples of Prohibited Conduct

- A. 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.

- B. 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.
- C. Stalking** means 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 circumstances of the person subject to the conduct.
 - 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 person unwanted items, presents, or flowers.
- Following or lying in wait for the person at places such as home, University, work, or recreational facilities.
- Making direct or indirect threats to harm the person or the person's children, relatives, friends, or pets.
- Damaging or threatening to damage the person's property.
- Repeatedly posting information or spreading rumors about the person on the internet, in a public space, or by word of mouth that would cause a person to feel threatened or intimidated.
- Unreasonably obtaining personal information about the person.

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

- D. 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.*

E. Domestic violence is any of the following, if committed against a family or household member by a family or household member:

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