



**UNIVERSITY OF  
NORTHWESTERN**  
ST. PAUL

# SEXUAL MISCONDUCT POLICY

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## *Community Policy*

**Last Updated  
12/01/2021**

This Policy provides the philosophy and standard exercised by the University of Northwestern regarding all forms of unlawful sex discrimination in its community. This policy applies to the following forms of unlawful sex discrimination, which are collectively referred to as “Sexual Misconduct”: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation. This policy documents the University of Northwestern – St. Paul’s commitment to prevent Sexual Misconduct, identifies the steps for recourse for those individuals who assert they have been subject to Sexual Misconduct, and defines the procedures for determining if a Policy violation has occurred, including remedies, sanctions, and appeals.

*Nothing contained in this Policy is intended to create a contract between University of Northwestern and any student, employee, independent contractor, or vendor.*

## Contents

I.	INTRODUCTION .....	3
II.	NOTICE OF NONDISCRIMINATION .....	3
III.	SCOPE .....	5
IV.	DEFINITIONS .....	6
V.	PROHIBITED CONDUCT.....	7
	A. Title IX Sexual Harassment .....	7
	B. Non-Title IX Sexual Harassment .....	9
	C. Sexual Assault.....	10
	D. Domestic Violence.....	12
	E. Dating Violence .....	13
	F. Stalking .....	14
	G. Sexual Exploitation .....	15
	H. Romantic and/or sexual relationships of unequal status .....	16
	I. Retaliation and Interference with Process.....	16
VI.	THE TITLE IX COORDINATOR .....	17
VII.	CONFIDENTIALITY .....	18
	A. Confidential Resources.....	18
	B. Non-Confidential Communications.....	19
	C. Requests for Confidentiality or Non-Action .....	20
	D. Statistical Reporting and Clery Act Timely Warning .....	21
VIII.	IMMEDIATE ACTION: WHAT TO DO IF YOU ARE SEXUALLY ASSAULTED AND/OR EXPERIENCE SEXUAL MISCONDUCT .....	22
IX.	REPORTING OPTIONS .....	23
	A. Reporting to Northwestern .....	23
	B. Reporting to the Police.....	24
	C. Restraining Orders and Orders for Protection, Domestic Abuse No Contact Orders, and No Contact Directives .....	24
	D. Crime Victims Bill of Rights .....	25
	E. Anonymous Reporting.....	26
	F. Amnesty and Waiver of Other Policy Violations .....	26
	G. Obligation to Act in Good Faith.....	27
	H. Mandatory Reporting of Child Abuse or Neglect.....	27
	I. Employee Reporting of Sexual Misconduct .....	27

	J. Emergency Removal.....	28
	K. Administrative Leave.....	28
X.	THE COMPLAINT RESOLUTION PROCESS .....	28
	A. Equal Rights of the Complainant and Respondent .....	29
	B. Advisors .....	33
	C. Requests for Reasonable Accommodations.....	35
	D. Supportive/Interim Measures.....	35
	E. Non-Participation and Silence.....	37
	F. Obligation to be Truthful.....	37
	G. Conflicts of Interest or Bias .....	38
	H. Time Frames for Resolution .....	38
	I. Presumption of Non-Responsibility .....	40
	J. Trained Officials.....	40
	K. Application of the Policy .....	41
	L. Reservation of Flexibility .....	41
XI.	PROCEDURES FOR SEXUAL MISCONDUCT COMPLAINT RESOLUTION .....	41
	A. Initial Meeting Between the Complainant and Title IX Coordinator .....	41
	B. Formal Complaint and Notice of Allegations .....	42
	C. Investigation of Other College Policy Violations .....	44
	D. Consolidation of Formal Complaints.....	44
	E. Informal Resolution.....	44
	F. Formal Resolution .....	45
XII.	COMPLAINTS OF RELATED MISCONDUCT .....	60
XIII.	ALTERNATIVE PROCEDURES.....	61
XIV.	POLICY DISSEMINATION .....	61
XV.	RECORDKEEPING .....	61
XVI.	POLICY AMENDMENTS .....	62

# SEXUAL MISCONDUCT POLICY

## I. INTRODUCTION

The University of Northwestern | Northwestern Media (“Northwestern” or the “University”) affirms the Biblical principle that all human beings are created in the image of God. It is out of this truth that our community seeks to provide a campus culture that is free from Sexual Misconduct.

Northwestern’s students and employees have a right to an academic and employment environment which is free of all forms of Sexual Misconduct. Northwestern recognizes that such misconduct is inconsistent with biblical teaching and the University’s mission. Northwestern will not tolerate Sexual Misconduct in any form. As defined in more detail below, Sexual Misconduct includes Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation. When these actions occur, the boundaries and safety of the individual are violated, and the University community is negatively impacted, and potentially local, state, and federal laws are broken. Such conduct adversely and seriously affects an individual’s suitability as a member of the Northwestern community.

The goal of this policy is to create a community free of Sexual Misconduct. Additionally, through this policy, Northwestern seeks to aid victims of Sexual Misconduct and to enable the University to respond to such acts in a sensitive, just, and consistent manner.

***At Northwestern, we believe in honoring the holy sexual union within the context of the covenant of marriage, a covenant between one man and one woman. (Adapted from Declaration of Christian Community-University of Northwestern.)*** <https://unwsp.edu/about-us/christian-values> . While some portions of this policy may address intimate or sexual activities outside of marriage, such discussions should not be seen as condoning these actions. At the same time, one individual’s engagement in intimate or sexual activities outside of marriage does not excuse Sexual Misconduct carried out against that individual. Northwestern is committed to protecting the members of its community against Sexual Misconduct—regardless of the context in which it arises.

## II. NOTICE OF NONDISCRIMINATION

In accordance with applicable federal and state laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Age Discrimination in Employment Act, and the Americans with Disabilities Act and ADA Amendments, the University of Northwestern – St. Paul does not unlawfully discriminate on the basis of sex, race, color, national origin, age, disability, marital status, genetic information, veteran status, or any other protected status under federal, state, or local law applicable to the University of Northwestern – St. Paul, in its education programs and activities, in employment policies and practices, and all other areas of the University. As a faith-based institution, the University is exempted from certain laws and regulations concerning discrimination. The University maintains the right, with regard to

admissions, enrollment, employment, and other matters, to uphold and apply its religious beliefs related to, among other issues, marriage, sex (gender), gender identity, sexual orientation, and sexual activity.

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that: “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” The University is required by Title IX and its regulations not to engage in sex discrimination in its education program or activity, including admissions and employment. Sex discrimination is conduct based upon an individual’s sex that excludes an individual from participation in, denies the individual the benefits of, or treats the individual differently, in an education program or activity. Sexual Harassment is a form of sex discrimination. In accordance with Title IX and its regulations, this Policy addresses University’s prohibition of the following forms of unlawful sex discrimination: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation. Allegations of sex discrimination that do not involve Sexual Misconduct will be handled in accordance with the Non-Discrimination Policy and Harassment: All Unlawful Forms Policy.

The University will respond to reports of Sexual Misconduct promptly and equitably and appropriate action will be taken to take steps to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community. All faculty, staff, and students are responsible for maintaining a safe environment for education and work. This includes taking appropriate action to prevent and eliminate Sexual Misconduct.

Questions or concerns about Title IX, sex discrimination, Sexual Harassment, or other forms of Sexual Misconduct may be referred to Northwestern’s Title IX Coordinator:

Kelly Franck  
Human Resources Business Partner  
Riley Hall: R1605  
3003 Snelling Avenue North, St.  
Paul, MN 55113 651-631-5480  
titleIX@unwsp.edu

Questions or concerns may also be referred to the U.S. Department of Education’s Office for Civil Rights:

The Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Telephone: 800-421-3481

Facsimile: 202-453-6012  
TDD#: 800-877-8339  
Email: OCR@ed.gov <http://www.ed.gov/ocr>

Questions or concerns regarding the Rehabilitation Act and Title II of the ADA may be referred to:

Pearl Ferrin  
Director of Human Resources  
Human Resources  
Riley Hall: R1705  
3003 Snelling Avenue North,  
St. Paul, MN 55113  
651-631-5375  
[plferrin@unwsp.edu](mailto:plferrin@unwsp.edu)

### **III. SCOPE**

This policy covers all Northwestern community members, including students, employees, faculty, administrators, staff, applicants for admission or employment, and other individuals or entities, such as trustees, volunteers, independent contractors, vendors, visitors, and any individuals and entities who are regularly or temporarily employed, studying, living, visiting, conducting business, interacting with a member or members of our community, or having any official capacity with Northwestern or on Northwestern property.

All Northwestern community members are required to follow Northwestern's policies and local, state, and federal law.

This policy applies to Sexual Misconduct committed by or against a Northwestern community member, including conduct that occurs:

- On campus or Northwestern property;
- Off-campus activities sponsored or sanctioned by the University or which otherwise relate to the University or its business. Such activities include, but are not limited to, professional meetings, classes, practicums, seminars, study abroad trips/programs, mission trips, distance education, and all other activities involving or relating to the University;
- Off-campus conduct that may cause or threatens to cause an unacceptable disruption at the University or which may interfere with an individual's right to a non-discriminatory educational or work environment.

This Policy applies to Sexual Misconduct within the scope of Title IX, as well as Sexual Misconduct committed by or against a University community member that does not fall within the scope of Title IX. More information about what Sexual Misconduct falls within the scope of Title IX is provided in section V. Prohibited Conduct below and more information about the process

applicable to different types of Sexual Misconduct is provided in section X. The Complaint Resolution Process below.

This Policy applies regardless of the sexual orientation or gender identity of any of the parties. Although the University maintains its rights to uphold and apply its religious beliefs with regard to sexual orientation and gender identity, the University has no tolerance for any form of Sexual Misconduct committed against any individual, regardless of the individual's sexual orientation or gender identity. Individuals are strongly encouraged to report all incidents of Sexual Misconduct, including Title IX Sexual Harassment, non-Title IX Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Exploitation, even when the individual has a concern that they have engaged in conduct that may violate provisions of the University's policies related to sexual activity.

#### IV. DEFINITIONS

- A. **Complainant** refers to an individual who is alleged to be the victim of conduct that could violate this Policy.
- B. **Respondent** refers to an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.
- C. **Report:** an account of the Sexual Misconduct that has allegedly occurred that has been provided to the University by the complainant, a third party, or an anonymous source.
- D. **Formal Complaint:** a document filed by a complainant or signed by the Title IX Coordinator alleging a violation of this Policy and requesting that the University investigate the allegation of the Policy violation. A formal complaint begins the complaint resolution process as set forth in section X. The Complaint Resolution Process below.
- E. **Title IX Coordinator:** The designated staff member of the University with primary responsibility for coordinating Title IX compliance efforts, and who generally oversees the complaint resolution process, documents the findings and decisions, and maintains official records. For more information regarding the Title IX Coordinator's role, see section VI. Title IX Coordinator below.
- F. **Sexual Misconduct:**<sup>1</sup> As used in this policy, Sexual Misconduct means the following forms of sex discrimination and other misconduct:
  - Title IX Sexual Harassment
  - Non-Title IX Sexual Harassment

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<sup>1</sup> Some instances of Dating Violence, Domestic Violence, and Stalking may not be sexual in nature. For purposes of this policy, the term "Sexual Misconduct" encompasses all instances of Dating Violence, Domestic Violence, and Stalking (as those terms are defined in this policy), regardless of whether there is a sexual component to the behavior.

- Sexual Assault
- Domestic Violence
- Dating Violence
- Stalking
- Sexual Exploitation
- Aiding acts of Sexual Misconduct

## V. PROHIBITED CONDUCT

The University prohibits the following forms of Sexual Misconduct: Title IX Sexual Harassment, Non-Title IX Sexual Harassment, Sexual Exploitation, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, as each term is defined below. Aiding others in acts of Sexual Misconduct also violates this Policy.

This policy includes, where applicable, definitions related to Sexual Misconduct under Minnesota law. For more information on the criminal law definitions in other states in which Northwestern employees or students are located, please see the state-specific information in Appendices D-J at the end of this policy. Northwestern prohibits both conduct prohibited by law and any other conduct prohibited by the terms of this Policy.

### A. Title IX Sexual Harassment

As used in this Policy, Title IX Sexual Harassment includes conduct on the basis of sex that satisfies one or more of the following definitions, when the conduct occurs (1) in the University's education program or activity and (2) against a person in the United States.

1. **Title IX Quid Pro Quo Harassment:** Title IX Quid Pro Quo Harassment occurs when an employee of the University, including a student-employee, conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct. Such unwelcome sexual conduct could include, but is not limited to, sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal, or physical conduct or communication of a sexual nature.
2. **Title IX Hostile Environment Harassment:** Title IX Hostile Environment Harassment is unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity.

For the purposes of the definition of Title IX Hostile Environment Harassment, reasonable person means a reasonable person in the shoes of



the complainant, considering the ages, abilities, and relative positions of authority of the individuals involved in an incident.

Multiple instances of the following conduct, or other unwelcome conduct on the basis of sex, may constitute Title IX Hostile Environment:

- Unwelcome sexual flirtations, advances, propositions, or touching of a sexual nature;
- Sexual violence;
- Requests for sexual favors;
- Punishing or threatening to punish a refusal to comply with a sexual-based request;
- Offering a benefit (such as a grade, promotion, or athletic participation) in exchange for sexual favors or other verbal or physical conduct of a sexual nature;
- Verbal abuse of a sexual nature or obscene language or slurs;
- Gender- or sexually-oriented jokes and comments;
- Verbal commentary about an individual's body, sexual tone or innuendo, suggestive commentary about a person's clothing and appearance;
- Displaying derogatory or sexually suggestive pictures or other objects in an office, on the exterior of a residence hall door, or on a computer monitor (e.g., pictures, cartoons, posters, or calendars);
- Visual conduct such as leering or making gestures;
- Unwanted kissing;
- Unwelcome touching of a sexual nature such as patting, pinching, or brushing against another's body;
- Gossip about sexual relations;
- Videotaping or taking photographs of a sexual nature without consent; and
- Cyber harassment, including but not limited to disseminating information, photos, or video of a sexual nature without consent.

The circumstances that may be considered when determining whether conduct was so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity include, but are not limited to:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- The effect of the conduct on the victim's mental or emotional state;
- Whether the conduct was directed at more than one person;

- Whether the conduct arose in the context of other discriminatory conduct;
  - Whether the conduct was merely a discourteous, rude, or insensitive statement;
  - Whether the speech or conduct deserves the protections of academic freedom.
3. **Sexual Assault, Domestic Violence, Dating Violence, and Stalking**, as those terms are defined below (when such conduct occurs (1) in the University's education program or activity and (2) against a person in the United States.

For the purposes of the Title IX Sexual Harassment definition, conduct is **unwelcome** when the individual did not request or invite and regarded as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that he or she welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that he or she objects, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.

At a minimum, the University's **education program or activity** includes all of the operations of the University, including (1) locations on campus or otherwise owned or controlled by the University, such as residence halls and learning spaces, (2) locations, events, or circumstances over which the University exercised substantial control over both the respondent and the context in which the alleged Sexual Misconduct occurred, such as University athletic events and other University-sponsored off-campus activities, and (3) any building owned or controlled by a student organization that is officially recognized by the University. Whether alleged conduct occurred in the University's education program or activity is a fact specific analysis.

## **B. Non-Title IX Sexual Harassment**

While Title IX requires that the alleged conduct meet a certain threshold before it is considered Title IX Sexual Harassment, the University also prohibits unwelcome conduct of a sexual nature or based on sex (1) that may not rise to the level of Title IX Sexual Harassment (as defined above), (2) that did not occur in the University's education program or activity, but may nevertheless cause or threaten to cause an unacceptable disruption at the University or interfere with an individual's right to a non-discriminatory educational or work environment, or (3) that did not occur against a person in the United States.

As used in the Policy, Non-Title IX Sexual Harassment is unwelcome conduct of a sexual nature or based on sex, including sexual advances, requests for sexual favors, offensive comments or

other conduct based on sex, sexually motivated physical contact, or other verbal, nonverbal, or physical conduct or communication of a sexual nature, when:

- submission to that conduct is made, either explicitly or implicitly, a term or condition of an individual's educational experience or employment, or the individual's submission or rejection of such conduct is used as the basis for an educational program or activity decision or employment decision affecting such individual ("quid pro quo" harassment); or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's employment or education, or of creating an intimidating, hostile, or offensive employment or educational environment ("hostile environment" harassment).

Examples of non-Title IX Hostile Environment Harassment may include the same type of conduct listed above for Title IX Hostile Environment Harassment, when such conduct (1) does not rise to the level of being so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; (2) does not occur in the University's education program or activity; or (3) does not occur against a person in the United States.

For the purposes of the Non-Title IX Sexual Harassment definition, conduct is unwelcome when the individual did not request or invite it and regarded the conduct as undesirable or offensive. The fact that an individual may have accepted the conduct does not mean that he or she welcomed it. On the other hand, if an individual actively participates in conduct and gives no indication that he or she objects, then the evidence generally will not support a conclusion that the conduct was unwelcome. That a person welcomes some conduct does not necessarily mean that person welcomes other conduct. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion. Whether conduct was unwelcome may be determined based on the context and circumstances of the encounter or incident.

Non-Title IX Sexual Harassment does not include conduct covered under the definition of Title IX Sexual Harassment.

### **C. Sexual Assault**

Sexual Assault is any actual or attempted sexual contact, including contact with an object, with another person without that person's consent. As used in this policy, sexual contact includes intentional contact by the accused with the victim's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; touching another with any of these body parts, whether clothed or unclothed; coerced touching by the victim of another's genital area, groin, inner thigh, buttocks, or breasts, whether clothed or unclothed; or forcing another to touch him/herself with or on any of these body parts. Sexual Assault includes, but is not limited to, an offense that meets any of the following definitions:

- Rape: the penetration, no matter how slight, of the vagina or anus with any body part or object, oral penetration by a sex organ of another person, or oral contact with the sex organ of another person, without the consent of the victim;
- Fondling: the touching of the private body parts (including the genital area, groin, inner thigh, buttocks, or breast) of another person for the purpose of sexual gratification, without the consent of the victim;
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; in Minnesota the age of consent is 16.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Sexual Assault that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, University property, or in a University program or activity.

Sexual Assault is a criminal act under state law. See Minnesota Statutes Section 609.341 et seq. for applicable criminal law definitions of criminal sexual conduct in Minnesota. For more information on the criminal law definitions of Sexual Assault in other states in which Northwestern employees or students are located, please see the state-specific information in Appendices D-J at the end of this policy.

**Consent** is words or overt actions by a person clearly communicating a freely-given present agreement to perform a particular sexual act. Words or overt actions clearly communicate consent when a reasonable person in the circumstances would believe those words or actions indicate a willingness to participate in a mutually agreed-upon sexual activity. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.

The conditions of obtaining consent are subject to the following:

- Consent can only be given if one is of legal age. In Minnesota, the legal age of consent is 16 years old.
- Consent to one form of sexual activity cannot, by itself, constitute consent to other forms of sexual activity.
- Consent can be withdrawn at any time. When consent is withdrawn, the sexual activity for which consent was initially provided must stop.
- Consent is active, not passive. Silence or the absence of resistance or saying "no," in and of themselves, cannot be interpreted as consent.

- Whether an individual actively and willingly participates in conduct may be a factor in determining whether there was consent.
- Previous relationships or previous consent do not, by themselves, constitute consent to future sexual acts. In cases of prior relationships, the manner and nature of prior communications between the parties and the context of the relationship may be factors in determining whether there was consent.
- An existing sexual, romantic, or marital relationship does not, by itself, constitute consent.
- Prior sexual activity with other individuals does not imply consent.
- Consent cannot be obtained, explicitly or implicitly, by use of force, intimidation, threats, or **coercion**.
- An individual known to be – or who should be known to be – **incapacitated**, as defined in this policy, cannot consent to sexual activity initiated by another individual.
- Use of alcohol or other drugs will never function to excuse behavior that violates this policy.

**Coercion** refers to conduct or intimidation that would compel an individual to do something against their will by: (1) the use of physical force, (2) threats of severely damaging consequences, or (3) pressure that would cause a reasonable person to fear severely damaging consequences. Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to get consent from another.

**Incapacitation** means the physical and/or mental inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental or physical disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to alcohol or other drug ingestion, incapacitation requires more than being under the influence of alcohol or other drugs; a person is not incapacitated just because they have been drinking or using other drugs. Where alcohol or other drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation, looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation; whether the individual was able to communicate decisions regarding consent, nonconsent, or the withdrawal of consent; and whether such condition was known or reasonably known to the accused or a reasonable sober person in the accused's position. Use of drugs or alcohol by the accused is not a defense against allegations of Sexual Misconduct.

#### **D. Domestic Violence**

Domestic Violence is a felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;

- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of Minnesota (or, if the crime occurred outside of Minnesota, the jurisdiction in which the crime of violence occurred); or
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Minnesota (or, if the crime occurred outside of Minnesota, the jurisdiction in which the crime of violence occurred). In addition to the relationships described above, Minnesota law defines Domestic Violence to include violence committed between parents and children, blood relatives, persons who are presently residing together or who have resided together in the past, persons who have a child together, persons involved in a significant romantic relationship, and a man and a woman, if the woman is pregnant and the man is alleged to be the father.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Domestic Violence that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, University property, or in a University program or activity.

Domestic Violence also may be called domestic abuse or spousal/intimate partner/relationship abuse or violence and is prohibited by state law. See Minnesota Statutes Sections [609.2242](#); [518B.01](#) for applicable criminal law definitions related to Domestic Violence in Minnesota. For more information on the criminal law definitions related to Domestic Violence in other states in which Northwestern employees or students are located, please see the state-specific information in Appendices D-J at the end of this policy. While not exhaustive, the following are examples of conduct that can constitute Domestic Violence:

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

## **E. Dating Violence**

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. 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. Dating Violence includes, but is not limited to, sexual or physical

abuse, such as Sexual Assault, physical harm, bodily injury, or criminal assault, or the threat of such abuse. Dating Violence does not include acts covered under the definition of Domestic Violence.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Dating Violence that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, University property, or in a University program or activity.

Dating Violence is also prohibited by state law. See Minnesota Statutes Sections [609.2242](#); [518B.01](#) for applicable criminal law definitions related to Dating Violence in Minnesota. For more information on the criminal law definitions related to Dating Violence in other states in which Northwestern employees or students are located, please see the state-specific information in Appendices D-J at the end of this policy.

## **F. Stalking**

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person (1) to fear for her or his safety or the safety of others, (2) 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 another person, 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 under similar circumstances and with similar identities to the victim.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking behavior includes, but is not limited to:

- Repeated, unwanted, and intrusive communications by phone, mail, email, texting, and/or other electronic communications, including social media;
- Repeatedly leaving or sending the victim unwanted items, presents, or flowers;
- Following or lying in wait for the victim at places such as home, school, work, or recreational facilities;
- Making direct or indirect threats to harm the victim, or the victim's children, relatives, friends, or pets;



- Damaging or threatening to damage the victim's property;
- Repeatedly posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth, that would cause a person to feel threatened or intimidated.

While Title IX requires that the alleged conduct occurs in a University program or activity against a person in the United States, the University also prohibits Stalking that did not occur in the University's education program or activity or against a person in the United States, but may nevertheless (1) have continuing adverse effects on campus, University property, or in a University program or activity, (2) substantially and unreasonably interfere with a community member's employment, education or environment on campus, University property, or in a University program or activity, or (3) create a hostile environment for community members on campus, University property, or in a University program or activity.

Stalking is also prohibited by state law. See Minnesota Statutes Section 609.749 for applicable definitions of criminal Stalking. For more information on the criminal law definitions of Stalking in other states in which Northwestern employees or students are located, please see the state-specific information in Appendices D-J at the end of this policy.

## **G. Sexual Exploitation**

Sexual Exploitation occurs when a person takes sexual advantage of another for their own advantage or benefit or to benefit or advantage anyone other than the one being exploited without that person's consent. Examples of Sexual Exploitation include, but are not limited to:

- Intentional and repeated invasion of sexual privacy (e.g., walking into the other person's room or private space);
- Prostituting another person;
- Video- or audio-taping of sexual activity or body parts without consent;
- Any distribution of sexually explicit photos or videos without consent, including posting sexually explicit photos or videos in public or on social media sites;
- Intentional removal or attempted removal of clothing that exposes an individual's bra or underwear, breast, inner thigh, buttocks, genitals, and/or groin area, or that is otherwise sexual in nature without consent;
- Viewing or permitting someone else to view another's sexual activity or intimate body parts, in a place where that person would have a reasonable expectation of privacy, without consent;
- Engaging in voyeurism without consent;
- Exposing one's genitals or breasts or inducing another to expose their genitals in non-consensual circumstances;
- Knowingly transmitting a sexually transmitted disease or sexually transmitted infection to another person;



- Ejaculating on another person without consent;
- Distributing or displaying pornography to another without that individual's consent.

Sexual Exploitation does not include conduct covered under the definition of Title IX Sexual Harassment.

#### **H. Romantic and/or sexual relationships of unequal status**

A romantic or sexual relationship between a faculty member and a student, a staff member and a student, or a supervisor and employee (including student supervisors and student employees) is considered inappropriate and against University policy. When such a relationship exists where there is a degree of power or authority between the individuals, it is of special concern because of the potential for conflict of interest and/or abuse of power.

The power differential inherent in faculty/student, staff/student, and supervisor/employee relationships compromises the subordinate's ability to freely decide. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in giving praise or blame, grades, recommendations for further study and future employment, greatly diminish the student's actual freedom of choice. The same is true with respect to a staff member and student, and a supervisor and employee.

Faculty and staff members (including student employees) involved in a pre-existing romantic relationship with a student or employee for whom the faculty or staff member has a supervisory or academic responsibility or who is otherwise under the direction of the faculty or staff member must promptly report the relationship to Human Resources. Upon receiving notice, the University will make alternative staffing arrangements and such other additional arrangements as are necessary in the circumstances.

Allegations of a romantic or sexual relationship of unequal status will be handled according to section XII. Complaints of Related Misconduct below.

#### **I. Retaliation and Interference with Process**

Retaliation and Interference with Process is any act of intimidation, threat, coercion, or discrimination or any other adverse action or threat thereof against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this Policy 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. Encouraging or assisting others to engage in retaliation or to interfere with the process are also considered Retaliation/Interference with Process and violate this Policy. While the University does not prohibit the parties from discussing the allegations in a formal complaint, acts that could constitute Retaliation and Interference with Process may include, but are not limited to: acts or comments that are intended to discourage a person from engaging in activity protected under this Policy or that would discourage a reasonable person from engaging in activity protected under this Policy; acts or comments that are intended to influence whether someone participates

in the complaint resolution process, including the live hearing; acts or comments intended to embarrass the individual; adverse changes in employment status or opportunities; adverse academic action; and adverse changes to academic, educational, and extra-curricular opportunities. Retaliation and Interference with Process may be in person, through social media, email, text, and other forms of communication, representatives, or any other person. Retaliation and Interference with Process may be present against a person even when the person's allegations of Sexual Misconduct are unsubstantiated.

The University is committed to protecting the rights of the complainant, the respondent, and anyone else involved in the complaint process. Any conduct constituting Retaliation or Interference with Process is a violation of this Policy, which is subject to disciplinary action up to and including termination of employment or expulsion. Concerned individuals should report acts of retaliation to the Title IX Coordinator. For more information, see section XII. Complaints of Related Misconduct below.

## **VI. THE TITLE IX COORDINATOR**

The Title IX Coordinator is a University official who has been appointed to address issues of Sexual Misconduct within the University community. The Title IX Coordinator is responsible for coordinating and overseeing the University's efforts to end Sexual Misconduct, prevent its recurrence, and address its effects within the community. The Title IX Coordinator oversees and monitors the University's overall compliance with Title IX-related policies and developments; the implementation and oversight of complaint resolution processes, including review, investigation, and adjudication of formal complaints of Sexual Misconduct; and the provision of educational materials and training for the campus community.

Responsibilities of the Title IX Coordinator include:

- a. Ensuring University policies and procedures and relevant state and federal laws are followed;
- b. Informing any individual, including a complainant, a respondent or another individual, about the procedural options and processes used by the University and resources available at the University and in the community;
- c. Training and assisting any University employee regarding how to respond appropriately to a report of sex discrimination or Sexual Misconduct;
- d. Monitoring full compliance with all procedural requirements and time frames outlined in this Policy;
- e. Evaluating allegations of bias or conflict of interest relating to procedures outlined in the Policy;
- f. Determining whether grounds for appeal under this Policy have been stated in submitted appeals;
- g. Ensuring that appropriate training, prevention and education efforts, and periodic reviews of the University's climate and culture take place;

- h. Coordinating the University's efforts to identify and address any patterns or systemic problems revealed by reports and formal complaints;
- i. Assisting in answering any other questions related to this policy;
- j. Recordkeeping of all incidents reported to the Title IX Coordinator; and
- k. Complying with written notice requirements of the Violence Against Women Act.

The Title IX Coordinator may appoint a designee to fulfill the functions of the Coordinator under this Policy. When this Policy refers to actions of the Title IX Coordinator, these actions may be fulfilled by the Title IX Coordinator or the Title IX Coordinator's designee.

If you have any questions or concerns involving Sexual Misconduct or would like to report a violation of this policy, please contact the Title IX Coordinator, Kelly Franck, Human Resources Business Partner, Riley Hall: R1605, 3003 Snelling Avenue North, St. Paul, MN 55113, 651-631-5480, [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu). (See Section VII, Reporting Options, below for more information.)

## **VII. CONFIDENTIALITY**

Northwestern is committed to protecting the privacy of all individuals involved in a report of Sexual Misconduct and it encourages individuals who believe they have experienced Sexual Misconduct to talk to someone about what happened. Privacy and confidentiality have distinct meanings under this Policy, and different people on campus have different legal reporting responsibilities, and different abilities to maintain privacy or confidentiality, depending on their roles at the University.

Confidential communications are those communications which cannot be disclosed to another person, without the reporter's consent, except under very limited circumstances, such as allegations involving physical or sexual abuse of a minor or vulnerable adult, or allegations involving an imminent threat to the life of any person. In making a decision about whom to contact for support and information, it is important to understand that most University employees are not confidential resources, and are therefore obligated to report to the University any information they receive about Sexual Misconduct. Persons who have experienced Sexual Misconduct are encouraged to consider the following information in choosing whom to contact for information and support.

### **A. Confidential Resources**

Northwestern recognizes that sometimes survivors of Sexual Misconduct want to talk with someone confidentially and are unsure whether they want to report to or file a formal complaint with the University. Individuals who desire the details of Sexual Misconduct to be kept confidential should speak with a medical professional, a professional counselor, trained victims' advocates, or a minister or other pastoral counselor who does not work for the University. Although the University employs ordained ministers and pastors, they are not confidential resources for the purpose of this Policy because they are not employed for the purpose of providing pastoral or counseling services to our community.

Here, at Northwestern, Counseling Services and Health Services staff can maintain confidentiality, are not required to report Sexual Misconduct to the University, and cannot be compelled to disclose the information received, **unless** the student requests them to do so, the allegations involve physical or sexual abuse of a minor or vulnerable adult, or the allegations involve an imminent threat to the life of any person.

In addition, the Counseling Services and Health Services staff can assist a complainant with obtaining medical, emotional, and other support and advocacy resources, whether or not a complainant decides to report his or her concerns to the University or law enforcement. See Appendix B: *People Who Can Help* for contact information for confidential resources on and off campus in Minnesota and Appendices D-J for contact information for confidential resources in other states where Northwestern students or employees are located.

Only Counseling Services and Health Services employees can promise confidentiality. All other Northwestern employees, including Residential Life student staff, are not confidential resources and must report all allegations of Sexual Misconduct to the Title IX Coordinator, even if the complainant requests confidentiality.

A person who speaks to a confidential resource should understand that, if the person does not report the concern to the University, the University will be unable to provide certain supportive/interim measures that would require involvement from the University (such as issuing a no-contact directive), conduct an investigation into the particular incident, or pursue disciplinary action. Individuals who first speak with a confidential resource may later decide to report to or file a formal complaint with the University or report to law enforcement.

## **B. Non-Confidential Communications**

Non-confidential communications are those communications with any Northwestern employee who is not a confidential resource. Only confidential resources can promise confidentiality. All other University employees who become aware of incidents or allegations of Sexual Misconduct have a responsibility to report the matter to the Title IX Coordinator. University employees who are not confidential resources will strive to remind an individual of their reporting obligations before the individual has disclosed a situation that requires reporting to the Title IX Coordinator.

Although most University employees cannot promise confidentiality, allegations of Policy violations will be considered private and will only be shared with other University employees on a need to know basis, as permitted by law. The University will keep confidential the identity of any individual who has made a report or filed a formal complaint alleging a violation of this Policy, as well as any complainant, respondent, and witness, except as permitted by law or to carry out the complaint resolution process pursuant to this Policy.

The University will protect the privacy of the individuals involved in a report of Sexual Misconduct to the extent possible consistent with the University's legal obligations, even if the individual does not specifically request privacy. However, the University may be required to share information with individuals or organizations outside the University under reporting or other

obligations under federal and state law, such as reporting of Clery Act crime statistics and mandatory reporting of child abuse and neglect. In addition, if there is a criminal investigation or civil lawsuit related to the alleged misconduct, the University may be subject to a subpoena or court order requiring the University to disclose information to law enforcement and/or the parties to a lawsuit. In these cases, personally identifying information will not be reported to the extent allowed by law and, if reported, affected students will be notified consistent with the University's responsibilities under FERPA, as allowed by law. Except for the reasons described above, the allegations will not be shared with law enforcement without the consent of the individual who has alleged the Sexual Misconduct.

### **C. Requests for Confidentiality or Non-Action**

Making a report to the University does not require an individual to begin or participate in a complaint resolution process or to report to local law enforcement. The University strives to honor any request that a complainant may make to keep any such report confidential or for the University not to investigate or respond to such report, to the extent permitted by law. Such a request, however, will likely prevent the University from investigating an incident or pursuing disciplinary action against the respondent.

In deciding whether the complainant's request can be honored, the University will weigh the request against the seriousness of the alleged misconduct, the University's obligation to maintain a safe and nondiscriminatory learning environment for its students, the respective ages and roles of the complainant and respondent, whether there have been other complaints or reports of Sexual Misconduct against the respondent, whether the respondent has history of arrests or records from a prior school indicating a history of Sexual Misconduct, whether the respondent threatened further Sexual Misconduct or other violence against the complainant or others, whether the alleged misconduct was committed by multiple individuals, whether the alleged misconduct was perpetrated with a weapon, whether the University possesses other means to obtain relevant evidence of the Sexual Misconduct (e.g., security footage, eyewitness, physical evidence), whether the report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol, at a given location or by a particular group), and the extent of any threat to the University community.

The University will take all reasonable steps to respond to the report while honoring requests for confidentiality or requests for non-action made by the complainant. Such steps could include actions to limit the effects of the alleged Sexual Misconduct and prevent its recurrence that do not involve an investigation or disciplinary action against the respondent or revealing the identity of the individual who has alleged the Sexual Misconduct.

There may be times when the University is unable to honor a request for confidentiality or non-action. The presence of one or more of the factors above or other factors could lead the University to move forward with a complaint resolution process (even without the participation of the complainant). This determination will be made by the Title IX Coordinator.

Should the Title IX Coordinator determine that the individual's request for confidentiality or non-action cannot be honored, the Title IX Coordinator will inform the complainant. In such cases, the Title IX Coordinator may communicate to the respondent that the complainant asked the University not to investigate but that the University determined it needed to do so. In instances where the University moves forward with a complaint resolution process without the participation of the complainant, the complainant will have the same rights as provided to a complainant under this policy, even if the complainant did not sign the formal complaint.

In order to protect the rights and safety of this community, the University reserves the right to take whatever measures deemed necessary in response to an allegation of Sexual Misconduct.

#### **D. Statistical Reporting and Clery Act Timely Warning**

As required by state and federal law, the University includes statistics about certain offenses in its annual security reports and provides those statistics to the United States Department of Education and the Minnesota Office of Higher Education in a manner that does not include any personally identifying information about individuals involved in an incident. While the University must provide the University community with general information regarding incidents of Sexual Assaults and certain other crimes occurring on campus, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either the complainant or the respondent. To ensure that a complainant's or respondent's personally identifying information will not be included in publically available recordkeeping, the Title IX Coordinator describes the alleged incidents by removing the complainant's and respondent's names and any other identifiers that would enable the public to identify the complainant or respondent in the context of the incident report.

In addition, the federal law, the Clery Act, requires the University to issue a crime alert (timely warning) to the campus community about certain reported offenses which may represent a serious or continuing threat to students and employees. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future. The timely warning will not include any identifying information about the complainant.

Minnesota law, Minn. Stat. 135A.15, requires institutions to collect statistics, without inclusion of any personally-identifying information, regarding the number of reports of Sexual Assault received by an institution and the number of types of resolutions. Data collected for purposes of submitting annual reports containing those statistics to the Minnesota Office of Higher Education under Minn. Stat.

135A.15 shall only be disclosed to the complainant, persons whose work assignments reasonably require access, and, at the complainant's request, police conducting a criminal investigation. Nothing in this paragraph is intended to conflict with or limits the authority of the University to comply with other applicable state or federal laws.

**Campus Security Authorities:** Employees (including student employees) designated as Campus Security Authorities (CSA) who receive reports of Sexual Misconduct are required by the Clery Act to notify Public Safety about such incidents.

## **VIII. IMMEDIATE ACTION: WHAT TO DO IF YOU ARE SEXUALLY ASSAULTED AND/OR EXPERIENCE SEXUAL MISCONDUCT**

If you or someone you know has been the victim of Sexual Misconduct, the following are immediate steps you should consider taking:

- a. Call 911 if in immediate danger, if the complainant is injured, or the community is in possible danger.
- b. Call Public Safety at 651-631-5310 if the community is in possible danger and/or you have called 911.
- c. Seek a medical evaluation for personal wellness/testing and possible evidence collection, even if the complainant is uncertain that they want to press charges or pursue legal action. (See Appendix A: *Emergency Medical Examination/Evidence Collection* for more information and Appendix B: *People Who Can Help* for contact information for medical assistance in Minnesota. For contact information for medical assistance in other states where Northwestern students or employees are located, see Appendices D-J.)
- d. Take steps to preserve evidence, which may be necessary to the proof of criminal sexual violence or in obtaining a protection order. (See Appendix A: *Emergency Medical Examination/Evidence Collection* for steps to take to preserve evidence.) The University will provide complete and prompt assistance, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with incidents of sexual violence, including Sexual Assault.
- e. Contact confidential on-campus and/or off-campus resources—for emotional support, information, and/or advocacy. (See Appendix B: *People Who Can Help* for Minnesota and Appendices D-J for other states where Northwestern students or employees are located)
- f. Report the conduct to the Title IX Coordinator at 651-631-5480. (See Appendix B: *People Who Can Help* for additional contacts on campus.) The Title IX Coordinator can arrange for Supportive/Interim Measures, including no contact orders. See section X(E) Supportive/Interim Measures below for more information. The institution will also provide assistance in obtaining, securing, and preserving evidence.



## **IX. REPORTING OPTIONS**

### **A. Reporting to Northwestern**

Any individual who believes they have experienced Sexual Misconduct or who has knowledge of any such behaviors being directed against another person is strongly encouraged to report the incident to the University. Behavior(s) which violate this policy should be reported to the Title IX Coordinator.

Title IX Coordinator  
Kelly Franck  
Human Resources Business Partner  
Riley Hall: R1605  
651-631-5480 | [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu)

Reports can be made over the phone, via email or mail, using the anonymous and confidential incident report form located on the web at [unwsp.edu/titleix](http://unwsp.edu/titleix) and theRock at <https://apps.unwsp.edu/form.php?form=TitleIX>, or in person. Reports may be made at any time, including non-business hours by phone, email, mail, or the University's website.

Reports to the University should include as much information as possible, including the names of the complainant, respondent, and any other involved individuals, and the date, time, place, and circumstances of the incidents, to enable the University to respond appropriately.

You can expect to have reports taken seriously. You may choose to file a report of alleged Sexual Misconduct at any point in time but you are strongly encouraged to report incidents to appropriate University officials as soon as possible.

Upon receiving a report of Sexual Misconduct, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint and to explain the process of filing a formal complaint. When a student or employee reports to the University that they have been a victim of Sexual Assault, Dating Violence, Domestic Violence, or Stalking, whether the offense occurred on or off campus, the University will provide the student or employee with a written explanation of the student's or employee's rights and options, along with the procedures the victims should follow.

If an individual has made a report to a University employee who is not a confidential resource and has not yet heard from the Title IX Coordinator, please report directly to the Title IX Coordinator.



## **B. Reporting to the Police**

Some of the conduct prohibited by this Policy are also crimes. An individual who believes they have been subjected to Sexual Assault, Dating Violence, Domestic Violence, Stalking, or other criminal conduct prohibited by this Policy is strongly encouraged to make a report to the police. This can be done by calling **911** or the **Roseville Police/Ramsey County Sheriff at 651-767-0640** (24 hours/day). For more information on reporting to law enforcement in other states in which Northwestern employees or students are located, please see the state-specific information in Appendices D-J at the end of this policy. A complainant who alleges Sexual Assault, Dating Violence, Domestic Violence, or Stalking has the right to the complete and prompt assistance of campus authorities, at the complainant's request, in notifying the appropriate law enforcement officials. If you'd like assistance in notifying law enforcement, please contact the Title IX Coordinator or the Director of Public Safety.

A report to law enforcement is not, however, required for Northwestern to proceed with its response to a report of such conduct. If the University has received a formal complaint of Sexual Misconduct, it will proceed with its complaint resolution process regardless of whether a complainant makes a report to law enforcement.

In reporting to the police, the complainant speaks directly with law enforcement officers regarding the Sexual Misconduct. The complainant may request a same sex police officer to take the report. The complainant is also able to have a support person present. Direct reporting allows the complainant to keep their options open. It is important to realize that contacting the police and informing them of an incident is different from filing a charge. Direct reports should be made as soon as possible and are necessary if the complainant chooses to seek criminal prosecution.

Minnesota law provides individuals who report crimes to law enforcement with certain rights. For further information, consult Crime Victim Rights, a publication of the Minnesota Department of Safety, or Minnesota Statutes Chapter 611A.

## **C. Restraining Orders and Orders for Protection, Domestic Abuse No Contact Orders, and No Contact Directives**

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a harassment restraining order or protective order from a civil court or requesting a no-contact order from the University.

**Harassment restraining orders and orders for protection** are legal orders issued by a state court that forbid someone from harassing and/or making contact with another. A **harassment restraining order** is a civil court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. An **order for protection** is a civil court order that protects one family or household member from domestic abuse by another family or household member. The University does not issue such orders, however, petition forms to apply for harassment restraining orders or to seek an order for protection are available at the

Court Administration Office located at the Ramsey County District Courthouse or online from the Minnesota Judicial Branch website, <http://www.mncourts.gov/GetForms.aspx?c=17#subcat39>. Assistance with writing and filing a petition for an order for protection is available at the Ramsey County Domestic Abuse/Harassment Office, located at the Juvenile and Family Justice Center, 25 West Seventh Street, Room 122, Saint Paul, MN 55102. Anyone seeking an Order for Protection should contact the Ramsey County Domestic Abuse/Harassment Office to schedule an appointment at 651-266-5130. **Domestic abuse no contact orders** are legal orders issued by a court against a defendant in a criminal proceeding for domestic abuse, harassment or Stalking of a family or household member, violation of an order for protection, or violation of a prior no contact order. A domestic abuse no contact order may be issued before the end of the criminal case or following a conviction. An order of protection, harassment restraining order, and/or a domestic abuse no contact order can be enforced by contacting local law enforcement. The University will fully cooperate with any such order issued by a criminal, civil, or tribal court. For more information and assistance, individuals should contact the Title IX Coordinator.

**No-Contact Directives** are University-issued directives that prohibit one or both parties from communication or contact with another. No-contact directives may be mutual or one-sided. Generally, no-contact directives issued prior to the conclusion of the complaint resolution process will be mutual and serve as notice to both parties that they must not have verbal, electronic, or written communication with one another, or communication through another on a party's behalf. To request a no-contact directive from the University, individuals should contact the Title IX Coordinator. A University no-contact directive may be enforced by contacting Campus Safety or the Title IX Coordinator.

The University is responsible for honoring requests for information about available options for orders for protection, restraining orders, and no-contact directives and will comply with and enforce such orders.

For more information on seeking a legal protective order in other states in which Northwestern employees or students are located, please see the state-specific information in Appendices D-J at the end of this policy.

#### **D. Crime Victims Bill of Rights**

As required by state law, victims of crime must be informed of their rights under the Crime Victims Bill of Rights. The following is a summary of crime victims' rights under Minnesota law.

When a crime is reported to law enforcement, victims have the right to:

- Request that their identity be kept private in reports available to the public;
- Be notified of crime victim rights and information on the nearest crime victim assistance program or resource;
- Apply for financial assistance for non-property losses related to a crime;
- Participate in prosecution of the case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;

- Protection from harm, including information about seeking a protective or harassment order at no cost;
- Protection against employer retaliation for taking time off to attend protection or harassment restraining order proceedings; and
- Assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of domestic abuse also have the right to terminate a lease without penalty. Victims of Sexual Assault have the right to undergo a confidential Sexual Assault examination at no cost, make a confidential request for HIV testing of a convicted felon, and are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency.

Complete information about crime victims' rights can be found at:

<https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>. Information about victims' rights also is available from the Title IX Coordinator or from the

Minnesota Department of Public Safety, Office of Justice Programs, and in Minnesota Statutes Chapter 611A.

#### **E. Anonymous Reporting**

Northwestern will accept anonymous reports of conduct alleged to violate this Policy. The anonymous and confidential Incident Report Form is located on the website at [unwsp.edu/titleix](https://unwsp.edu/titleix) and on theRock at <https://apps.unwsp.edu/form.php?form=TitleIX>. The individual making the report is encouraged to provide as much detailed information as possible to allow the University to look into the report and respond as appropriate. Northwestern will likely be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable Northwestern to conduct a meaningful investigation.

#### **F. Amnesty and Waiver of Other Policy Violations**

The University recognizes that some victims are hesitant to report incidents of Sexual Misconduct because they fear that they may be accused of policy violations, including, but not limited to, using alcohol or drugs or engaging in sexual activity. It is in the best interests of our community that Sexual Misconduct is reported. To encourage reporting and promote safety, the University will withhold a disciplinary response for any violation of other University policies in which a complainant and those who participate in a complaint resolution process might have engaged in connection with the reported incident, except as outlined in this section. The University may still require the individual to participate in educational or restorative action. In addition, amnesty may not be extended in instances where any other individual is harmed by the conduct constituting a violation of another University policy, where an employee who engaged in a violation of another University policy holds a leadership role on campus, including a leadership

role over students or employees, or where an employee is engaged in a violation of another University policy with a student. In those cases the University may still pursue disciplinary action for the alleged violation of other University policies.

#### **G. Obligation to Act in Good Faith**

Reports and formal complaints of alleged Sexual Misconduct should be made only in good faith. Reports and formal complaints that are not made in good faith may be considered retaliation or interference with process under this Policy and/or may violate other University policies. An allegation that a person has violated the obligation to act in good faith will be handled through the procedures identified below in section XII. Complaints of Related Misconduct.

#### **H. Mandatory Reporting of Child Abuse or Neglect**

Any University employee becoming aware of the abuse (physical or sexual) or neglect of a child on campus or in connection with any University event, program, or activity must report it immediately to Public Safety and the Title IX Coordinator. If an employee is a mandatory reporter under applicable state law, such individual must also immediately report the abuse or neglect to the local welfare agency or police/sheriff's department, as required by law. Under Minnesota law, teachers, paraprofessionals, all administration, and support staff in an educational setting are mandatory reporters. See Minnesota Statutes Section 626.556. For more information on mandatory reporting laws in other states in which Northwestern employees or students are located, please see the state-specific information in Appendices D-J at the end of this policy.

#### **I. Employee Reporting of Sexual Misconduct**

In order to enable the University to respond effectively and to prevent future instances of Sexual Misconduct, all University employees who are not confidential resources, who obtain or receive information regarding a possible violation of this Policy must report that information to the Title IX Coordinator. Student employees who receive such information in the course of their work position or duties<sup>2</sup> also must report to the Title IX Coordinator. Reports should be made as soon as possible and should include all relevant details needed to assess the situation. This includes, to the extent known, the names of the complainant, respondent, and other individuals involved in the incident, as well as relevant facts, including the date, time, and location. Failure of a University employee to report Sexual Misconduct to the Title IX Coordinator may result in disciplinary action.

Employees who receive such reports should not attempt to "investigate" the allegation or require the individual reporting the incident to provide all of the details surrounding the alleged Sexual Misconduct. To the extent the individual reporting the incident provides details, the information should be provided to the Title IX Coordinator. Upon receiving a report of alleged or possible

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<sup>2</sup> Certain student employees (e.g., resident assistants, building managers when on duty, course preceptors, or student mentors) always have a duty to report information they have about reported Sexual Misconduct to the Title IX Coordinator.

Sexual Misconduct, the Title IX Coordinator will evaluate the information received and determine what further actions should be taken consistent with the procedures contained in this Policy.

University employees who are not confidential resources and receive a report of Sexual Misconduct should bring the report directly to the Title IX Coordinator and should not share information about the report with any other individual. If the employee is uncertain whether the information should be reported to the Title IX Coordinator, the employee should seek guidance from the Title IX Coordinator before providing the Title IX Coordinator with any identifiable information regarding the report.

#### **J. Emergency Removal**

The University reserves the right to remove a student respondent, in whole or in part, from the University's education program or activity on an emergency basis. Prior to removing the student respondent on an emergency basis, the University will undertake an individualized safety and risk analysis and will determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Misconduct justifies removal. If a student respondent is removed on an emergency basis, the University will provide the student respondent with notice and an opportunity to challenge the decision immediately following the removal.

#### **K. Administrative Leave**

The University reserves the right to place a non-student employee respondent on administrative leave during the pendency of the complaint resolution process.

### **X. THE COMPLAINT RESOLUTION PROCESS**

One option available to an individual reporting alleged Sexual Misconduct is a complaint resolution process. Formal complaints of a violation of this Policy received by the University will be processed according to the Procedures for Sexual Misconduct Complaint Resolution found in the next section (section XI. Procedures for Sexual Misconduct Complaint Resolution).

The University will provide a fair and impartial complaint resolution process. A fair process is one that treats the parties equitably, provides complainant an opportunity to file a formal complaint alleging a violation of this Policy and an opportunity to present evidence of the allegations prior to a decision on responsibility, provides respondent notice of the allegations and an opportunity to respond to and present evidence related to those allegations prior to a decision on responsibility, and provides both parties an opportunity to challenge the credibility of the other party and any witnesses prior to a decision on responsibility. In cases involving allegations of Sexual Misconduct that is not Title IX Sexual Harassment, the ability to challenge credibility is accomplished through the parties' ability to suggest questions to be asked of the other party and witnesses during the investigation, through the Written Response Statements in response to the investigation report, and through the Written Rebuttal Statements in response to the other

party's Written Response Statement as discussed in section XI. Procedures for Sexual Misconduct Complaint Resolution below.

Each complaint resolution process will require an objective evaluation of all relevant evidence, including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the University and not on the parties. The University will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. The University will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the recipient obtains that party's voluntary, written consent to do so for a complaint resolution process.

This Policy provides different procedures depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process. The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information at the end of the investigation phase, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

If a formal complaint includes both an allegation of Title IX Sexual Harassment and an allegation of Sexual Misconduct that does not meet the definition of Title IX Sexual Harassment, the University reserves the right to process the allegations in the same complaint resolution process or to separate the allegations into separate complaint resolution processes.

#### **A. Equal Rights of the Complainant and Respondent**

In all Sexual Misconduct complaint resolution processes under this Policy, the complainant and respondent are entitled to:

- Be treated with respect, sensitivity, and dignity;
- Appropriate support from the University;
- Privacy to the extent possible based on applicable law and University policy;
- Information on the policy and processes;
- Written information about available support and resources and an opportunity to discuss those resources;
- The right to participate or decline to participate in the complaint resolution process, with the acknowledgement that not participating, either entirely or

in part, may not prevent the process from proceeding with the information available;

- Equitable procedures that provide both parties with a prompt and equitable complaint resolution process conducted by officials who receive annual training on conduct prohibited by the Policy;
- Notice of the allegations and defenses and an opportunity to respond;
- An equal opportunity to identify relevant witnesses and other evidence and to suggest possible topics to be covered with witnesses during the formal complaint resolution process;
- Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings at which the party's participation is invited or expected, with sufficient time for the party to prepare to participate;
- Timely notice of meetings that are part of the complaint resolution process at which the complainant or respondent may be present;
- To be free from retaliation as defined in this Policy;
- The right to appeal the decision and/or the sanctions in certain circumstances, as discussed in the section XI(F)(7) Appeal of Decision below;
- The right to notification, in writing, of the resolution, including the outcome of any appeal;
- The complainant and respondent have the right to the assistance of campus personnel (during and after the complaint process), in cooperation with the appropriate law enforcement authorities, in shielding the complainant or respondent, at their request, from unwanted contact with the complainant or respondent, including but not limited to a University issued no-contact directive, transfer to alternative classes or to alternative University-owned housing (if alternative classes or housing are available and feasible), change in work location or schedule, or reassignment (if available and feasible); and to receive assistance with academic issues.
- The complainant has the right to decide when to repeat a description of an incident of Sexual Misconduct, and the respondent has the right to decide when to repeat a description of a defense to such allegations.
- The complainant and respondent have the right to the complete and prompt assistance of campus authorities, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with a Sexual Assault incident.
- The complainant and respondent have the right to the assistance of campus authorities in preserving materials relevant to a campus complaint proceeding.
- The complainant and the respondent have the right to be provided access to their description of the incident, as it was reported to the University, including if the individual transfers to another post-secondary institution, subject to compliance with FERPA, the Clery Act, Title IX, and other federal or state law.



Requests for an individual's description of the incident should be made to the Title IX Coordinator.

**B. Additional Rights in Cases Involving Allegations of Title IX Sexual Harassment**

In cases involving allegations of Title IX Sexual Harassment the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See the section X(D) Advisors below for additional information and requirements regarding the conduct of advisors.
- The parties will be provided an equal opportunity to inspect and review a copy of any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, as set forth in the section XI(F)(2) Access to Information below.
- The parties will be provided a copy of the investigation report for their review and written response, as set forth in the section XI(F)(2) Access to Information below.
- The complaint resolution process will include a live hearing, at which each party's advisor may ask the other party and any witnesses all relevant questions and follow-up questions, as set forth in the section XI(F)(3)(a) Live Hearings below.

In addition, a complainant who alleges Title IX Sexual Harassment, has the following rights:

- To be informed by the University of options to notify proper law enforcement authorities of a Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident, and the right to report to law enforcement at any time or to decline to notify such authorities;
- Not to be treated by campus authorities in a manner that suggests they are at fault for the Sexual Misconduct or that they should have acted in a different manner to avoid the Sexual Misconduct;
- Not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct;
- To the complete and prompt assistance of campus authorities, at the complainant's request, in notifying the appropriate law enforcement officials and University officials of a Sexual Assault Dating Violence, Domestic Violence,



or Stalking incident and filing criminal charges with local law enforcement officials in Sexual Assault, Dating Violence, Domestic Violence, or Stalking cases;

- To be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- To be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.
- For students who choose to transfer to another post-secondary institution, at the student's request, the right to receive information about resources for victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking at the institution to which the victim is transferring.

**C. Additional Rights in Cases Involving Allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *Occurring Outside* of the Education Program or Activity or Against a person *Outside* of the United States**

In cases involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring* outside of the education program or activity or against a person *outside* of the United States, the following additional rights will be afforded to the complainant and the respondent:

- The parties have the right to be accompanied to any complaint resolution process meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of advisor for either the complainant or respondent in any meeting related to the complaint resolution process. See the section X(D) Advisors below for additional information and requirements regarding the conduct of advisors.
- The complainant and respondent have the right to timely and equal access to information that will be used during informal and formal disciplinary meetings during the adjudication phase of the complaint resolution process, as set forth in the section XI(F)(2) Access to Information below.

In addition, a complainant who alleges Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, has the following rights:

- To be informed by the University of options to notify proper law enforcement authorities of a Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident, and the right to report to law enforcement at any time or to decline to notify such authorities;

- Not to be treated by campus authorities in a manner that suggests they are at fault for the Sexual Misconduct or that they should have acted in a different manner to avoid the Sexual Misconduct;
- Not to be questioned or have evidence considered regarding the complainant's prior sexual conduct with anyone other than the respondent, unless such questions or evidence are to prove that someone other than the respondent committed the alleged Sexual Misconduct;
- To the complete and prompt assistance of campus authorities, at the complainant's request, in notifying the appropriate law enforcement officials and University officials of a Sexual Assault Dating Violence, Domestic Violence, or Stalking incident and filing criminal charges with local law enforcement officials in Sexual Assault, Dating Violence, Domestic Violence, or Stalking cases;
- To be offered fair and respectful health care, counseling services, or referrals to such services and notice of the availability of campus or local programs providing Sexual Assault advocacy, Dating Violence, Domestic Violence, or Stalking services;
- To be offered assistance from the Crime Victim Reparations Board and the Commissioner of Public Safety.
- For students who choose to transfer to another post-secondary institution, at the student's request, the right to receive information about resources for victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking at the institution to which the victim is transferring.

## **B. Advisors**

The complainant and the respondent in complaint resolution processes involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, and Stalking *occurring outside* of the University's education program or activity or against a person *outside* of the United States, have the right to be accompanied to meetings by an advisor of their choice, who may be, but is not required to be, an attorney. Generally, the advisor selected by the complainant or respondent should be free of conflicts of interest in the complaint resolution process and, if a member of the University community, the advisor should be free of conflicts in his or her position in the community. An individual has the right to decline a request to serve as an advisor in the University's complaint resolution process.

Guidelines for advisors are:

- The purpose of the advisor is to support an individual during the complaint resolution process. An advisor is permitted to accompany the individual to interviews or other meetings or proceedings during the complaint resolution process. In selecting an advisor, each party should consider the potential advisor's availability to attend interviews and meetings which may occur in

person. As a general matter, the University will not delay its processes to accommodate the schedules of advisors.

- Advisors may confer with their advisee, but, with the exception of live hearings for cases involving allegations of Title IX Sexual Harassment (discussed below), advisors may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution proceeding. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the University. The advisor may not communicate directly with the investigator, Title IX Hearing Panel/adjudicators, appeal panel members, Title IX Coordinator, Deputy Title IX Coordinator, or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- In complaint resolution processes involving allegations of Title IX Sexual Harassment:
  - At the live hearing, advisors will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions. Additional information about an advisor's role at the live hearing is included in the section XI(F)(3)(a) Live Hearing below.
  - Advisors will receive a copy of all directly-related evidence and the investigation report, as set forth in the section XI(F)(2) Access to Information below.
- In complaint resolution processes involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking occurring outside of the University's education program or activity or against a person outside of the United States:
  - Advisors may have access to information as is described further below in the section XI(F)(2) Access to Information below.
- If a party selects an attorney as an advisor, the advisor's participation in the complaint process is in the role of an advisor and not as an attorney representing a party. The advisor will have access to highly confidential information and is prohibited from sharing information obtained as an advisor during the complaint process with anyone, including other individuals who may be part of an attorney-client relationship with the party.
- Parties must notify the Title IX Coordinator who they have selected as their advisor. The University will notify a party to a complaint resolution process if another party involved in the complaint resolution process has obtained an advisor. The notice shall indicate if the other party's advisor is an attorney.
- Advisors will be required to sign an Advisor Agreement acknowledging receipt and understanding of these requirements. Failure to comply with these requirements, including violations of confidentiality, or other forms of interference with the complaint resolution process by the advisor may result

in disqualification of an advisor. The University reserves the right to dismiss an advisor.

### **C. Requests for Reasonable Accommodations**

Individuals who need a reasonable accommodation should contact the Title IX Coordinator. The University will consider requests for reasonable accommodations submitted to the Title IX Coordinator on a case-by-case basis. Accommodations the University may provide include:

- Providing reasonable accommodations as required by law to an individual with a disability who requests an accommodation necessary to participate in the complaint resolution process.
- Providing an interpreter for individuals who are limited English-language proficient.

### **D. Supportive/Interim Measures**

After receiving a report of alleged Sexual Misconduct, the Title IX Coordinator will consider whether supportive/interim actions or protective measures are reasonably necessary or appropriate to protect the parties and the broader Northwestern community. Such supportive/interim measures will be available without fee or charge to the complainant, respondent, and others adversely impacted by the complaint resolution process, if requested and reasonably available. Such measures will be designed to restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or to deter sexual harassment.

The University will provide written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The University is required to comply with a student's reasonable request for a living and/or academic situation change following an alleged incident of Sexual Misconduct. The University will make appropriate accommodations and provide appropriate protective measures with or without a formal complaint, even when a complainant asks that the University keep a reported violation of this Policy confidential and that it not investigate the matter and regardless of whether an individual chooses to report to law enforcement or campus security.

Examples of supportive/interim measures include, without limitation:

- Establishing a "no contact" directive prohibiting the parties involved from communicating with each other;
- Changing an individual's on-campus residency, dining, or transportation arrangements;
- Special parking arrangements;
- Assistance in finding alternative housing;
- Changing an individual's student or employee status or job responsibilities;

- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Providing a temporary cellphone;
- Access to counseling and medical services;
- Making available information about orders for protection and harassment restraining orders and providing assistance with respect to obtaining and enforcing such orders;
- Assistance in identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services, legal assistance, visa and immigration assistance, and student financial aid;
- For students who choose to transfer to another institution, at the student's request, providing information about resources for victims of Sexual Assault at the institution to which the student is transferring.

Other protective measures that may be available, if safety concerns or other overriding circumstances warrant them, include:

- Prohibiting an individual involved from being on Northwestern property;
- Prohibiting an individual involved from participating in Northwestern-sponsored events;
- Prohibiting an individual from residing in a Northwestern residence.

If the respondent is a University student and the respondent will be barred from Northwestern property, prohibited from residing in a Northwestern residence, or otherwise removed from the education program or activity, in whole or in part, prior to the conclusion of the complaint resolution process, these protective measures will be put in place pursuant to the procedures discussed in IX(J) Emergency Removal above.

The University determines which measures are appropriate for a particular individual on a case-by-case basis. Such measures will vary based on the particular facts and circumstances, including, but not limited to, the specific need expressed by the individual, the age of the individuals involved, the severity or pervasiveness of the allegations, any continuing effects on the individual, whether the complainant and alleged respondent share the same residence hall, dining hall, class, transportation, or job location, and whether other judicial measures have been taken to protect the complainant. The Title IX Coordinator will be responsible for determining what measures will be put in place. Additional services are available on campus and/or in the community, as described in Appendix B: People Who Can Help and on the University's website. For information about community resources in other states in which Northwestern employees or students are located, see Appendices D-J.

The University will maintain as confidential any accommodations or protective measures provided to an individual, to the extent that maintaining such confidentiality will not impair the

ability of the University to provide the accommodations or protective measures. The University will only disclose information necessary to provide the accommodations or protective measures in a timely manner. The Title IX Coordinator will determine what information about an individual should be disclosed and to whom this information will be disclosed based on the facts and circumstances of the specific situation and the accommodation to be provided. The University will inform the individual before sharing personally identifying information that the University believes is necessary to provide an accommodation or protective measure. The University will tell the individual which information will be shared, with whom it will be shared, and why it will be shared.

To request supportive/interim measures, individuals, including complainants and respondents, should contact the Title IX Coordinator.

Reports of a violation of a supportive/interim measure will be handled as discussed in the section XII. Complaints of Related Misconduct below.

#### **E. Non-Participation and Silence**

Either party may decline, at any time, to provide information or participate further in the complaint resolution process. If, at any time during the complaint resolution process, a party decides not to participate, the University may still proceed with the complaint resolution process. If at any time the complainant declines to participate in the process, the University's ability to meaningfully investigate and adjudicate a complaint may be limited. In such cases, the University will proceed with the complaint resolution process, if possible to do so without the complainant's participation, and will make a determination based upon the information available. The respondent also has the right to decline to participate in the complaint resolution process. In such cases, the University will proceed with the complaint resolution process and will make a determination based upon the information available. A respondent's silence in response to a complainant's allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed. Similarly, a complainant's silence in response to a respondent's denials or defenses will not necessarily be viewed as an admission of the denials or defenses, but may leave the respondent's denials or defenses undisputed. Even if a party decides not to participate or chooses to stop participating at a phase of the process, the party will still be given the option to participate during additional phases of the process.

In cases involving allegations of Title IX Sexual Harassment, the Title IX Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions.

#### **F. Obligation to be Truthful**

All parties and witnesses have an obligation to be truthful in this process. Engaging in dishonesty may be considered retaliation or interference with process under the Policy and/or may violate other University policies. An allegation that a person has violated the obligation to be truthful will

be handled through the procedures identified in section XII. Complaints of Related Misconduct below.

#### **G. Conflicts of Interest or Bias**

If a complainant or respondent has any concern that any individual acting for the University under this Policy has a conflict of interest or bias, for or against complainants or respondents generally or for or against the individual complainant or respondent, such concern should immediately be reported in writing to the Title IX Coordinator. Any concern regarding a conflict of interest or bias must be submitted within two (2) calendar days after receiving notice of the person's involvement in the process. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest or bias exist on the part of anyone investigating or adjudicating a complaint under this Policy. If a party feels that the Title IX Coordinator has a conflict of interest, the party should notify Pearl Ferrin, Director of Human Resources in writing of the concern at Riley Hall: R1705, 3003 Snelling Avenue North, St. Paul, MN 55113, [plferrin@unwsp.edu](mailto:plferrin@unwsp.edu). If the Title IX Coordinator has a conflict of interest with respect to a formal complaint, the University's Director of Human Resources shall appoint an alternate person to oversee adherence to the Sexual Misconduct Policy with respect to the formal complaint at issue. If the Director of Human Resources is a party to the formal complaint or has a conflict of interest with respect to a formal complaint, the Director of Public Safety shall ensure that the University puts in place appropriate safeguards under the circumstances to ensure that the institution promptly and equitably responds to the formal complaint, including, but not limited to, appointment of alternate individuals to oversee adherence to the Sexual Misconduct Policy.

The parties should be mindful that the University has a small and close-knit campus community. That a party simply knows an individual acting for the University under this Policy or has had some limited interaction with such individual generally will not be deemed a disqualifying conflict of interest or bias in most instances. However, the University encourages the parties to bring any concern of conflict of interest or bias to the Title IX Coordinator's attention for consideration.

#### **H. Time Frames for Resolution**

The University is committed to the prompt and equitable resolution of allegations of Sexual Misconduct. As is discussed in more detail above and below, different procedures apply to cases involving allegations of Title IX Sexual Harassment than to other cases of alleged Sexual Misconduct. The time frames for each phase of the different procedures are as follows:

##### **1. Cases Involving Allegations of Title IX Sexual Harassment**

Specific time frames for each phase of the complaint resolution process for formal complaints involving allegations of Title IX Sexual Harassment are set forth in the section XI. Procedures for Sexual Misconduct Complaint Resolution below. Each phase of the process will generally be as follows:



- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of directly-related evidence and investigator consideration of evidence response statements: seventeen (17) calendar days
- Review of investigation report and written response: five (5) calendar days
- Live Hearing and Determination: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

## **2. Cases Involving Allegations of Other Forms of Sexual Misconduct**

Specific time frames for each phase of the complaint resolution process for formal complaints involving allegations of any other form of Sexual Misconduct are set forth in the section XI. Procedures for Sexual Misconduct Complaint Resolution below. Each phase of the process will generally be as follows:

- Review of formal complaint and notice of allegations to the parties: ten (10) calendar days
- Investigation: forty-five (45) calendar days
- Review of investigation report and written response/rebuttal, if applicable: ten (10) calendar days
- Adjudication: twenty-five (25) calendar days
- Appeal: twenty (20) calendar days

In any Sexual Misconduct complaint resolution process, the process may include additional days between these phases as the University transitions from one phase to another. The parties will be notified when each listed phase begins and when it ends. If any transition period will last longer than five (5) calendar days, the parties will be notified of the delay and the reason for it.

Circumstances may arise that require the extension of time frames based on the complexity of the allegations, the number of witnesses involved, the availability of the parties and witnesses, the addition of new parties or new allegations to an amended notice of allegations, the effect of a concurrent criminal investigation, unsuccessful attempts at informal resolution, any intervening school break, the need for language assistance or accommodation of disabilities, or other unforeseen circumstance.

In cases where an incident has also been reported to law enforcement, the University will not delay its complaint resolution process in order to wait for the conclusion of a criminal investigation or proceeding. The University will, however, comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, the University may need to delay temporarily an investigation under this policy while law enforcement is in the process of gathering evidence. This process typically takes 7-10 days. Once law enforcement has completed its gathering of evidence, the University will promptly resume and complete its complaint resolution process.



To the extent additional time is needed during any of the phases of the process discussed above or further below, the University will notify all parties of the delay and the reasons for it. When a time frame for a specific phase of the process, as set forth below, is less than five (5) calendar days, the University may, in its discretion, use business days to calculate the time frame deadline. Efforts will be made to complete the process in a timely manner balancing principles of thoroughness, fundamental fairness, and promptness.

Complainants are encouraged to begin the complaint resolution process as soon as possible following an alleged incident of Sexual Misconduct. There is no statute of limitation for reporting prohibited conduct to the University under this policy; however, the University's ability to respond may diminish over time, as evidence may erode, memories may fade, and respondents may no longer be affiliated with the University. If a complaint is brought forward more than five (5) calendar years after an alleged incident, the University, in its discretion, may decline to process a complaint under these procedures, but reserves the right to take other administrative action as appropriate depending on the specific circumstances of the report and will provide reasonably appropriate supportive/interim measures to the complainant. If the respondent is still a member of the University community as a student or employee, the formal complaint generally will be processed under these procedures.

#### **I. Presumption of Non-Responsibility**

The presumption is that the respondent is not responsible for a Policy violation. The respondent is presumed not responsible until a determination regarding responsibility is made at the conclusion of the complaint resolution process. The respondent will be deemed responsible for a Policy violation only if the appointed Title IX Hearing Panel/adjudicator(s) conclude that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent more likely than not engaged in Sexual Misconduct.

#### **J. Trained Officials**

Each complaint resolution process will be conducted by individuals, including coordinators, investigators, Title IX Hearing Panel members/adjudicators, and any person who facilitates an informal resolution process, who do not have a conflict of interest or bias for or against complainants or respondents generally or for or against the individual complainant or respondent. In addition, those individuals will receive annual training on the definition of Title IX Sexual Harassment; the scope of the University's education program or activity; how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable; how to serve impartially, including by avoiding prejudgment of the facts at interest, conflicts of interest, and bias; issues related to sexual harassment, Sexual Assault, Domestic Violence, Dating Violence, Stalking; and how to conduct an investigation and decision-making process that protects the safety of all and promotes accountability. Investigators will receive training on issues of relevance to create an investigator report that fairly summarizes relevant evidence. Title IX Hearing Panel members will receive training on any technology to be used at a live hearing and issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior

are not relevant. The training is free of bias such as sex stereotypes or generalizations, promotes impartial investigations and adjudications, and includes the following topics, as applicable: relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, and the University's policies and procedures.

#### **K. Application of the Policy**

When the University receives a report or formal complaint of a violation of this Policy, the University will generally apply the complaint resolution procedures from the policy that is in effect at the time that the report or formal complaint is made and generally will apply the Sexual Misconduct definitions from the policy that was in effect at the time of the alleged misconduct occurred. For cases involving allegations of Title IX Sexual Harassment, the University will apply the definitions from the policy that is in effect at the time the formal complaint is made to determine what procedures apply and the definitions from the policy that was in effect at the time the alleged misconduct occurred to determine whether a policy violation occurred.

#### **L. Reservation of Flexibility**

The procedures set forth in this Policy reflect the University's desire to respond to formal complaints in good faith and in compliance with legal requirements. The University recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. The University reserves the right to modify the procedures or to take other administrative action as appropriate under the circumstances.

In instances where a formal complaint is made against an individual who is not a student or employee of the University, the University reserves discretion to use a process or procedures other than those outlined below, as appropriate under the circumstances.

### **XI. PROCEDURES FOR SEXUAL MISCONDUCT COMPLAINT RESOLUTION**

When the University receives a formal complaint of potential Sexual Misconduct, the University will promptly and equitably respond, investigating and adjudicating the formal complaint pursuant to the guidelines and procedures set forth below.

As discussed above in the section X. The Complaint Resolution Process, different procedures apply to the complaint resolution process depending on the particular circumstances of a case, including the type of Sexual Misconduct that is alleged. Further information about the different procedures is provided below.

#### **A. Initial Meeting Between the Complainant and Title IX Coordinator**

In most cases, the first step of the complaint resolution process is a preliminary meeting between the complainant and the Title IX Coordinator. The purpose of the preliminary meeting is to allow

the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report or formal complaint; it is not intended to be a full investigation interview.

As part of the initial meeting with the complainant, the Title IX Coordinator will:

- Assess the nature and circumstances of the allegation;
- Address immediate physical safety and emotional well-being of the complainant;
- Notify the complainant of the right to contact law enforcement and seek medical treatment;
- Notify the complainant of the importance of preservation of evidence;
- Provide the complainant with information about on- and off-campus resources;
- Notify the complainant of the range of supportive/interim measures with or without filing a formal complaint;
- Provide the complainant with an explanation of the procedural options, including how to file a formal complaint, if not already filed, and the complaint resolution process;
- Inform the complainant of the right to have an advisor of choice, as applicable under this Policy;
- Discuss the complainant's expressed preference for the manner of resolution and any barriers to proceeding; and
- Explain the University's policy prohibiting retaliation.

All reports and formal complaints of Sexual Misconduct will be reviewed by the Title IX Coordinator to determine the risk of harm to individuals or to the campus community. Steps will be taken to address these risks in consultation with the Director of Public Safety and/or members of the Title IX Team.

If the Title IX Coordinator determines that the report or formal complaint, even if substantiated, would not be a violation of this Policy, they may dismiss the matter or refer it to another applicable disciplinary procedure. The parties will be notified of that determination and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

## **B. Formal Complaint and Notice of Allegations**

The filing of a formal complaint begins the complaint resolution process under this Policy. In most cases, the complainant files a formal complaint with the Title IX Coordinator. However, the University reserves the right to move forward with a complaint resolution process to protect the safety and welfare of the community, even if the complainant chooses not to make or move forward with a formal complaint. If the University decides that it has an obligation to move forward with a complaint resolution process, the Title IX Coordinator will sign the formal complaint and the University will notify the complainant before proceeding. See section VII(C) Requests for Confidentiality or Non- Action above for more information. The Title IX Coordinator

signing the formal complaint does not make the Title IX Coordinator a party to the complaint resolution process or adverse to the respondent.

When the Title IX Coordinator has received a formal complaint, the Title IX Coordinator will assess the formal complaint to determine if it states any allegations of Sexual Misconduct. If the formal complaint alleges Sexual Misconduct, the Title IX Coordinator will provide a written notice of allegations to the parties who are known. The written notice will include:

- Notice of the University's complaint resolution process, including the informal resolution process;
- Notice of the allegations, including the identities of the parties involved in the incident(s), if known, the conduct allegedly constituting Sexual Misconduct, and the date and location of the alleged incident, if known;
- A statement that the respondent is presumed not responsible for the alleged conduct and a determination regarding responsibility is made at the conclusion of the complaint resolution process;
- Notice that the parties have the right to an advisor of choice, as applicable under this Policy, who may be, but is not required to be, an attorney;
- Notice that the parties have the right to inspect and review evidence, as applicable under this Policy; and
- Notice of policy provisions that prohibit knowingly making false statements or knowingly submitting false information during the complaint resolution process, including section X(H) Obligation to be Truthful above.

If the University decides to investigate allegations about the complainant or respondent that are not included in the notice provided, the notice will be updated to provide notice of the additional allegations to the parties whose identities are known.

In addition, upon receiving a formal complaint, the Title IX Coordinator will make a preliminary determination of the procedures that will apply to the complaint resolution process.

When the Title IX Coordinator has received a formal complaint of Sexual Misconduct, the Title IX Coordinator will also meet with the respondent and will:

- Notify the respondent of the complaint and alleged policy violations;
- Provide the respondent an explanation of the complaint resolution process;
- Notify the respondent of the importance of preservation of evidence;
- Notify the respondent of any supportive/interim measures that have been put in place that directly relate to the respondent (e.g., no contact directive);
- Provide the respondent with information about on- and off-campus resources;
- Notify the respondent of available supportive/interim measures;
- Inform the respondent of the right to have an advisor of choice, as applicable under this Policy; and
- Explain the University's policy prohibiting retaliation.

This stage of initial review of the formal complaint by the Title IX Coordinator and initial notice of the allegations to the parties generally will take no more than ten (10) calendar days. In some cases, more time may be required.

### **C. Investigation of Other College Policy Violations**

If a formal complaint of Sexual Misconduct also implicates alleged violations of other University policies, the Title IX Coordinator, in coordination with other appropriate school officials, will evaluate the allegations to determine whether the investigation of the alleged Sexual Misconduct and the other alleged policy violations may be appropriately investigated together without unduly delaying the resolution of the Sexual Misconduct formal complaint. Where the Title IX Coordinator in coordination with other appropriate school officials, determines that a single investigation is appropriate, the determination of responsibility for each of the alleged policy violation will be evaluated under the applicable policy. The adjudication may be conducted in accordance with this Policy or the adjudication of the other policy violation may be conducted separately from the adjudication of the alleged Sexual Misconduct.

### **D. Consolidation of Formal Complaints**

The University reserves the right to consolidate formal complaints into one complaint resolution process as to allegations of Sexual Misconduct against more than one respondent, by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of Sexual Misconduct arise out of the same facts or circumstances.

### **E. Informal Resolution**

Following a formal complaint, at any time prior to reaching a determination regarding responsibility, the University may facilitate an informal resolution process. In cases involving allegations of Sexual Assault or more serious Sexual Misconduct, informal resolutions may not be appropriate. In addition, in cases involving allegations that an employee engaged in Title IX Sexual Harassment against a student, informal resolution is not appropriate.

If the complainant, the respondent, and the University all agree to pursue an informal resolution, the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to all parties. The Title IX Coordinator will not be an advocate for either the complainant or the respondent in the informal resolution process, but rather will aid in the resolution of formal complaints in a non-adversarial manner. Under the informal process, the University will only conduct such fact-gathering as is useful to resolve the formal complaint and as is necessary to protect the interests of the parties, the University, and the University community.

The University will not compel a complainant or respondent to engage in mediation, to directly confront the other party, or to participate in any particular form of informal resolution. Participation in informal resolution is voluntary, and the complainant and respondent have the option to discontinue the informal process and request a formal complaint resolution process at any time prior to reaching an agreed upon resolution. The University also always has the

discretion to discontinue the informal process and move forward with a formal complaint resolution process. If at any point during the informal resolution process prior to reaching an agreed upon resolution, the complainant or respondent or the University wishes to cease the informal resolution process and to proceed through the formal complaint resolution process, the informal resolution process will stop and the formal resolution process outlined below will be invoked.

Prior to engaging in an informal resolution process, the University will provide the parties with a written notice disclosing: the allegations, the requirements of the informal resolution process, including the circumstances under which the informal resolution process precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. In addition, the University will obtain the parties' voluntary, written consent to the informal resolution process.

Informal resolution may involve the imposition of individual and community remedies designed to maximize the complainant's access to the educational and extracurricular activities of the University. Examples of potential remedies are provided in the section X(F) Supportive/Interim Measures above. The proposed resolution may also include other institutional responses, requirements, or sanctions imposed on the respondent. Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the University to stop, remedy, and prevent policy violations.

The informal resolution process ends when a resolution has been reached or when the complainant, the respondent, or the University terminates the process. A successful informal resolution results in a binding agreement between the parties. If the parties to the formal complaint and the University agree in writing to the terms and conditions of a proposed resolution within five (5) calendar days of the Title IX Coordinator presenting the proposed resolution to the parties, the case will be resolved without further process under this procedure. If all parties to the formal complaint and the University do not agree in writing to the terms and conditions of the proposed resolution within five (5) calendar days of the Title IX Coordinator presenting the proposed resolution to the parties, the complaint will be referred to the Formal Resolution process.

Appeals are not allowed in cases where the parties have agreed to a voluntary alternative resolution of the matter.

The informal resolution process generally will take no more than fifteen (15) calendar days. In some cases, more time may be required.

## **F. Formal Resolution**

If the formal complaint is not processed or resolved through the Informal Resolution process discussed above, the formal complaint shall be processed according to the formal procedure outlined below.

## **1. Investigation**

The Title IX Coordinator will designate one or more investigators. The University will ensure that the investigator(s) has received the appropriate training, and is impartial and free of any conflict of interest or bias for or against complainants and respondents generally and for or against the complainant and respondent in the case. The parties shall receive written notice of the investigator(s) appointed. If any party has a concern that the investigator(s) has a conflict of interest or bias, the party should report the concern in writing as indicated in the section X(I) Conflicts of Interest or Bias above.

The investigator(s) will conduct the investigation in a manner appropriate to the circumstances of the case, which will typically include interviews with the complainant, the respondent, and any witnesses; these interviews may be audio-recorded. As part of the investigation, the University will provide an opportunity for both the complainant and respondent to advise the investigator(s) of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the investigator(s), and questions they would like the investigator(s) to consider asking the other party and any witnesses, including questions challenging credibility. The investigator(s), in consultation with the Title IX Coordinator, has (have) discretion to assess the relevancy of any proposed witnesses, evidence, and questions and to determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. The investigator may also determine whether to ask some or all of the questions suggested by the parties. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as appropriate and available. The complainant and respondent will be given equal opportunity to present witnesses they believe should be interviewed, and other inculpatory and exculpatory evidence, as part of the investigation. In cases involving allegations of Title IX Sexual Harassment, any witness that a party wishes to call at a hearing must be suggested as part of the investigation process, prior to the issuing of the investigation report, unless extraordinary circumstances exist as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator.

The parties will be informed of a close of evidence date. The parties shall submit any and all information and evidence they would like considered as part of the investigation by the close of evidence date. After the close of evidence date, the parties shall not be permitted to submit new or additional evidence that existed prior to the close of evidence date, unless the investigator, in consultation with the Title IX Coordinator, determines otherwise. In cases involving allegations of Title IX Sexual Harassment, all evidence a party wishes to offer or refer to at the hearing must have been provided as part of the investigation process, prior to the close of evidence, unless extraordinary circumstances exist as determined by the Title IX Hearing Panel, in consultation with the Title IX Coordinator.

At the conclusion of the investigation, the investigator(s) will prepare an investigation report that fairly summarizes the relevant evidence. The investigation report may consist of any information, documents, or other evidence that will be provided to the Title IX Hearing Panel/adjudicators. At the investigator(s)' discretion, such information may include, as applicable: the formal complaint,



the notice of allegations, any other evidence obtaining during the investigation, and the investigator's report of the investigation. The investigation report will be forwarded to the Title IX Coordinator who will review the investigation report and has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report.

The University will seek to complete the investigation phase within (i) forty-five (45) calendar days from the date the investigator is appointed or (ii) if, after the date the investigator is appointed, the parties receive an amended notice of allegations that includes new allegations or new parties, forty-five (45) calendar days from the date of the amended notice of allegations. This time frame may be extended depending on the circumstances of each case. In cases involving allegations of Title IX Sexual Harassment, the University will strive to complete the initial investigation in this 45-day time frame, but the final investigation report will not be completed until after the review of directly related evidence. See the section XI(F)(2) Access to Information below for more information.

## **2. Access to Information**

The procedures in the formal process for all cases of Sexual Misconduct are the same through the investigation phase. Prior to providing access to information, the Title IX Coordinator will make a final determination as to the procedures that will apply to the access to information phase and the adjudication phase.

### **(a) Cases Involving Allegations of Title IX Sexual Harassment**

#### *Review of Directly Related Evidence*

For formal complaints involving allegations of Title IX Sexual Harassment, the parties will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory and exculpatory evidence whether obtained from a party or other source. The Title IX Coordinator will send such evidence to each party and each party's advisor in electronic format or hard copy. The parties will have a ten (10) calendar day period to review the evidence and prepare a written response to the evidence (the "Evidence Response Statement"). Each party's Evidence Response Statement may not exceed 2,000 words in length. The Evidence Response Statement must be submitted to the Title IX Coordinator within the ten (10) calendar day period described above. The Evidence Response Statement may be used as an opportunity to clarify information contained in the directly related evidence, to present the party's viewpoint about whether the evidence directly related to the allegations is relevant and therefore whether it should be included in the investigation report, and to identify evidence previously provided to the investigator that was not included in the directly related evidence which the party believes is directly related and relevant. While the parties may be assisted by their advisors in preparation of the Evidence Response Statement, the Evidence Response Statement must be submitted by



the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Evidence Response Statement.

The parties and parties' advisors may use the evidence reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the evidence with any other individual. Prior to being provided the evidence obtained as part of the investigation that is directly related to the allegations, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Evidence Response Statements and may remove or redact any portions of the parties' Evidence Response Statements that exceed the word limit of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent or information subject to a legal privilege without a waiver).

The investigator will consider the parties' Evidence Response Statements prior to completion of the investigation report.

All the evidence made available for the parties' review will be available during the hearing.

#### *Review of Investigation Report*

For complaints involving allegations of Title IX Sexual Harassment, the Title IX Coordinator will send the investigation report to each party and each party's advisor in electronic format or hard copy at least ten (10) days prior to the live hearing. The parties will have a five (5) calendar day period to review the investigation report and prepare a written response to the report (the "Written Response Statement"). Each party's Written Response Statement may not exceed 2,000 words in length. The Written Response Statement must be submitted to the Title IX Coordinator within the five (5) calendar day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator(s) that is not included in the investigation report which the party believes should have been included, or raise other concerns regarding the evidence. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties and parties' advisors may use the investigation report only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the investigation report with any other individual. Prior to being provided the investigation report, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator will review the parties' Written Response Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information removed or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' Written Response Statements that exceed the word limits of the statements as set forth above or that otherwise exceed the permitted scope of information that may be considered in the complaint resolution process (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

**(b) Cases Involving Allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking *Occurring Outside* of the Education Program or Activity or Against a Person *Outside* of the United States**

For complaints involving allegations of Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the investigation report will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a five (5) calendar day period during which the complainant and respondent will have access to review the investigation report and prepare a response to the investigation report, as discussed below. The parties' access to the investigation report generally will be provided during normal business hours in a designated on-campus location. The investigation report cannot be removed from that location, nor can copies be made or pictures taken of the report.

Both parties will have the opportunity to provide a written response to the investigation report (the "Written Response Statement"). To do so, the party must submit a Written Response Statement, which shall not exceed 4,000 words in length, to the Title IX Coordinator. The Written Response Statement must be submitted by the conclusion of the 5-day period described above. The Written Response Statement may be used as an opportunity to clarify points in the investigation report, identify information previously given to the investigator that is not included in the investigation report which the party believes should have been included, identify questions a party believes the other party has not yet answered or evidence the other party has not explained, raise other concerns regarding the evidence, and to challenge the credibility of the other party and witnesses. While the parties may be assisted by their advisors in preparation of the Written Response Statement, the Written Response Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Response Statement.

The parties shall have an opportunity to review the Written Response Statement submitted by the other party and, if desired, may submit a rebuttal statement ("Written Rebuttal Statement") not to exceed 2,500 words. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Response

Statement and submit a Written Rebuttal Statement. The parties' access to the Written Response Statement generally will be provided during normal business hours in a designated on campus location. The Written Response Statement cannot be removed from that location, nor can duplications be made or pictures taken of the contents. The Written Rebuttal Statement must be submitted within 2-day period described above. The Written Rebuttal Statement may only be used to respond to arguments made in the other party's Written Response Statement and to challenge the credibility of the other party and any witnesses. While the parties may be assisted by their advisors in preparation of the Written Rebuttal Statement, the Written Rebuttal Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. The parties may not address each other in the Written Rebuttal Statement.

The parties shall have an opportunity to review the Written Rebuttal Statement submitted by the other party. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the other party's Written Rebuttal Statement. The parties' access to the Written Rebuttal Statement generally will be provided during normal business hours in a designated on-campus location. The Written Rebuttal Statement cannot be removed from that location, nor can copies be made or pictures taken of the contents. While the parties have the opportunity to review the rebuttal statement of the other party, no further responses are permitted by either party.

The parties and parties' advisors may use the investigation report and written statements of the other party reviewed at this step only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the report and written statements with any other individual. Prior to being provided the report and written statements, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

The Title IX Coordinator shall review the Written Response Statements and Written Rebuttal Statements. Based on the statements, the Title IX Coordinator has the discretion to ask the investigator(s) for clarification, additional investigation, and/or to have information added, removed, or redacted from the investigation report. In addition, the Title IX Coordinator may remove or redact any portions of the parties' written statements that exceed the word limits of the statements as stated above or that otherwise exceed the scope of information that may be considered in the complaint resolution process (e.g., treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

### **(c) Adjudication**

Upon completion of the investigation, the Title IX Coordinator will compile the adjudication file which will be shared with the Title IX Hearing Panel/adjudicators. In cases involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Domestic Violence, Dating Violence, or Stalking *occurring outside* of the University's education program or activity or against a person *outside* of the United States, the parties will be given access to any information that is included

in the adjudication file to the extent that it includes additional information that the parties did not review as part of the Access to Information step discussed above in section XI(F)(2) Access to Information.

**(d) Cases Involving Allegations of Title IX Sexual Harassment**

Upon completion of the investigation in cases involving allegations of Title IX Sexual Harassment, the matter will be submitted to a Title IX Hearing Panel to hold a live hearing and to make a determination regarding responsibility and, if appropriate, sanctions.

The Title IX Hearing Panel will conduct a prompt and equitable live hearing and adjudication.

*Appointment of the Title IX Hearing Panel*

The Title IX Coordinator will designate a panel of three adjudicators to serve as the Title IX Hearing Panel. Generally, the Title IX Hearing Panel shall be chosen from a pool of employees who are Title IX Hearing Panel members. The University reserves the right to appoint any trained individuals who are without conflict or bias to the Title IX Hearing Panel. The Title IX Hearing Panel will not include the Title IX Coordinator or the investigator from the same matter. If any party has a concern that a member of the Title IX Hearing Panel has a conflict of interest or bias, the party should report the concern in writing as indicated in section X(I) Conflicts of Interest or Bias above.

*Live Hearings*

At the live hearing, each party's advisor will be permitted to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such questions will be conducted directly, orally, and in real time by the party's advisor and will never be conducted by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a question at the hearing, the Title IX Hearing Panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant in the formal complaint, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

All evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint will be made available at the hearing.

The hearing will generally be held by video-conference with the parties, witnesses, and Title IX Hearing Panel located in separate locations and technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or the witness answering questions. The University reserves the right to determine that a hearing will instead be conducted with all participants, including the parties, witnesses, and the Title IX Hearing Panel physically present in the same location.

In the event that the live hearing is held with the participants in the same location, at the request of either party, the University will provide for the parties to be located in separate rooms with technology enabling the Title IX Hearing Panel and parties to simultaneously see and hear the party or witness answering questions.

The University will create an audio or audiovisual recording, or transcript, of any live hearing and, upon request, will make it available to the parties for inspection and review.

#### *University Appointed Advisors*

If a party does not have an advisor present at the live hearing, the University will provide an advisor to the party, without fee or charge to that party, to conduct cross-examination on behalf of that party. If a party will not have an advisor present at the hearing, the party must inform the Title IX Coordinator at least three (3) calendar days prior to the live hearing so that the University may appoint an advisor for the hearing. The appointed advisor's role will be limited to relaying the party's questions to be asked of other parties and witnesses. The appointed advisor shall not perform any function beyond relaying the party's desired questions. The University reserves the right to appoint any individual as the University deems appropriate to act as an advisor at a live hearing. The University's appointment of an advisor is final and a party who refuses to work with an appointed advisor at the live hearing will forfeit his or her right to conduct cross-examination or other questioning at the hearing.

#### *Live Hearing Procedures*

Additional information about live hearings can be found at the University's website at [unwsp.edu](http://unwsp.edu).

#### *Decision-Making Process*

The presumption is that the respondent is not responsible for a policy violation. The respondent will be deemed responsible for a policy violation only if the Title IX Hearing Panel concludes that there is sufficient evidence, by a "preponderance of evidence," to support a finding that the respondent engaged in Sexual Misconduct. If the Title IX Hearing Panel determines that the respondent is responsible for a policy violation, the Title IX Hearing Panel will then determine what sanctions and remedies are warranted.

The Title IX Hearing Panel will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

Lie detector test results will not be considered credible by the Title IX Hearing Panel in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by the University or a court of law will generally be given little weight, if any, by the Title IX Hearing Panel in the decision-making process.

When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct—for example, inappropriate remarks that do not rise to the level

of a violation of this Policy—the University may, in its discretion, require the respondent to receive appropriate education and/or training. The University may also recommend counseling or other support services for the respondent.

**(e) Cases Involving Allegations of Other Forms of Sexual Misconduct**

Upon completion of the investigation in matters involving allegations of Sexual Misconduct that are not Title IX Sexual Harassment, the Title IX Coordinator will designate one or more adjudicators on a case-by-case basis. Generally, a single adjudicator will be appointed.

The University reserves the right to appoint any trained adjudicator who is free from conflict of interest or bias. The parties shall receive written notice of the adjudicator(s) appointed. If any party has a concern that an adjudicator has a conflict of interest or bias, the party should report the concern in writing as indicated in the section X(I) Conflicts of Interest or Bias above.

Each adjudicator will receive and review the adjudication file. Each adjudicator may, in their discretion, request additional investigation by the investigator(s) or another appropriate individual. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that *occurred outside* of the education program or activity or against a person *outside* of the United States), if such information is shared with the adjudicators, the parties will be notified and provided access to that information.

Each adjudicator will use a preponderance of the evidence standard to determine whether it is more likely than not that the respondent violated the Policy. The respondent is presumed to be not responsible for a Policy violation. The respondent will be deemed responsible for a Policy violation only if adjudicator concludes that there is sufficient evidence to support a finding that the respondent more likely than not engaged in Sexual Misconduct.

Lie detector test results will not be considered credible by the adjudicators in the decision-making process. Character evidence and allegations of prior bad acts by a party without a finding of responsibility by the University or a court of law will generally be given little weight, if any, by the adjudicators in the decision-making process.

If the adjudicator determines that the respondent is responsible for a Policy violation, they will then determine sanctions and remedies. The adjudicator will impose sanctions and/or remedies as they determine necessary in their discretion to end the misconduct, prevent its recurrence, and address its effects, while supporting the University's educational mission and legal obligations. As part of that determination of sanctions and remedies, the Title IX Coordinator may, in their discretion, provide the adjudicator with information regarding previous violations of the Sexual Misconduct Policy or other University policies by the respondent, if any. In cases involving allegations of Sexual Assault, Domestic Violence, Dating Violence, and Stalking (that occurred outside of the education program or activity or against a person outside of the United States), if such information is shared with the adjudicator, the parties will be notified and provided access to that information.

When a respondent is found not responsible for a Policy violation, but nevertheless is found to have engaged in inappropriate conduct – for example, inappropriate remarks that do not rise to the level of a violation of this Policy – the University may, in its discretion, require the respondent to receive appropriate education and/or training. The University may also recommend counseling or other support services for the respondent.

### **3. Sanctions and Remedies**

The Title IX Hearing Panel/adjudicator(s) will impose sanctions and/or remedies as necessary to end the misconduct, prevent its recurrence, and address its effects. The University reserves the right to take whatever measures deemed necessary in response to an allegation of Sexual Misconduct in order to protect the rights and personal safety of the complainant and the University community. Not all forms of Sexual Misconduct are deemed equally serious offenses and, as a result, different remedies or sanctions may be imposed depending on the severity of the offense and any previous conduct violations.

Individuals who are found responsible under this Policy may face sanctions as appropriate for students, employees, visitors, or others including, but not limited to, the following sanctions. Each of these sanctions and other sanctions may be imposed alone or in combination for a respondent found responsible for Sexual Misconduct, as defined by this Policy:

- Assigned disciplinary status:
  - warning,
  - probation,
  - strict probation,
  - suspension ranging from one day to five years, or expulsion;
- Withholding of diploma or degree for a defined period of time or until the completion of assigned sanctions;
- Temporary or permanent revocation of degree
- Revocation of admission to the University;
- Temporary or permanent restricted access to areas of campus and campus events;
- Temporary or permanent restricted access to or participation in activities, organizations or courses;
- Temporary or permanent removal from class or residential assignment;
- Conditions upon presence on campus or at University events;
- No trespass or no contact directives;
- Required attendance at educational trainings or meetings;
- Behavioral contracts;
- Required assessment or counseling;
- Community service hours;
- Loss of salary or benefit such as sabbatical or research or travel funding, removal or non- renewal of scholarships or honors;
- Suspension of employment from one day to five years;



- Suspension of promotion or salary increase increments;
- Transfer or change of job or responsibilities, revocation of tenure, demotion, or termination of employment;
- Ineligibility for rehire;
- Payment of restitution or costs incurred.

For any suspension or other temporary restriction, reinstatement may be conditioned upon behavioral contracts, required attendance at educational programs, required assessment or counseling, and/or any other disciplinary accountability measures outlined by Student Life and/or Human Resources.

Violations of imposed sanctions should be reported to the Title IX Coordinator. Such reports will be handled according to the section XII. Complaints of Related Misconduct below.

When an investigation reveals that a campus organization (such as a student club, athletic team, campus academic department, or staff/faculty committee) has committed or promoted behavior involving Sexual Misconduct, the organization may be sanctioned. Sanctions to the organization may include, but are not limited to, loss of University privileges (including, but not limited to, prohibition on the organization's participation in certain activities and the use of University facilities), educational requirements for organization members, required additional oversight of organization activities, temporary loss of funding and/or loss of recognition by the University, and permanent loss of organization recognition, in addition to individual members of the organization who are determined responsible for a Policy violation being subject to the sanctions listed above. All campus organizations/departments are responsible for the actions of its members when they are operating on behalf of the organization/department.

Remedies for the complainant are designed to restore or preserve equal access to the University's education program or activity. Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent. Remedies, accommodations, and protective measures for the complainant include implementing or extending supportive/interim or protective measures, including, without limitation:

- A mutual or one-sided no contact order;
- Prohibiting an individual involved from being on University property;
- Prohibiting an individual involved from participating in University-sponsored events;
- Changing an individual's on-campus residency, dining, or transportation arrangements, or prohibiting an individual from residing in a University residence;
- Assistance in finding alternative housing;
- Changing an individual's student or employee status or job responsibilities;
- Changing an individual's work or class schedule;
- Providing academic accommodations or providing assistance with academic issues;
- Providing security escorts;
- Providing a temporary cellphone



- Access to counseling and medical services;
- Making information about orders for protection and harassment restraining orders available to a complainant; and
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

Remedies designed to address the Northwestern community include increased monitoring, supervision, and/or security at locations or in connection with activities where the prohibited conduct occurred or is likely to reoccur and targeted or broad-based educational programming or training for relevant persons or groups.

The Title IX Coordinator is responsible for effective implementation of any remedies.

#### **4. Notice of Outcome**

The complainant and respondent will simultaneously receive a written notice of the outcome.

Prior to being provided the notice of outcome, the parties and parties' advisors will be required to sign a non-disclosure agreement. The parties and parties' advisors are prohibited from disseminating or otherwise sharing the notice of outcome with any other individual, except as permitted in the non-disclosure agreement.

For complaints involving (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of an education program or activity or against a person *outside* the United States, the written notice shall include the allegations potentially constituting Sexual Misconduct, a description of the procedural steps taken from the receipt of the formal complaint through the determination (including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held), findings of fact supporting the determination, conclusions regarding the application of the University's policy to the facts, the determination regarding responsibility as to each allegation, any imposition of sanctions, whether remedies designed to restore or preserve equal access to the education program or activity will be provided to the complainant, and the rationales for the determination and sanctions (including how the evidence was weighed, how the information supports the result, and the standard of evidence applied). The written notice will also include information about the procedures and permissible bases for appeal, as set forth below, and when the result becomes final. In addition, the written notice shall include any other steps the University has taken to eliminate the conduct and prevent its recurrence.

For all other complaints of Sexual Misconduct, the written notice shall include the determination of the adjudicator(s).

In cases involving allegations of Title IX Sexual Harassment, the written notice of determination will generally be received within twenty-five (25) calendar days from the date the live hearing concluded. In cases involving allegations of other forms of Sexual Misconduct, the written notice

of determination will generally be received within twenty-five (25) calendar days from the date the adjudicator(s) receive the adjudication file. In some cases, more time may be required.

The determination of the Title IX Hearing Panel/adjudicator(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final and the sanctions, if any, will be effective.

#### **5. Dismissal of Formal Complaint Prior to Adjudication**

If the allegations in a formal complaint are initially included in the notice of allegations as allegations of Title IX Sexual Harassment, but facts are gathered during the course of the complaint resolution process that indicate that the alleged conduct does not meet the definition of Title IX Sexual Harassment, the University will dismiss the formal complaint as to those allegations. Even if a formal complaint or any allegations of Title IX Sexual Harassment are dismissed, the University reserves the right to move forward with a complaint resolution process using the other Sexual Misconduct definitions and the other procedures in this Policy, as applicable.

In cases involving allegations of any Sexual Misconduct, the University may, at its discretion, dismiss the case prior to adjudication in certain circumstances. Circumstances that may lead to dismissal prior to adjudication, include, but are not limited to: the complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by the University, or specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

If the University dismisses a formal complaint, the University will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. A dismissal of a formal complaint may be appealed as provided below.

#### **6. Appeal of Decision**

Either the complainant or the respondent may appeal a decision to dismiss a formal complaint or any allegations therein, as discussed above in the section XI(F)(6) Dismissal of Formal Complaint Prior to Adjudication above. The parties may also appeal the Title IX Hearing Panel's/adjudicators' decision regarding responsibility.

Grounds for appeal are as follows:

- Procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- The Title IX Coordinator, investigator(s), or Title IX Hearing Panel/adjudicator(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

**(a) Submitting an Appeal**

Either party may request an appeal by submitting a written appeal statement, not to exceed 2,000 words, challenging the outcome of the complaint resolution process. The written appeal statement must explain which of the bases above the party is citing for the appeal. A written appeal must be submitted to the Title IX Coordinator within two (2) calendar days following the date that the notice of outcome was sent to the complainant and the respondent. While the parties may be assisted by their advisors in preparation of the Written Appeal Statement, the Written Appeal Statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The Title IX Coordinator will review the appeal statement to determine whether the appeal states a permissible ground for appeal (as set forth above), such that the appeal will be considered. The Title IX Coordinator may remove or redact any portions of the appeal statement that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution proceeding (such as treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

If the Title IX Coordinator determines that the appeal states a permissible ground for appeal, the non-appealing party will be notified of the appeal and provided an opportunity to review the appeal statement and submit a written response in support of the outcome. Any written response from the non-appealing party in support of the outcome must not exceed 2,000 words and must be submitted to the Title IX Coordinator within two (2) calendar days of receiving notice of the appeal. While the party may be assisted by their advisors in preparation of the responsive appeal statement, the responsive appeal statement must be submitted by the party, must be the party's own statement, and may not be used to submit the statements of others on the party's behalf.

The Title IX Coordinator shall review the responsive appeal statement and may remove or redact any portions of the statements that exceed the word limit or that otherwise exceed the scope of information that may be considered in the complaint resolution process (e.g., treatment records without consent, information subject to a legal privilege without a waiver, or evidence relating to the complainant's prior sexual history if an exception does not apply).

The Title IX Coordinator generally will compile an appeal file, which may consist of any information, documents, or other evidence that is provided to the appeal panel. Such information, may include the written appeal statement, the responsive appeal statement, the notice of outcome, the adjudication file in its entirety or in part, any previously undiscovered evidence (if discovery of new evidence is a ground for appeal), and any other information determined to be necessary for the appeal panel's decision, at the Title IX Coordinator's discretion.

For complaints involving allegations of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, the appeal file will be made available for review by the complainant and respondent. The Title IX Coordinator will provide a two (2) calendar day period for the complainant and respondent to have access to review the appeal file and such access generally will be provided during normal business hours in a designated on-campus location. The appeal file cannot be removed from that location, nor can copies be made or pictures taken of the contents.

In cases where the appeal file is made available for review as discussed above, the parties and parties' advisors may use the appeal file reviewed at this step and any additional information reviewed during the consideration of the appeal (see below), only for purposes of participating in the complaint resolution process and are prohibited from disseminating or otherwise sharing the appeal file or additional information with any other individual. Prior to being provided access to the appeal file or any additional information, the parties and parties' advisors will be required to sign a non-disclosure agreement agreeing to such terms.

Appeals will be considered by an appeal panel consisting of three (3) members appointed by the Title IX Coordinator. Generally, the appeal panel will be made up of three (3) of the individuals identified, by position, as a potential Title IX Hearing Panel member/adjudicator (in section XI(F)(3) Adjudication above) who have not been previously involved in the complaint process and do not have a conflict of interest or bias in the case. The University reserves the right to appoint any trained individual who is free of conflict of interest or bias to the appeal panel. The parties shall receive written notice of the appointed appeal panel. If any party has a concern that the appeal panel has a conflict of interest, the party should report the concern in writing as indicated in the section X(I) Conflicts of Interest or Bias above.

#### **(b) Consideration of Appeal**

The appeal panel will **not** rehear the case, but will receive and review the appeal file and consider whether it is more likely than not that the above-listed grounds for appeal have been satisfied. The appeal panel may choose to meet with the parties and consider other additional information, in the appeal panel's sole discretion. For cases of (1) Title IX Sexual Harassment or (2) Sexual Assault, Dating Violence, Domestic Violence, or Stalking *occurring outside* of the education program or activity or against a person *outside* of the United States, if the appeal panel receives any additional information, the parties shall have an opportunity to review the additional information.

If the appeal panel determines that there is sufficient evidence to conclude that it is more likely than not that one of the above grounds for appeal is satisfied, it will generally remand the matter for further investigation and/or deliberations by the Title IX Hearing Panel/adjudicator(s), and/or an additional live hearing, as determined by the appeal panel. If remanded, the appeal panel, in consultation with the Title IX Coordinator, will determine whether the matter should be remanded to the previous Title IX Hearing Panel/adjudicator(s) or whether new Title IX Hearing

Panel/adjudicator(s) should review the matter, and, if the reasons for remand relate to the investigation or warrant additional investigation, whether the matter should be remanded to the previous investigator(s) or whether a new investigator(s) should be appointed.

The appeal panel may not change the adjudicator's determination of whether the respondent was responsible or not responsible for a policy violation. Only the Title IX Hearing Panel/adjudicator(s) reviewing the matter on remand from an appeal may change the determination of the original Title IX Hearing Panel/adjudicator(s) of whether the respondent was responsible or not responsible of a possible violation. Upon remand, the investigator(s) and Title IX Hearing Panel/adjudicator(s) shall utilize the same process as required for all complaint processes under this policy. If the matter is remanded, the determination made on remand will be appealable under the procedures discussed in this Section.

If the appeal panel determines that there is insufficient evidence to conclude that it is more likely than not that one or more grounds for appeal have been satisfied, the appeal panel will dismiss the appeal. This dismissal decision is final and is not appealable. If the appeal officer dismisses the appeal, the sanctions will be effective on the date the appeal officer's decision is provided to the parties.

The appeal panel will simultaneously issue to the parties a written decision describing the result of the appeal and the appeal officer's rationale for the result. The University will seek to complete the appeal process within twenty (20) calendar days following the appeal panel's receipt of the appeal file from the Title IX Coordinator; however, in some cases, more time may be required.

## **XII. COMPLAINTS OF RELATED MISCONDUCT**

Any complaint relating to retaliation or interference with process or a romantic and/or sexual relationship of unequal status in violation of this Policy, or violations of supportive/interim measures, sanctions, the obligation to be truthful, the obligation to act in good faith, or a nondisclosure agreement should be reported promptly to the Title IX Coordinator. The University will provide a prompt and equitable process for the resolution of complaints alleging retaliation or interference with process, a romantic and/or sexual relationship of unequal status, or a violation of supportive/interim measures, sanctions, the obligation to be truthful, the obligation to act in good faith, or a nondisclosure agreement.

When the University receives a complaint of retaliation or interference with process, a romantic and/or sexual relationship of unequal status, or of violations of supportive/interim measures, sanctions, the obligation to be truthful, the obligation to act in good faith, or a nondisclosure agreement, the Title IX Coordinator may exercise discretion to determine an appropriate responsive process based on the facts and circumstances. At the Title IX Coordinator's discretion, options for resolution include, but are not limited to: informal discussions and resolution facilitated by the Title IX Coordinator, investigation and/or determination by the Title IX Coordinator, or assignment of a designated individual to investigate the complaint and/or determine an appropriate response. This process will be separate and distinct from the Complaint Resolution Process outlined above for addressing Sexual Misconduct formal

complaints. The Title IX Coordinator will document the complaint received, the process used, and the outcome. In instances where the outcome of the process results in a suspension longer than one year, expulsion, or termination of employment, the impacted individual may appeal the decision in accordance with the appeal rights as set forth in this Policy. The University will notify the parties of the outcome of the complaint.

### **XIII. ALTERNATIVE PROCEDURES**

Nothing in this policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR).

The OCR office for institutions located in Minnesota is:

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

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

### **XIV. POLICY DISSEMINATION**

As part of the University's commitment to maintaining a learning and working environment free of Sexual Misconduct, Northwestern will disseminate this policy broadly to the University community through publications, websites (public-facing and internal), employee training, student orientation, and other appropriate communication channels.

### **XV. RECORDKEEPING**

The Title IX Coordinator is responsible for maintaining the official Northwestern records of Sexual Misconduct reports and formal complaints. When a formal complaint is pending, each official having a role in the response and resolution process is responsible for handling records appropriate to their role. When the process is complete, the official records relating to the formal complaint or report will be provided to the Title IX Coordinator, who will maintain such records in accordance with Northwestern record retention requirements and applicable law.

Records related to Sexual Misconduct reports and complaints will be treated as confidential and shared only on a need-to-know basis, as required by law, or to conduct a complaint resolution process.

## **XVI. POLICY AMENDMENTS**

Northwestern reserves the right to change all matters contained in this policy, to interpret the provisions of this policy, and to vary from any provision of this policy in any instance where Northwestern determines that such variance is appropriate.

Nothing listed in this policy shall affect the authority of University of Northwestern to take actions as it deems appropriate to safeguard the safety and security of the University community.

## Emergency Medical Examination / Evidence Collection

Receiving medical care immediately following a Sexual Assault is critical for the victim's well-being. The following provides information about the types of medical examinations available, what you can expect during a Sexual Assault examination, and the importance of preserving evidence. If you have questions, please contact the Title IX Coordinator or one of the confidential resources listed in Appendix B. This Appendix A includes, where applicable, definitions and procedures applicable to Northwestern employees or students at the Minnesota campus. For information on other states in which Northwestern employees or students are located, please see the state-specific information in Appendices D-J.

### What are the different types of medical examination that a victim of Sexual Assault should obtain?

- Emergency medical exam, if the victim has injuries
  - May need ambulance if injuries are severe (call 911)
  - May utilize Health Services on campus as a starting point if during day hours
  - May utilize Resident Directors (RDs) for transportation
  - See attached listing of hospitals in Appendix B
- A general medical exam to ensure that the victim hasn't sustained injuries that she/he is unaware of or unable to determine:
  - May utilize Health Services on campus as a starting point if during day hours
  - May utilize Resident Directors (RDs) for transportation
  - See attached listing of hospitals in Appendix B
- A **Sexual Assault Examination**, which is a medical/legal examination (may take up to 4 hours) for the collection of evidence if the victim thinks there is **any possibility** of pursuing legal action against the offender
  - **It is very important to preserve evidence** which may be necessary to the proof of Sexual Assault, Dating Violence, Domestic Violence, or Stalking or which may be helpful in obtaining a protective order. To preserve evidence, do not change clothes, bathe, douche, brush teeth, comb hair, smoke, eat, or drink, and if possible, do not urinate; do not alter the scene of the assault; and bring another set of clothes to the hospital since clothes will be collected as part of the evidence. This is important for the evidence collection process that will occur at the hospital. Individuals should go to a medical facility, such as those listed in Appendix B, to obtain a medical exam and preserve evidence that may be necessary for criminal prosecution as soon as possible.
  - Victims who receive a Sexual Assault Examination are not required to file a police report. If a victim is not sure if he or she wants to file a



police report, receiving a Sexual Assault Examination and taking other steps to preserve evidence allows him/her to later decide to pursue criminal charges.

- A victim may also submit the results of a Sexual Assault Examination to the University as evidence of a violation of the University's Sexual Misconduct Policy.
- **SANE/SAFE (Sexual Assault Nurse Examination and Sexual Assault Forensic Examination)** programs ensure that a victim will be treated by a specially trained nurse who is sensitive to her/his particular needs. It also ensures proper collection of forensic evidence, and maintains proper chain of custody issues if a case is brought to trial. These programs are committed to making sure an advocate is called and available to talk to the victim if she/he desires one.

### **What can be expected during a Sexual Assault Examination?**

- a. A Sexual Assault nurse examiner can evaluate a victim whose assault has occurred within the previous 240 hours (10 days).
- b. During a Sexual Assault exam, the nurse will:
  - i. identify and care for injuries
  - ii. collect physical evidence
  - iii. assess risk of sexually transmitted diseases and give preventative treatment
  - iv. assess risk of pregnancy and present emergency prevention options (victims should be aware that the Morning After Pill may be automatically given; make sure that medical personnel are aware of your wishes regarding emergency contraceptives)
  - v. give crisis information and referral to support services
  - vi. provide referrals for appropriate medical follow-up
- If a different hospital (other than the ones listed in Appendices B and D-J) is utilized due to victim's insurance or personal preference, please call ahead and see if they have SANE/SAFE personnel on staff. We have been told that every hospital in the Twin Cities area has a Sexual Assault services program, i.e. specialized care for an assault victim.
- It should be noted that Regions Hospital is unique in that their SANE person will come right away when the patient enters the emergency room. The other hospitals will call the S.O.S. advocacy agency, but they often (due to limited staff) do not come to the ER right at the time of the event, but they will follow-up the next day. However, United Hospital will call social services and they will stay and be an advocate for the victim at the time of admission.

- SANE/SAFE personnel should offer to call a provider of advocacy services if the victim desires this. Advocacy services are provided by:
  - Sexual Offense Services (S.O.S.) of Ramsey County, 24 hour crisis line: 651-266- 1000, S.O.S. Business Line: 651-643-3022
  - If needed, a male/female EMT may be asked to stay to provide same sex support
- A victim has the right to refuse any type of treatment (i.e. drug testing, blood alcohol testing)
- Many hospitals offer Sexual Assault Examinations free of charge. Charges for various tests seem to vary depending upon the hospital. Check this with the hospital.

**What should I do if I suspect I was given a date rape drug?**

If date rape drugs are suspected (such as Rohypnol, GHB) request a urine test at the hospital. These drugs metabolize quickly in the body. Rohypnol cannot be detected 48 hours after ingestion. Evidence of GHB can remain up to only 12 hours. Indicators that the victim may have been drugged include:

- c. She/he reports becoming intoxicated in a short span of time (5-15 minutes);
- d. She/he can't remember what happened; or
- e. She/he recalls waking up then passing out again.

Note that other prescription and over-the-counter medication can cause similar reactions; therefore all other medications consumed by the victim in the past 24 hours should be disclosed.



## Appendix B

### People Who Can Help: Minnesota

If you or someone you know has been a victim of Sexual Misconduct, we strongly encourage you to report to the University. Only Counseling Services and Health Services on campus can promise confidentiality. They can also assist a complainant with obtaining medical, emotional and other support and advocacy resources, whether or not a complainant decides to report his or her concerns to the University or Law Enforcement. Those listed under On-Campus Resources are not confidential resources but are members of the Title IX Team and can answer questions about Title IX and the Sexual Misconduct Policy. It is important to note that if a member of the Title IX team becomes aware of Sexual Misconduct, he/she is obligated to report it to the Title IX Coordinator. If you aren't sure of someone's duties and their ability to maintain your privacy, ask them before you talk to them.

Both the University and the community provide a variety of resources to assist and support individuals who have experienced Sexual Misconduct or are affected by allegations of Sexual Misconduct.

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## **On-Campus Confidential**

### **Support**

*Obligated to keep your information  
confidential*

#### **Counseling Services**

<https://unwsp.edu/student-life/student-services-center/counseling-services>

**Monday–Friday:** 8:30 a.m. – 5:00 p.m. *(During the academic year)*

Location: Nazareth Hall, N3086, N3087, N3088

Joe Biancardi, Director  
651-631-5178 |  
jmbiancardi@unwsp.edu

#### **Health Services**

<https://unwsp.edu/student-life/student-services-center/health-services>

**Monday–Friday:** 8:30 a.m. – 4:30 p.m. *(During the academic year)*

**Location:** Nazareth Hall, N1111 – first floor

Alison Putz, Director  
651-631-5246 |  
healthservices@unwsp.edu

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## **On-Campus Resources – Title IX Team**

**Title IX Coordinator**

Kelly Franck, *Human Resources Business Partner*

Location: Riley Hall: R1605  
651-631-5480 | [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu)

**Athletics**

Beth Wilmeth, *Asst Dir of Athletics*

651-286-7486 | [bkwilmeth@unwsp.edu](mailto:bkwilmeth@unwsp.edu)

**College of Adult & Graduate Studies**

Sarah Arthur, *Assistant Dean of Graduate Online and Adult Learning*

Location: Nazareth Hall, N1132  
651-286-7450 | [sjarthur@unwsp.edu](mailto:sjarthur@unwsp.edu)

**Public Safety:**

651-631-5310 (24-hour officer on duty) Peter Sola, *Director*  
Location: Riley Hall 1619,  
651-631-5349 | [plsola@unwsp.edu](mailto:plsola@unwsp.edu)

**Student Life**

Jerod Cornelius, *Dean of Students*  
651-631-5320 | [jlcornelius@unwsp.edu](mailto:jlcornelius@unwsp.edu)

**Resident Director on Duty**

651-631-5307 (Available 24/7)

**Student Employment**

Karen Grover, *Human Resources Business Partner*

651-631-5327 | [klgrover@unwsp.edu](mailto:klgrover@unwsp.edu)

**Office of Dual Enrollment**

Kristin Anenson, *Lead Student Academic Advisor*

651-286-7521 | [knanenson@unwsp.edu](mailto:knanenson@unwsp.edu)

**Department of Psychology**

Heather Van Zee, *Asst Professor/Program Coordinator Criminal Justice | Psychology*

651-286-7472 | [hrvanzee@unwsp.edu](mailto:hrvanzee@unwsp.edu)

**College of Behavioral and Natural Sciences**

Dan Crane, *Dean*  
651-631-5331 | [drcrane@unwsp.edu](mailto:drcrane@unwsp.edu)

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**Off-Campus Confidential Resources**

*(Not required to report incident)*

**Sexual Offense Services (St. Paul) 24-hour**

<https://www.ramseycounty.us/residents/health-medical/clinics-services/sos-sexual-violence-services>

651-266-1000

[sos@co.ramsey.mn.us](mailto:sos@co.ramsey.mn.us)

crisis counseling, advocacy, information, and referral

**RAINN (Rape, Abuse, and Incest National Network)**

[www.rainn.org](http://www.rainn.org)

800-656-HOPE (4673) (24-hour hotline)

**Sexual Violence**

**Center** Minneapolis,  
MN

[www.sexualviolencecenter.org](http://www.sexualviolencecenter.org) 612-871-  
5111 (24-hour crisis  
line)

Off-Campus Resources

**Emergency**

: 911

**Non-emergency Reporting:**

**Ramsey County Sheriff - 24 Hour:** 651-767-0640

**Roseville Police:** (dispatched by Ramsey County Sheriff)

**Minneapolis Police Investigator:** 612-673-3081

**ADDITIONAL RESOURCES:**

**Sexual Assault Care Services:** 763-236-4172 (Allina Health)

**Sexual Assault Advocate:** 612-348-4243 (Minneapolis/Hennepin County)

**Family & Sexual Violence Unit:** 651-266-5676 (St. Paul)

**Sexual Violence Prevention:** <http://www.health.state.mn.us/injury/topic/svp/>

**Counseling and Mental Health:** **Sexual Offense Services (St. Paul) 24-hour**  
<https://www.ramseycounty.us/residents/health-medical/clinics-services/sos-sexual-violence-services/after-sexual-assault>  
651-266-1000  
[sos@co.ramsey.mn.us](mailto:sos@co.ramsey.mn.us)  
crisis counseling, advocacy, information, and referral

**Health:** **Regions Hospital**  
640 Jackson Street | St. Paul, MN 55101 Emergency Room – SANE Program\*\*  
651-254-5000  
<https://www.healthpartners.com/hospitals/regions/specialties/emergency-center/sexual-assault-care/>

**United Hospital**  
333 North Smith Avenue | St. Paul, MN 55102 651-241-8000  
Emergency Room:  
651-241-8755 SANE Program\*\*  
<https://www.allinahealth.org/united->



[hospital/services/emergency-department](#)

**Hennepin County Medical Center (HCMC)** 701 Park Avenue | Minneapolis, MN 55415 Emergency Room: 612-873-5832  
SANE / Sexual Assault Resource Service\*\*  
<https://www.hennepinhealthcare.org/support-services/violence-assault-and-abuse-resources/>

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\*\* SANE: Sexual Assault Nurse Examiners ensure that a victim will be treated by a specially trained nurse who is sensitive to her/his particular needs.

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**Victim Advocacy:**

See Confidential Resources above

**Student Financial Aid:**

**Office of Financial Aid**

651-631-5212

[financialaid@unwsp.edu](mailto:financialaid@unwsp.edu)

**Immigration Law Assistance:**  
1368

**Immigrant Law Center of Minnesota:** 1-800-223-

(legal assistance in a variety of immigration-related matters including support for survivors of Sexual Assault, trafficking, domestic abuse, and other crimes)

**Southern Minnesota Regional Legal Services:**  
1-888-575- 2954 (free legal assistance for qualifying clients, available services include immigration assistance)

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## Risk Reduction / Interventions

### RISK REDUCTION: WARNING SIGNS OF AN ABUSIVE DATE

- Possessive
- Bad tempered/easily angered family
- Blames others for his/her problems
- Uses force during arguments
- Controlling
- Isolates you from your friends or
- Threatens force or violence
- Verbally abusive

*Sexual Assault Prevention Information from Merced College:  
[http://www.mccd.edu/about\\_us/merced\\_college/operations/police/sa\\_prevention.html](http://www.mccd.edu/about_us/merced_college/operations/police/sa_prevention.html)*

### RISK REDUCTION: AVOID DANGEROUS SITUATIONS

- a. **Be aware** of your surroundings
- b. Try to **avoid isolated areas and becoming isolated** with someone you don't trust or someone you don't know well
- c. **Walk with purpose**
- d. Try **not to load yourself down** with packages or bags
- e. **Trust your instincts**
- f. **Make sure your cell phone is with you** and charged

### RISK REDUCTION: SOCIAL SITUATIONS

- a. **Go with a group of friends.** Arrive together, check in with each other and leave together.
- b. **Be careful when drinking beverages:** If offered a beverage, watch it being poured, and carry it yourself. Don't drink from punch bowls or other large, common open containers. Don't leave your beverage unattended. Watch out for your friends, and vice versa.
- c. Use of **alcohol or drugs significantly increases likelihood** of Sexual Assault.
- d. **Have a buddy system; stay with the group.** Let a friend know if something is making you uncomfortable or if you are worried about your or your friend's safety. Don't be alone with someone you don't know / trust.
- e. **Be aware of your surroundings.** Know where you are and who is around.

*(Crime Victim Services, Inc.)*

### BYSTANDER INTERVENTION

- a. **Direct Intervention:** Ask the target, "Do you need help?" Tell the harasser, "Stop now or I will call the police/security."
- b. **Delegate someone to go get help:** "You, in the red jacket, go call the police."
- c. **Distract the harasser:** Provide a distraction to give the target a way out of the situation, "Oh, look I just dropped my bag!" Pretend to know the target, "Hey, I've been looking for you! We're going to be late!"

**What to do?**

- a. If you experience, hear about, or believe someone is experiencing Sexual Misconduct - including assault, please make a report by contacting an On-Campus Resource or Support person listed under “People Who Can Help” in Appendix B.
- b. If UNW becomes aware of sex discrimination, Sexual Harassment, or sexual violence, we will take:
- c. steps to protect the complainant; and
- d. prompt and effective steps to end the Sexual Misconduct, prevent its recurrence, and address its effects.

**Note:**

- a. Location of complaint does not matter (on-campus and off-campus)
- b. Complaint can be filed by anyone

***Inquiries concerning Sexual Misconduct should be made to:*****Kelly Franck*****Title IX Coordinator***

Human Resources Business Partner/Title IX Coordinator

Riley Hall: R1605

651-631-5480

***This policy is reviewed annually by the Title IX Coordinator and the offices of Human Resources and Student Life.***

Effective:

December 1,

2021 Last

Updated:

December 2,

2021

Title IX Coordinator Update:

September 30, 2015

Responsible College

Officer: President

Policy Owner: Human

Resources Policy

Contact: Title IX

Coordinator

## Information for Students & Employees in South Dakota

### RESOURCES:

#### On-Campus Resources (available remotely)

##### Title IX Coordinator

Kelly Franck, *Human Resources Business Partner*

651-631-5480 | [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu)

##### Public Safety

651-631-5310 (24-hour officer on duty)

Peter Sola, *Director*

651-631-5349 | [plsola@unwsp.edu](mailto:plsola@unwsp.edu)

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#### Off-Campus Confidential Resources

*(Not required to report incident)*

##### **Children's Inn (24-hour assistance)**

<http://www.chssd.org/childrensinn>

Office: 605-338-0016

Crisis Line: 605-338-4880

Toll Free Crisis Line: 1-888-378-7398

The Compass Center (24-hour assistance)

<https://thecompasscenter.org>

Office: 603-339-0116

Crisis Line: 877-IN-CRISIS

##### **South Dakota Coalition Against Domestic Violence & Sexual Assault**

[www.sdcedsv.org](http://www.sdcedsv.org)

Crisis Line: 800-430-7233

##### **RAINN (Rape, Abuse, and Incest National Network)**

[www.rainn.org](http://www.rainn.org)

800-656-HOPE (4673) (24-hour hotline)

Emergency: 911

## **Off-Campus Resources**

### **Non-emergency Reporting:**

**Minnehaha County Sheriff:** 605-367-4300

**Sioux Falls Police Department:** 605-367-7212

## **ADDITIONAL RESOURCES:**

### **Counseling and Mental Health:**

**Children's Inn** (24-hour assistance)

<http://www.chssd.org/childrensinn>

Office:

605-338-0016

Crisis Line: 605-338-4880

**The Compass Center** (24-hour assistance)

<https://thecompasscenter.org>

Office: 603-339-0116

Crisis Line: 877-IN-CRISIS

Toll Free Crisis Line: 1-888-378-7398

### **Health:**

#### **Sanford Emergency Room**

1305 West 18th Street

Sioux Falls, SD 57105

605-333-6688

SANE Program\*\* [www.sanfordhealth.org](http://www.sanfordhealth.org)

#### **Avera McKennan Hospital Emergency Room**

1325 S. Cliff Avenue

Sioux Falls, SD

605-322-2000

SANE Program\*\*

<https://www.avera.org/locations/mckennan/>

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\*\* SANE: Sexual Assault Nurse Examiners ensure that a victim will be treated by a specially trained nurse who is sensitive to her/his particular needs.

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**Victim advocacy:** See Confidential Resources above

**Student financial aid:**

**Office of Financial Aid**

651-631-5212

[financialaid@unwsp.edu](mailto:financialaid@unwsp.edu)

**Immigration Law Assistance:**

**LSS-SD Center for New Americans**

605-731-2000

(legal assistance in a variety of immigration-related matters)

**South Dakota Network Against Family Violence and Sexual Assault**

605-731-0041

(immigration legal assistance for victims of Domestic Violence, sexual violence, and/or Stalking)

**OTHER STATE LAW INFORMATION:**

**Domestic Abuse and Stalking Protection Orders/Criminal No Contact Orders**

Stalking protection orders and domestic abuse protection orders are legal orders issued by a state court that forbid someone from harassing and/or making contact with another. A Stalking restraining order is a civil court order issued against an alleged harasser, regarding of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. A domestic abuse protection order is a civil court order that protects a person from domestic abuse by a spouse or former spouse, a person with whom he or she has had a significant romantic relationship, a person with whom he or she has a child or is expecting a child, a parent or child, or a sibling.

The University does not issue such orders, however, petition forms to apply for Stalking protection orders are available from the clerk of courts, 425 N. Dakota Avenue, Sioux Falls, SD 57104, or online at <https://ujslawhelp.sd.gov/Stalking.aspx> or and petition forms to apply for domestic abuse protection orders are available from the clerk of courts or online at <https://ujslawhelp.sd.gov/DomesticViolence.aspx>. A criminal no contact order is an order by a court prohibiting the defendant in a criminal case from having any contact with the victim while out on bond.



### **Mandatory Reporting**

Under South Dakota law, physicians, dentists, doctors of osteopathy, chiropractors, optometrists, emergency medical technicians, paramedics, mental health professionals or counselors, podiatrists, psychologists, religious healing practitioners, social workers, hospital interns or residents, parole or court services officers, law enforcement officers, teachers, school counselors, school officials, nurses, licensed or registered child welfare providers, employees or volunteers of a domestic abuse shelter, employees or volunteers of a child advocacy organization or child welfare service provider, chemical dependency counselors, coroners, or any safety-sensitive position are mandatory reporters. See South Dakota Code § 26-8A-3.

### **Relevant State Law Definitions**

Sexual Assault is a criminal act under South Dakota state law. See South Dakota Code § 22-22-1 et seq. for applicable criminal law definitions of criminal sex offenses in South Dakota.

Domestic Violence also may be called domestic abuse or spousal/intimate partner/relationship abuse or violence and is prohibited by South Dakota state law. See South Dakota Code § 25-10- 1 for applicable criminal law definitions related to domestic abuse in South Dakota.

Dating Violence is also prohibited by South Dakota state law. See South Dakota Code § 25-10-1 for applicable criminal law definitions related to Dating Violence in South Dakota.

Stalking is also prohibited by South Dakota state law. See South Dakota Code § 22-19A-1 et seq. for applicable definitions of criminal Stalking in South Dakota.

## Information for Employees in North Dakota

### RESOURCES:

#### On-Campus Resources (available remotely)

##### Title IX Coordinator

Kelly Franck, *Human Resources*

*Business Partner*

651-631-5480 | [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu)

##### Public Safety:

651-631-5310 (24-hour officer on

duty) Peter Sola, *Director*

651-631-5349 | [plsola@unwsp.edu](mailto:plsola@unwsp.edu)

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#### Off-Site Confidential Resources

*(Not required to report incident)*

##### **Rape and Abuse Crisis Center, Fargo**

[www.raccfm.com](http://www.raccfm.com)

Office: 701-293-7273

Crisis Line: 800-344-7273

Offering crisis intervention, counseling, advocacy, and education

##### **RAINN (Rape, Abuse, and Incest National Network)**

[www.rainn.org](http://www.rainn.org)

800-656-HOPE (4673) (24-hour hotline)

#### Off-Campus Resources

Emergency: 911

**Non-emergency Reporting:**

**Cass County Sheriff:** 218-547-1424

**Fargo Police Department:** 701-235-4493

**West Fargo Police Department:** 701-433-5500

**ADDITIONAL RESOURCES:**

**Counseling and Mental Health:**

**Rape and Abuse Crisis Center, Fargo**

[www.raccfm.com](http://www.raccfm.com)

Office: 701-293-7273

Crisis Line: 800-344-7273

Offering crisis intervention, counseling, advocacy, and education

**Health:**

**Essentia Health-Emergency Medicine**

<https://www.essentiahealth.org/find-facility/profile/emergency-medicine-essentia-health-fargo/>

3000 32nd Ave. S.

Fargo, ND 58103

SANE Program\*\* 701-364-8000

**Sanford Health Emergency Center**

<https://www.sanfordhealth.org/locations/sanford-emergency-center> 5225 23rd Avenue South

Fargo, ND

SANE Program\*\* 701-417-2100

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\*\* SANE: Sexual Assault Nurse Examiners ensure that a victim will be treated by a specially trained nurse who is sensitive to her/his particular needs.

- Evidence should be collected within 96 hours of the assault when possible.
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**Victim Advocacy:** See Confidential Resources above

**Student Financial Aid:**

**Office of Financial Aid**

651-631-5212

[financialaid@unwsp.edu](mailto:financialaid@unwsp.edu)

### **Immigration Law Assistance:**

#### **Lutheran Social Services of North Dakota**

701-235-7341

(Legal assistance for qualifying clients, available services include immigration assistance)

### **OTHER STATE LAW INFORMATION:**

#### **Protection Order/Criminal No Contact Orders**

Domestic Violence protection orders, disorderly conduct restraining orders, and Sexual Assault restraining orders are legal orders issued by a state court that forbid someone from harassing and/or making contact with another. A domestic abuse protection order protects a person from abuse from a spouse or former spouse, a family member, a parent, a child, a person related by blood or marriage, a person presently residing with the person or who has resided with that person in the past, a person who has a child in common with the person, persons who are in a dating relationship, or any other person with a sufficient relationship to the person as determined by the court.

A disorderly conduct restraining order protects a person from intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person regardless of the relationship between the alleged harasser and the alleged victim. A Sexual Assault restraining order protects a person that is a victim of Sexual Assault. The University does not issue such orders, however, instructions and petition forms can be obtained from the district court, 211 S. 9th St., Fargo, ND 58108, or online at <https://www.ndcourts.gov/legal-self-help/sexual-assault-restraining-order>. A criminal no contact order is issued by a judge against someone who has been arrested for a Domestic Violence offense. The order is placed on the arrested person at his or her first court appearance, prior to being released from custody.

#### **Mandatory Reporting**

Under North Dakota law, any dentist; optometrist; dental hygienist; medical examiner or coroner; tier 1 mental health professional, tier 2 mental health professional, tier 3 mental health professional, or tier 4 mental health professional as defined under section 25-01-01; or any other medical or mental health professional, religious practitioner of the healing arts, schoolteacher or administrator, school counselor, child care worker, foster parent, police or law enforcement officer, juvenile court personnel, probation officer, division of juvenile services employee, or member of the clergy is a mandatory reporter. See North Dakota Cent. Code § 50-25.1-03.

### **Relevant State Law Definitions**

Sexual Assault is a criminal act under North Dakota state law. See North Dakota Cent. Code § 12.1-20-01 et seq. for applicable criminal law definitions of criminal sex offenses in North Dakota.

Domestic Violence also may be called domestic abuse or spousal/intimate partner/relationship abuse or violence and is prohibited by North Dakota state law. See North Dakota Code §§ 12.1- 17-01; 14-07.1-01 for applicable definitions related to Domestic Violence in North Dakota.

Dating Violence is also prohibited by North Dakota state law. See North Dakota Code §§ 12.1- 17-01; 14-07.1-01 for applicable definitions related to Dating Violence in North Dakota.

Stalking is also prohibited by North Dakota state law. See North Dakota Code § 12.1-17-07.1 for applicable definitions of criminal Stalking in North Dakota.

## Information for Employees in Iowa

### RESOURCES:

#### On-Site Resources (available remotely)

##### Title IX Coordinator

Kelly Franck, *Human Resources*

*Business Partner*

651-631-5480 | [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu)

##### Public Safety:

651-631-5310 (24-hour officer on

duty) Peter Sola, *Director*

651-631-5349 | [plsola@unwsp.edu](mailto:plsola@unwsp.edu)

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## **Off-Site Confidential Resources**

*(Not required to report incident)*

### **Polk County Crisis & Advocacy Center**

<https://www.polkcountyiowa.gov/cfys/services/crisis-advocacy-services/> 2309 Euclid Avenue

Des Moines, IA

Crisis Hotline: 515-286-3600

### **Children & Families of Iowa**

<http://cfiowa.org/>

1111 University Avenue

Des Moines, IA

Office: 515-288-1981

Crisis Hotline: 515-243-6147

### **Cedar Valley Friends of the Family**

<https://www.fofia.org>

Waterloo Office: 319-234-0232

Crisis Hotline: 800-410-7233

### **Riverview Center**

<http://www.riverviewcenter.org/>

2055 Kimball Avenue, Suite 355

Waterloo, IA

Cedar Rapids Office: 319-540-0080

Waterloo Office: 319-939-9599

### **Iowa Coalition Against Sexual Assault**

<https://www.iowacasa.org>

800-770-1650 or text "IOWAHELP" to 20121RAINN (Rape, Abuse, and Incest National Network)

[www.rainn.org](http://www.rainn.org)

800-656-HOPE (4673) (24-hour hotline)

## **Off-Site Resources**

**Emergency:** 911



**Non-emergency Reporting:**

**Polk County Sheriff:** 863-298-6200

**Des Moines Police Department:**

515-283-4811 **Black Hawk County**

**Sheriff:** 319-291-2587 **Waterloo**

**Police Department:** 319-291-2515

**Linn County Sheriff:** 319-892-6100

**Cedar Rapids Police Department:** 319-286-5491

**ADDITIONAL RESOURCES:**

**Counseling and Mental Health:**

**Polk County Crisis & Advocacy Center**

<https://www.polkcountyiowa.gov/cfys/services/crisis-advocacy-services/> 2309 Euclid Avenue, Des Moines, IA

Crisis Hotline: 515-286-3600

**Children & Families of Iowa**

<http://cfiowa.org/>

1111 University Avenue,

Des Moines, IA

Office: 515-288-1981

Crisis Hotline: 515-243-6147

Crisis Hotline: 515-286-3600

**Riverview Center**

<http://www.riverviewcenter.org/>

2055 Kimball Avenue, Suite 355,

Waterloo, IA Cedar Rapids

Office: 319-540-0080

Waterloo Office: 319-939-9599

**Health:**

**Mercy Medical Center Des Moines** 1111 6th

Avenue, Des Moines, IA

Emergency Room – SANE Program\*\*

515-247-3211

<http://www.mercydesmoines.org/emergency>

**Iowa Lutheran Hospital**

700 East University Avenue,

Des Moines, IA Emergency

Room—SANE Program\*\*

515-263-5120

[https://www.unitypoint.org/clinic.aspx?id=939&utm\\_source=yext&utm\\_campaign=local&utm\\_medium=referral](https://www.unitypoint.org/clinic.aspx?id=939&utm_source=yext&utm_campaign=local&utm_medium=referral)

**Covenant Medical Center**

3421 West 9th Street, Waterloo, IA

Emergency Room—SANE Program (if SANE nurse is available)\*\* 319-272-8000

<https://www.wheatoniowa.org/locations/covenant-medical-center/>

**Mercy Medical Center**

701 10th Street Southeast,

Cedar Rapids, IA Emergency

Center—SANE Program\*\*

319-398-6041

<https://www.mercycare.org/services/emergency-department/>

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\*\* SANE: Sexual Assault Nurse Examiners ensure that a victim will be treated by a specially trained nurse who is sensitive to her/his particular needs.

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**Victim Advocacy:****Polk County Crisis & Advocacy Center**

<https://www.polkcountyiowa.gov/cfys/services/crisis-advocacy-services/> 2309 Euclid Avenue, Des Moines, IA

Crisis Hotline: 515-286-3600

**Iowa Coalition Against Sexual Assault**

<https://www.iowacasa.org>

800-770-1650 or text “IOWAHELP” to 20121

**RAINN (Rape, Abuse, and Incest National Network)**

[www.rainn.org](http://www.rainn.org)

800-656-HOPE (4673) (24-hour hotline)

**Student Financial Aid:**

**Office of Financial Aid**  
651-631-5212  
[financialaid@unwsp.edu](mailto:financialaid@unwsp.edu)

**Immigration Law Assistance:**

**Iowa Legal Aid**  
800-532-1275  
[www.iowalegalaid.org](http://www.iowalegalaid.org)  
(Legal assistance in a variety of immigration-related matters including support for survivors of Sexual Assault, trafficking, domestic abuse, and other crimes)

**OTHER STATE LAW INFORMATION:**

**Protective Orders/Criminal No Contact Orders**

Domestic abuse protective orders and Sexual Assault protective orders are legal orders issued by a state court that forbid someone from harassing and/or making contact with another. A domestic abuse protective order is a civil court order that protects a person from domestic abuse by a spouse or former spouse, a person he or she lived with at the time of the assault or with whom he or she lived with within one year before the assault occurred, a person with whom he or she has a child, or a person with whom he or she has an intimate relationship or had an intimate relationship and had contact during the previous year. A Sexual Assault protective order protects a person who is the victim of sexual abuse. The University does not issue such orders, however protective orders petition forms are available from the clerk of court and online at <https://www.iowacourts.gov/for-the-public/court-forms/>. The clerk of court for Polk County is located at 500 Mulberry St., Des Moines, IA 50309. The clerk of court for Linn County is located at 51 Third Avenue Bridge, Cedar Rapids, IA 52401. The clerk of court for Black Hawk County is located at 316 E. 5th St., Waterloo, IA 50703. Information about obtaining a protective order is available at <https://www.iowalegalaid.org/issues/family-and-juvenile/domestic-violence-1>. A criminal no contact order may be issued by a court following a criminal charge for domestic abuse.

**Mandatory Reporting**

Under Iowa law, any health practitioner, social worker, employee or operator of a public or private health care facility, certified psychologist, licensed school employee, certified para-educator, holder of a coaching authorization, instructor employed by a community college, employee or operator of a licensed child care center, registered child development home, head start program, family development and self-sufficiency grant program, or health opportunity for parents to experience success – healthy families Iowa program, employee or operator of a substance abuse program

or facility, employee of a department of human services institution, employee or operator of a juvenile detention or juvenile shelter care facility, employee or operator of a foster care facility, employee or operator of a mental health center, peace officer, counselor or mental health professional, and employee or operator of a provider of services to children funded under a federally approved medical assistance home and community-based services waiver is a mandatory reporter. See Iowa Code § 232.69.

### **Relevant State Law Definitions**

Sexual Assault is a criminal act under Iowa state law. See Iowa Code § 709.1 et seq. for applicable criminal law definitions of sexual abuse in Iowa.

Domestic Violence also may be called domestic abuse or spousal/intimate partner/relationship abuse or violence and is prohibited by Iowa state law. See Iowa Code §§ 236.2; 708.2A for applicable definitions related to Domestic Violence in Iowa.

Dating Violence is also prohibited by Iowa state law. See Iowa Code §§ 236.2; 708.2A for applicable definitions related to Dating Violence in Iowa.

Stalking is also prohibited by Iowa state law. See Iowa Code § 708.11 for applicable definitions of criminal Stalking in Iowa.

## Information for Employees in Nebraska

### RESOURCES:

#### On-Campus Resources (available remotely)

##### Title IX Coordinator

Kelly Franck, *Human Resources  
Business Partner*  
651-631-5480 | [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu)

##### Public Safety:

651-631-5310 (24-hour officer on  
duty) Peter Sola, *Director*,  
651-631-5349 | [plsola@unwsp.edu](mailto:plsola@unwsp.edu)

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#### Off-Site Confidential Resources

*(Not required to report incident)*

##### **Women's Center for Advancement**

<http://wcaomaha.org/>  
222 South 29<sup>th</sup> Street,  
Omaha, NE Office:  
402-345-6555  
Crisis Hotline: 402-345-7273

##### **Catholic Charities Domestic Violence Shelter**

<https://www.ccomaha.org/what-we-do/domestic-violence-services.html> Crisis Hotline: 402-558-5700

##### **Heartland Family Service**

[https://heartlandfamily  
service.org/](https://heartlandfamily<br/>service.org/)  
[info@heartlandfamilyse  
vice.org](mailto:info@heartlandfamilyse<br/>vice.org) 2101 South  
42nd Street, Omaha, NE  
402-553-3000

##### **RAINN (Rape, Abuse, and Incest National Network)**

[www.rainn.org](http://www.rainn.org)  
800-656-HOPE (4673) (24-hour hotline)

## **Off-Site Resources**

**Emergency** : 911

### **Non-emergency Reporting:**

**Douglas County Sheriff:** 402-444-6641

**Omaha Police Department:** 402-444-5600

## **ADDITIONAL RESOURCES:**

### **Counseling and Mental Health:**

**Heartland Family Service** <https://heartlandfamilyservice.org/info@heartlandfamilyservice.org> 2101 South 42nd Street,  
Omaha, NE 402-553-3000

### **Health:**

#### **Methodist Hospital**

8303 Dodge Street, Omaha, NE Emergency Room –  
SANE Program\*\*  
24 Hour Help Line: 402-354-4424  
<https://www.bestcare.org/methodist-hospital/>

#### **CHI Health Creighton University Medical Center—Bergan Mercy**

7500 Mercy Road, Omaha,  
NE Emergency Room—SANE Program\*\* 402-398-6161  
<https://www.chihealth.com/en/location-search/creighton-bergan.html>

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\*\* SANE: Sexual Assault Nurse Examiners ensure that a victim will be treated by a specially trained nurse who is sensitive to her/his particular needs.

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**Victim Advocacy:** See Confidential Resources above

### **Student Financial Aid:**

#### **Office of Financial Aid**

651-631-5212  
[financialaid@unwsp.edu](mailto:financialaid@unwsp.edu)

### **Immigration Law Assistance:**

#### **Catholic Charities, Juan Diego Center**

402-939-4615  
(Legal assistance in a variety of immigration-related matters including support for survivors of Sexual Assault, trafficking, domestic abuse, and other crimes)

#### **Nebraska Immigration Legal Assistance Hotline**

855-307-6730

## **OTHER STATE LAW INFORMATION:**

### **Protection Orders/Criminal No Contact Orders**

Domestic abuse protection orders, harassment protection orders, and Sexual Assault protection orders are legal orders issued by a state court that forbid someone from harassing and/or making contact with another. A domestic abuse protection order protects a person who has been in a close relationship with the alleged perpetrator, including relatives, spouses or former spouses, and a person with whom he or she has lived or is living with, and is granted because the other person attempted, threatened, or caused bodily injury, intimidated the other person by credible threat, or engaged in sexual contact or sexual penetration without consent. A harassment protection order is issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, based on a number of telephone or personal contacts that seriously terrify, threaten, or intimidate the victim and serve no legitimate purpose. A Sexual Assault protection order is granted regardless of the relationship between the alleged perpetrator and the alleged victim because someone subjected or attempted to subject the other person to sexual contact or sexual penetration without consent. The University does not issue such orders, however, protection order petition forms are available from the district court clerk, 1701 Farnam St., 5th Floor, Omaha, NE 68183, or online at: <https://supremecourt.nebraska.gov/forms?title&field form number value&field form type tid=All&field form category tid=240&field language tid=All&field form set tid=All>. A guide to filling out the forms is available here <https://supremecourt.nebraska.gov/self-help/protection-abuse/form-guide> and at <https://www.legalaidofnebraska.org/how-we-help/resources/family-law-and-domestic-violence/>. A criminal no contact order is issued by a court at arraignment in a Domestic Violence case and forbids contact with the alleged victim until the case is resolved.

### **Mandatory Reporters**

Under Nebraska law, any person is a mandatory reporter. See Nebraska Revised Statutes § 28- 711.

### **Relevant State Law Definitions**

Sexual Assault is a criminal act under Nebraska state law. See Nebraska Revised Statutes § 28- 319 et seq. for applicable criminal law definitions of Sexual Assault in Nebraska.

Domestic Violence also may be called domestic abuse or spousal/intimate partner/relationship abuse or violence and is prohibited by Nebraska state law. See



Nebraska Revised Statute § 28- 323 for applicable definitions related to Domestic Violence in Nebraska.

Dating Violence is also prohibited by Nebraska state law. See Nebraska Revised Statute § 28- 323 for applicable definitions related to Dating Violence in Nebraska.

Stalking is also prohibited by Nebraska state law. See Nebraska Revised Statute § 28-311.02 et seq. for applicable definitions of criminal Stalking in Nebraska.

## Information for Employees in Kansas

### RESOURCES:

#### On-Campus Resources (available remotely)

##### Title IX Coordinator

Kelly Franck, *Human Resources*

*Business Partner*

651-631-5480 | [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu)

##### Public Safety:

651-631-5310 (24-hour officer on

duty) Peter Sola, *Director*

651-631-5349 | [plsola@unwsp.edu](mailto:plsola@unwsp.edu)

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#### Off-Site Confidential Resources

*(Not required to report incident)*

##### **Metropolitan Organization to Counter Sexual Assault**

<http://www.mocsa.org>

3100 Broadway, Suite 400,

Kansas City, MO

Office Line: 816-931-4527

Crisis Line (Kansas): 913-642-0233

#### Off-Site Resources

Emergency : 911

**Non-emergency Reporting:**

**Johnson County Sheriff:** 913-782-0720

**Overland Park Police Department:** 913-895-6300

**ADDITIONAL RESOURCES:**

**Counseling and Mental Health:** See Confidential Resources above

**Health:**

**Overland Park Regional**

**Medical Center** 10500

Quivira Road, Overland

Park, KS Emergency Room –

SANE Program\*\* 913-541-

5000

<https://oprmc.com/>

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\*\* SANE: Sexual Assault Nurse Examiners ensure that a victim will be treated by a specially trained nurse who is sensitive to her/his particular needs.

- Evidence should be collected within 72 hours of the assault when possible.
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**Victim Advocacy:**

**Safehome**

[www.safehome-ks.org](http://www.safehome-ks.org)

PO Box 4563, Overland

Park, KS

Administrative Line:

913-432-9300

24-Hour Hotline: 913-262-2868; 1-888-432-4300

**Metropolitan Organization to Counter Sexual Assault**

<http://www.mocsa.org>

3100 Broadway, Suite 400,

Kansas City, MO

Office Line: 816-931-4527

Crisis Line (Kansas): 913-642-0233

**RAINN (Rape, Abuse, and Incest National Network)**

[www.rainn.org](http://www.rainn.org)

800-656-HOPE (4673) (24-hour hotline)

**Student Financial Aid:**

**Office of Financial Aid**

651-631-5212

[financialaid@unwsp.edu](mailto:financialaid@unwsp.edu)

**Immigration Law Assistance:**

**Catholic Charities, La Luz Immigration Clinic**

913-621-1504

(Legal assistance in a variety of immigration-related matters including support for survivors of Sexual Assault, trafficking, domestic abuse, and other crimes)

**Immigrant Connection, Inc.**

913-210-1776

(Legal assistance in a variety of immigration-related matters including support for survivors of Sexual Assault, trafficking, domestic abuse, and other crimes)

**OTHER STATE LAW INFORMATION:**

**Protection from Abuse Orders/Protection from Stalking or Sexual Assault Orders**

Protection from abuse and protection from Stalking or Sexual Assault orders are legal orders issued by a civil court that prohibit another person from having contact with you. Protection from abuse orders protect a person from abuse by his or her spouse or former spouse, someone he or she lives with or lived with, someone he or she is dating or has dated, or someone with whom he or she has a child. Protection from Stalking or Sexual Assault orders protects victims of Stalking or Sexual Assault, regardless of the victim's relationship to the alleged perpetrator. The University does not issue such orders, however protection from abuse and protection from Stalking or Sexual Assault order petition forms are available from the clerk of district court, 100 N. Kansas Avenue, Olathe, KS 66061, and at: <http://www.kansasjudicialcouncil.org/legal-forms/protection-orders>. Information about obtaining protection from abuse and protection from Stalking or Sexual Assault orders is available at <https://www.kansaslegalservices.org/node/2036/pfa-tips-tricks-part-1-preparing-your-pfapfs>. A criminal no contact/no violence contact order is issued in a criminal case, generally as a condition of bond or probation.

### **Mandatory Reporters**

Under Kansas law, persons licensed to practice the healing arts, dentistry, or optometry or engaged in post graduate training programs approved by the state board of healing arts, licensed professional or practical nurses, chief administrative officers of medical care facilities, licensed psychologists, licensed masters level psychologists, licensed clinical psychotherapists, licensed social workers, licensed marriage and family therapists, licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors, registered alcohol and drug abuse counselors, teachers, school administrators, other employees of an educational institution which the child is attending, persons licensed by the secretary of health and environment to provide child care services, the employees of persons so licensed at the place where the child care services are being provided to the child, firefighters, emergency medical services personnel, law enforcement officers, juvenile intake and assessment workers, court services officers and community corrections officers, case managers, and mediators are mandatory reporters of child abuse. See Kan. Stat. § 38-2223.

### **Relevant State Law Definitions**

Sexual Assault is a criminal act under Kansas state law. See Kan. Stat. § 21-5501 et seq. for applicable criminal law definitions of Sexual Assault in Kansas.

Domestic Violence also may be called domestic battery and is prohibited by Kansas state law. See Kan. Stat. § 21-5414 for applicable criminal law definitions of Domestic Violence in Kansas.

Dating Violence is also prohibited by Kansas state law. See Kan. Stat. § 21-5414 for applicable definitions related to Dating Violence in Kansas.

Stalking is also prohibited by Kansas state law. See Kan. Stat. § 21-5427 for applicable definitions of criminal Stalking in Kansas.

## Information for Students & Employees in Wisconsin

### RESOURCES:

#### On-Campus Resources (available remotely)

##### Title IX Coordinator

Kelly Franck, *Human Resources  
Business Partner*  
651-631-5480 | [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu)

##### Public Safety:

651-631-5310 (24-hour officer on  
duty) Peter Sola, *Director*  
651-631-5349 | [plsola@unwsp.edu](mailto:plsola@unwsp.edu)

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#### Off-Campus Confidential Resources

*(Not required to report incident)*

##### **The Rape Crisis Center**

<https://thercc.org/>  
333 East Campus Mall, #7901,  
Madison, WI Crisis Hotline:  
608-251-7273

##### **Domestic Abuse Intervention Services**

[www.abuseinter  
vention.org](http://www.abuseintervention.org)  
Crisis Hotline:  
608-251-4445  
Crisis Testing Help Line: Text “HOPE” to 20121

##### **RAINN (Rape, Abuse, and Incest National Network)**

[www.rainn.org](http://www.rainn.org)  
800-656-HOPE (4673) (24-hour hotline)

#### Off-Campus Resources

Emergency : 911

**Non-emergency Reporting:**

**Dane County Sheriff:** 608-284-6800

**Madison Police Department:** 608-255-2345

**ADDITIONAL RESOURCES:**

**Counseling and Mental Health:**

**The Rape Crisis Center**

<https://thercc.org/>

333 East Campus Mall, #7901, Madison, WI  
Crisis Hotline: 608-251-7273

**Health:**

**UnityPoint Health—**

**Meriter Hospital 202**

South Park Street,  
Madison, WI

Emergency Room – SANE

Program\*\* 608-417-6000

<https://www.unitypoint.org/madison/default.aspx>

**UW Health University Hospital**

600 Highland Avenue,  
Madison, WI

Emergency Room—SANE Program\*\* 608-262-2398

<https://www.uwhealth.org/emergency/emergency-department/10770>

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\*\* SANE: Sexual Assault Nurse Examiners ensure that a victim will be treated by a specially trained nurse who is sensitive to her/his particular needs.

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**Victim Advocacy:** See Confidential Resources above

**Student Financial Aid:**

**Office of Financial Aid**

651-631-5212

[financialaid@unwsp.edu](mailto:financialaid@unwsp.edu)

**Immigration Law Assistance:**

**Community Immigration Law Center**

608-257-4353

(Legal assistance in a variety of immigration-related matters including support for survivors of Sexual Assault, trafficking, domestic abuse, and other crimes)

**Catholic Multicultural Center**

608-441-0144

(Legal assistance in a variety of immigration-related matters including support for survivors of Sexual Assault, trafficking, domestic abuse, and other crimes)

**OTHER STATE LAW INFORMATION:****Harassment and Domestic Abuse Restraining Orders/Criminal No Contact Orders**

Harassment restraining orders and domestic abuse restraining orders are legal orders issued by a state court that order someone not to hurt you, to stay away from you, move out of the house, have no contact with you, or stop harassing you. A harassment restraining order protects a person that has been harassed by a person regardless of their relationship to that person. A domestic abuse restraining order protects a person from domestic abuse by a family member, household member, former spouse, a person with whom he or she has a child, a person with whom he or she has or had a dating relationship, or an adult caregiver. The University does not issue such orders, however restraining order petition forms are available from the clerk of court, 215 S. Hamilton St., Madison, WI 53703, and online at: <https://wicourts.gov/forms1/circuit/formcategory.jsp?Category=4>. Information about obtaining a restraining order is available at <https://abuseintervention.org/help/legal-help/>. A criminal no contact order may be issued by a criminal court to require a defendant to maintain a prescribed geographic distance from a witness or victim and have no communication with a witness or victim.

**Mandatory Reporters**

Under Wisconsin law, any physician, coroner, medical examiner, nurse, dentist, chiropractor, optometrist, acupuncturist, other medical or mental health professional, social worker, marriage and family therapist, professional counselor, public assistance worker, including a financial and employment planner, school teacher, school administrator, school counselor, other school employee, mediator, child care worker in a child care center, group home, or residential care center for children and youth, child care provider, alcohol or other drug abuse counselor, member of the treatment staff employed by or working under contract with a county department or a residential care center for children and youth, physical therapist, physical therapist assistant, occupational therapist, dietitian, speech-language



pathologist, audiologist, emergency medical services practitioner, emergency medical responder, police or law enforcement officer, juvenile correctional officer, University of Wisconsin System professor, University of Wisconsin System administrator, University of Wisconsin System coach, and other University of Wisconsin System employee is a mandatory reporter. Court appointed special advocates and members of the clergy are also mandatory reporters in some circumstances. See Wis. Stat. § 48.981(2); Governor's Executive Order #54.

### **Relevant State Law Definitions**

Sexual Assault is a criminal act under Wisconsin state law. See Wis. Stat. § 940.225 for applicable criminal law definitions of Sexual Assault in Wisconsin.

Domestic Violence also may be called domestic abuse and is prohibited by Wisconsin state law. See Wis. Stat. § 968.075 for applicable definitions related to Domestic Violence in Wisconsin.

Dating Violence is also prohibited by Wisconsin state law. See Wis. Stat. § 968.075 for applicable definitions related to Dating Violence in Wisconsin. Stalking is also prohibited by Wisconsin state law. See Wis. Stat. § 940.32 for applicable definitions of criminal Stalking in Wisconsin.

Information for Employees in Illinois

**RESOURCES:**

**On-Campus Resources (available remotely)**

**Title IX Coordinator**

Kelly Franck, *Human Resources  
Business Partner*  
651-631-5480 | [titleIX@unwsp.edu](mailto:titleIX@unwsp.edu)

**Public Safety:**

651-631-5310 (24-hour officer on  
duty) Peter Sola, *Director*  
651-631-5349 | [plsola@unwsp.edu](mailto:plsola@unwsp.edu)

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**Off-Campus Confidential  
Resources**

*(Not required to report incident)*

**Center for Prevention of Abuse**

<https://www.centerforpreventionofabuse.org/>

PO Box 3855, Peoria, IL Crisis

Hotline: 309-691-0551

Crisis Hotline: 1-800-559-SAFE  
(7233)

**RACES Rape Advocacy Counseling and Education Services**

<https://www.cu-races.org/>

Crisis Hotline:

217-384-4444

**RAINN (Rape, Abuse, and Incest National Network)**

[www.rainn.org](http://www.rainn.org)

800-656-HOPE (4673) (24-hour hotline)

**Emergency** : 911

### **Off-Campus Resources**

#### **Non-emergency Reporting:**

**City of Champaign Police Department:** 217-333-8911

**Peoria Police Department:** 309-673-4521

### **ADDITIONAL RESOURCES:**

#### **Counseling and Mental Health:**

<https://www.centerforpreventionofabuse.org/>

Center for Prevention of Abuse

PO Box 3855, Peoria, IL Crisis

Hotline: 309-691-0551

Appointment: 309-691-0551

#### **RACES Rape Advocacy Counseling and Education Services**

<https://www.cu-races.org/>

Crisis Hotline:

217-384-4444

#### **Health:**

##### **UnityPoint Health—Methodist Hospital 221 NE**

Glen Oak Ave, Peoria, IL

Emergency Room – SANE Program\*\*

309-672-5522

<https://www.universitypoint.org/peoria/services-emergency-department.aspx>

##### **Carle Foundation Hospital**

611 W Park St, Urbana, IL

Emergency Room—SANE

Program\*\* 217-383-

3311

<https://carle.org/locations/Carle-Foundation-Hospital/Emergency-Care>

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\*\* SANE: Sexual Assault Nurse Examiners ensure that a victim will be treated by a specially trained nurse who is sensitive to her/his particular needs.

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**Victim Advocacy:** See Confidential Resources above

**Student Financial Aid:**

**Office of Financial Aid**

651-631-5212

[financialaid@unwsp.edu](mailto:financialaid@unwsp.edu)

**Immigration Law Assistance:**

**Alliance for Immigrant Neighbors**

224-443-0113

<https://www.allianceforimmigrants.org/>

**Illinois Legal Aid**

<https://www.illinoislegalaid.org/>

**OTHER STATE LAW INFORMATION:**

**Order of Protection, Civil No Contact Orders, and Stalking Restraining Orders**

Orders of protection, civil no contact orders, and stalking restraining orders are legal orders issued by a state court that order someone to stay away from another person and to stop any violence, threats of violence, or any type of harassment. To be eligible for an order of protection, the person must be a spouse, former spouse, roommate, family member, or person the other individual has dated. Civil no contact orders can be requested by any person who is a victim of sexual assault or abuse. Stalking no contact orders can be requested by any person who is a victim of stalking.

The University does not issue such orders, however, petition forms are available at the Peoria County Courthouse, 324 Main St., Peoria IL 61602. There are trained staff available at the Peoria County Courthouse to assist in the filing of the paperwork necessary to obtain an order of protection. For more information, call 309-672-6074. Forms are also available online at

[http://illinoiscourts.gov/Forms/approved/protective\\_orders/Order\\_of\\_Protection.asp](http://illinoiscourts.gov/Forms/approved/protective_orders/Order_of_Protection.asp).

Additional information about seeking an order of protection, civil no contact order, and stalking restraining order is available at <https://www.illinoislegalaid.org/legal-information/safety-abuse-or-assault>

### **Mandatory Reporters**

Under Illinois law, any medical personnel including physician, LPN, RN, dentist, medical social worker, emergency medical technician, nurse practitioner, chiropractor, hospital administrator, school personnel including administrators and certified and noncertified staff such as the superintendent, teacher, principal, school counselor, school nurse, school social worker, assistant principal, teacher's aide, truant officer, school psychologist, and secretary, including personnel of institutions of higher education, social service and mental health professional including mental health personnel, social workers, psychologists, domestic violence personnel, substance abuse treatment personnel, staff of state agencies dealing with children such as Department of Human Services, Department of Healthcare and Family Services, Department of Public Health, Department of Corrections, and Department of Children and Family Services, and law enforcement personnel including employees of the court, parole/probation officer, emergency services staff, police, states attorney and staff, juvenile officer, and coroner, medical examiner personnel, and child care personnel including all staff at overnight, day care, preschool or nursery school facilities, recreational or athletic program or facility personnel, early intervention providers as defined in the Early Intervention Services System Act, and foster parents and members of the clergy including any member of the clergy that has reasonable cause to believe that a child known to him or her in a professional capacity may be an abused child.

See 325 ILCS 5.

### **Relevant State Law Definitions**

Sexual Assault is a criminal act under Illinois state law. Criminal sexual assault in Illinois includes an act of sexual penetration if the person (1) uses force or threat of force; (2) knows that the victim is unable to understand the nature of the act or is unable to give knowing consent; (3) is a family member of the victim, and the victim is under 18 years of age; or (4) is 17 years of age or over and holds a position of trust, authority, or supervision in relation to the victim, and the victim is at least 13 years of age but under 18 years of age. See IL Stat. § 720 ILCS 5/11-1.20 for applicable criminal law definitions of Sexual Assault in Illinois.

Domestic Violence is a crime in Illinois. Any person who hits, chokes, kicks, threatens, harasses, or interferes with the personal liberty of another family or household member has broken Illinois Domestic Violence law. Under Illinois law family or household members are defined as: family members related by blood; people who are married or

used to be married; people who share or used to share a home, apartment, or other common dwelling; people who have or allegedly have child in common or a blood relationship through a child in common; people who are dating or engaged or used to date, including same sex couples; and people with disabilities and their personal assistants. See IL Stat. § 725 ILCS 5/112A-3 for applicable Domestic Violence definitions in Illinois.

Dating Violence is a crime in Illinois. The domestic violence definition under Illinois law includes violence committed against a person whom the perpetrator is dating or used to date. See IL Stat. § 725 ILCS 5/112A-3 for applicable Domestic Violence definitions in Illinois.

Stalking is also prohibited by Illinois state law. A person commits stalking when he or she knowingly engages in a course of conduct directed at a specific person, and he or she knows or should know that this course of conduct would cause a reasonable person to: (1) fear for his or her safety or the safety of a third person; or (2) suffer other emotional distress. See IL Stat. § 720 ILCS 5/12-7.3 for the Illinois definition of stalking.