Policy title	Category
Sexual Harassment and Sexual Misconduct Policy Outside of the 2020 Federal Title IX Regulations	Administration Board of Governors Human Resources Student Involvement Student Life Title IX/Sexual Misconduct
Owner Title IX Office	**Approved by** Board of Governors

Policy statement

This policy applies to forms of sexual harassment and sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, and sexual exploitation that fall **outside** of Title IX as outlined in the 2020 Federal Title IX Regulations jurisdiction guidelines.

Sexual harassment, sexual assault, dating violence, domestic violence, stalking, and sexual exploitation are broad terms intended to capture a spectrum of behavior labeled sexual misconduct. These terms are specifically defined in Section V – Prohibited Conduct, of this document.

This policy is based on the 2020 Title IX of the Education Amendments of 1972 (Title IX), the Jeanne Clery Campus Safety Act (Clery Act), and corresponding guidance from the Department of Education.

I. Statement of Intent

Nebraska Wesleyan University (“University”) is committed to establishing and maintaining a community that is free from all forms of discrimination and illegal harassment. The University seeks to create an environment in which the greatest academic potential of students and professional potential of employees may be realized. In order to create and maintain such an environment, the University recognizes that all who work and learn at the University are responsible for ensuring that the community is free from all forms of discrimination and illegal harassment based on sex, gender, gender identity, or sexual orientation, including sexual assault, stalking, sexual exploitation, dating violence, and domestic violence, which will be referred as “prohibited conduct”. These behaviors threaten our learning, living, and work environments and are considered prohibited conduct for all University Students and Employees.

When the Title IX Coordinator (or designee) has actual knowledge of allegations of sexual harassment and sexual misconduct, they will take prompt action while ensuring fundamental fairness to all parties. The Title IX Coordinator oversees the University’s response to all allegations of sexual misconduct. To make a report, contact titleix [at] nebrwesleyan.edu (titleix[at]nebrwesleyan[dot]edu) or connect with the appropriate staff member:

- Title IX Coordinator: Jerrica Mannix, Nebraska Wesleyan University, Smith Curtis 345, 5000 Saint Paul Ave., Lincoln, NE 68504 **(402) 465-2447**, jmannix [at] nebrwesleyan.edu (jmannix[at]nebrwesleyan[dot]edu) or titleix [at] nebrwesleyan.edu (titleix[at]nebrwesleyan[dot]edu)
- Director of Student Integrity and Deputy Title IX Coordinator: Kevin Bollinger, Nebraska Wesleyan University, Student Center 107, 5000 Saint Paul Ave., Lincoln, NE 68504 **(402) 465-2498**, kbolling [at] nebrwesleyan.edu (kbolling[at]nebrwesleyan[dot]edu)

All reports and formal complaints of sexual harassment and sexual misconduct made to a Title IX Coordinator, or any official who has authority to institute corrective measures on behalf of the University, will trigger the mandatory response of the University.

II. Jurisdiction

This policy applies to:

- **Students:** Any person registered in courses at the University, either full-time or part-time, pursuing undergraduate or graduate studies, including those who audit courses.
- **Employees:** Any person who works for the University in return for financial or other compensation. This includes full-time and part-time faculty, full-time and part-time staff, adjunct faculty, visiting faculty, and student employees*.

***Student/employee crossover:** Students who work on campus as an employee and employees who are registered in courses at the University both fall under the jurisdiction of the policy. Details of the student/employment status will be assessed by the Title IX coordinator for appropriate application of procedures.

- **Student Organizations:** Any group of persons who have complied with the formal requirements for University recognition as an organization or University-sponsored team.
- **Third Parties:** Any person or entity providing services for the University and those who are on campus or participating or attempting to participate in a University sponsored activity. This includes, but is not limited to, contractors, vendors, visitors, guests, volunteers, or other third parties within the University's control.

This policy pertains to acts of Prohibited Conduct (defined in Section V – Prohibited Conduct, of this document) when the conduct falls outside of the 2020 Federal Title IX Regulations. This policy applies when a report of sexual harassment or sexual misconduct is made that falls outside the definitions or jurisdiction of 2020 Federal Title IX Regulations, or a Formal Title IX Complaint was made and then dismissed for the same reason.

Prohibited Conduct outside of Title IX will be addressed under this Policy when it involves:

- Current or former Students as the complainant or the respondent; and/or
- Current Employees as the complainant or the respondent;

And when:

- The conduct occurs off University grounds or on property not owned or controlled by the University; or
- The conduct occurs outside of the context of University employment or an education program or University-sponsored activity and has an adverse effect for students and/or employees; or
- The conduct occurs outside of the United States.

All formal complaints under this policy must be made and resolved while the parties are participating in or attempting to participate in the education program, employment, or activity of the University. The University retains jurisdiction over students who have withdrawn from courses or who have been temporarily separated from the University due to sanctions imposed by the University; their status is categorized as a student attempting to participate in an education program or activity of the University.

Furthermore, the University retains jurisdiction over students who graduated for misconduct that occurred prior to graduation through this Policy. Misconduct, if determined to have occurred, may result in a hold placed on the graduated student’s ability to obtain official transcripts and/or graduate, and all sanctions must be satisfied prior to re-enrollment eligibility. The University also may elect to retain jurisdiction over students who are not currently enrolled or are not attempting to participate in NWU’s education programs, if deemed necessary to protect a student’s access to educational services and resources.

Additionally, sexual harassment and sexual misconduct by an Employee prior to a leave of absence and/or misconduct that falls outside of the 2020 for Federal Title IX Regulations will be addressed using this Policy and related procedures in consultation with the Staff and Faculty Handbooks. Misconduct, if determined to have occurred, will impact rehire eligibility, presence on University grounds, and related activities, which will be addressed at the time of sanctions.

III. Notice of Non-Discrimination

Nebraska Wesleyan adheres to the requirements of the Americans with Disabilities Act of 1990, as amended 2008 (“ADAAA”), Sections 504 and 508 of the Rehabilitation Act of 1973, and other relevant laws to ensure equal access for individuals in all areas of University operation, including education, employment, and decisions regarding faculty appointment, promotion or tenure. Discrimination on the basis of any protected category or characteristic other than disability will be addressed in accordance with Nebraska Wesleyan University’s Non-Discrimination Policy.

The University shall provide certain support and modifications to people experiencing pregnancy or related conditions to ensure their equal access to a University’s program or activity under Title IX protections. The University treats pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions and must allow voluntary leaves of absence. Pregnancy or related conditions include pregnancy, childbirth, termination of pregnancy, lactation; medical conditions and/or recovery related to any of the aforementioned medical conditions.

Parties can request reasonable accommodations for pregnancy or related conditions from the Director of Student Accessibility for support and modifications, which will be granted if they do not fundamentally alter the established procedures. The Director of Student Accessibility collaborates with appropriate offices to implement approved accommodations with the consent of the affected student or employee. Employees or applicants for employment may also contact the office of Human Resources for more information, because additional workplace laws and policies apply.

IV. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals involved in a report of sexual harassment and sexual misconduct, whenever possible. A report to a confidential employee will remain confidential and will not be deemed “actual knowledge” by the University. Once a report is made to the Title IX Coordinator (or designee), however, reasonable efforts will be made to protect the privacy of all individuals involved in a manner consistent with the need for a thorough review of the reported information. Privacy means that once the Title IX Coordinator has received a report of sexual harassment or sexual misconduct, information related to the report of sexual harassment or sexual misconduct will only be shared with Individuals who "need to know" in order to assist in the assessment, investigation, and resolution process. Individuals who are involved in the University's Title IX response receive specific training and guidance about safeguarding private information. Annual training includes, but is not limited to, the definition of sexual harassment and sexual misconduct, the scope of the University’s education program or activity, how to conduct an investigation and resolution process including hearings, appeals, and how to serve impartially, including to avoid prejudgment of the facts at issue, conflicts of interest, and bias. Moreover, any materials used to train Title IX Coordinators, investigators, and decision-makers does not rely on sex stereotypes and promotes impartial investigations and adjudications of formal complaints of sexual harassment and sexual misconduct. Training materials can be found on the NWU Title IX website.

While the privacy of Student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the University's FERPA policy, 2020 Federal Title IX regulations and related procedures may outweigh FERPA protections.

Confidentiality exists in the context of laws that protect certain relationships, including relationships with mental health providers (and those who provide administrative services related to the provision of mental health care), counselors, victim advocates, and ordained clergy, all of whom may engage in confidential communications under Nebraska law. The University has designated individuals able to have confidential communications as "Confidential Employees." A report to these “Confidential Employees” will not be considered actual knowledge, or notice to the University, of the alleged occurrence, but will allow the harmed party to proceed as they so choose. Confidential Employees are further defined in Section VII of this document.

The University has the right to share appropriate information with Law Enforcement to ensure campus safety. All employees, including Confidential Employees, are mandatory reporters of suspected abuse or neglect of a vulnerable adult or abuse of a minor by an adult. In Nebraska, minors are considered all persons under the age of 19.

V. Prohibited Conduct

Sexual harassment and sexual misconduct that falls outside of Federal Title IX Regulations, identifies three types of Prohibited Conduct:

1. quid pro quo harassment;
2. any unwelcome conduct that a reasonable person would find severe, pervasive, and objectively offensive that it denies a person equal employment or educational access; and
3. any instance of sexual assault (as defined in the Clery Act), dating violence, or stalking (as defined in the Violence Against Women Act (VAWA)).

Clery Act Definitions of Violence Against Women Act Crimes

Sexual Assault: Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

The University further defines a sexual act to include intentional contact with the intimate parts of another, causing another person to touch one’s intimate parts, disrobing, or exposure of intimate parts without consent. Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner. Sexual contact also includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth-to-genital contact.

Dating Violence: is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the harmed party. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

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

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

A **Crime of Violence** is an offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

Sexual Harassment may also take the form of threats, assault, property damage, or violence or threat of violence to one's self, one's sexual or romantic partner, one's family members or friends, or to the family members or friends of the sexual/romantic partner. The University further includes **Emotional Violence** and **Emotional Abuse** as elements of Sexual Harassment within Dating Violence and Domestic Violence.

Emotional Violence can be described as any act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, insults, threatens, degrades, controls, or any other treatment which may diminish the sense of identity, dignity, and self-worth.

Emotional Abuse, also known as mental or psychological abuse, encompasses many different tactics such as verbal abuse, playing mind games, attacking one's character, threatening acts of violence in person, in writing, or electronically, against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person.

Stalking: is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress

For the purposes of this definition:

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, 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.

The University's definition of stalking further includes cyberstalking, in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person.

Elements of Consent as it relates to Prohibited Conduct

Consent is an affirmative and willing agreement to engage in specific forms of sexual contact with another person. Consent requires an outward demonstration, through mutually understandable words or actions, indicating that an individual has freely chosen to engage in sexual contact. Consent cannot be obtained through the use of **coercion** or **force** or by taking advantage of the **incapacitation** of another individual.

Silence, passivity, or the absence of resistance does not constitute consent for sexual activity. If confusion or ambiguity arises during a sexual interaction, it is essential that each participant stop and clarify the other's willingness to continue.

Consent can be withdrawn at any time. When consent is withdrawn, sexual activity must cease. Prior consent does not imply current or future consent; even in the context of an ongoing relationship, consent must be sought and freely given for each instance of sexual contact.

Consent is not present when there is sexual contact with someone who is known, or should have been known, to be **incapacitated** or otherwise mentally or physically incapable of resisting or appraising the nature of conduct. Likewise, consent is not present if the use of

force or **coercion** of another person to engage in sexual contact against their will has occurred.

- **Coercion:** the use of pressure to compel someone to initiate or continue sexual activity against their will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they inhibit another individual's freedom of will and ability to choose whether or not to engage in sexual activity.
- **Force:** the use or threat of physical violence or intimidation to overcome an individual's freedom to choose whether or not to participate in sexual activity. There is no requirement that a party physically resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

- **Incapacitation:** the inability, temporarily or permanently, to give consent because the individual's mental and/or physical ability is diminished, and/or the individual is asleep, unconscious, or unaware that sexual activity is occurring. A person who is incapacitated lacks the ability to make informed, rational judgments and cannot consent to sexual activity.

  Incapacitation may result from the use of alcohol and/or drugs. The impact or impairment from alcohol and other drugs vary from person to person (e.g. vomiting, sleeping, blacking out, unconsciousness). Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual assault or harassment in any form and does not diminish the responsibility to obtain informed and freely given consent.

Intentional Falsification: Intentional falsification, distortion, or misrepresentation of information as part of the Sexual Harassment and Sexual Misconduct resolution process is a violation of University policy. Any person who abuses the University conduct processes in this way may face disciplinary charges for that violation.

Sexual exploitation: is sexual harassment that violates the sexual privacy of another, or takes sexual advantage of another without consent, constitutes unwelcome conduct that a reasonable person would find severe, pervasive, and objectively offensive.

Examples of sexual exploitation include, but are not limited to:

- Voyeurism – watching or taking pictures, videos, or audio recordings of another person in a state of undress or of another person engaging in a sexual act without the consent of all parties;
- Creating, disseminating, streaming, or posting pictures or video of another in a state of undress or of a sexual nature without the person's consent;
- Exposing one's genitals to another person without consent through electronic means;
- Trafficking of another individual;
- Knowingly exposing another individual to a sexually transmitted infection without the other individual's knowledge and consent;
- Inducing incapacitation or attempted incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity; or
- Intentional sharing information about the sexual privacy or gender identity of another person without their consent, either verbally, electronically, or through written material/photos, excluding reports to designated reporting officials.

Retaliation: any act or attempt to seek retribution from any individual or group of individuals involved in the report, investigation, and/or resolution of a sexual harassment or sexual misconduct allegation. Retaliation can take many forms, including, but not limited to, continued abuse or violence, threats, exclusion, and intimidation. Any individual or group of individuals can engage in retaliation. Acts of Retaliation will be addressed under University policies and related procedures.

VI. Employee Reporting Obligations

The University requires employees with specific job responsibilities that include the authority to institute corrective measures, individuals who serve the institution in a supervisor capacity, administrators, faculty/instructors, advisors, and other positions as noted below in Table 1 to promptly report conduct that reasonably could be sexual harassment and sexual misconduct using **ONLY** Option 1 directly to the Title IX Coordinator.

Employees and student employees whose job responsibilities are not listed under Category A are required to address disclosures of sexual harassment and sexual misconduct using either Option 1 or Option 2. Option 2 allows employees listed under Category B to provide contact information for the Title IX Coordinator **and** information about how to make a report and file a Formal Complaint to anyone who provides a disclosure. Option 2 requirements can be met using the Title IX Resource card or email template, which are both located on the **Title IX webpage**.

The two options that meet employee reporting obligations are:

- Option 1: Report all information disclosed and/or made available to the employee about sexual harassment and sexual misconduct to a Title IX Coordinator.

- Option 2: Provide contact information for the Title IX Coordinator to anyone who provides a disclosure **and** information about how to make a report and file a Formal Complaint.

Table 1: Employee Categories of Reporting Obligations

Choice of Reporting or Providing Information - Employees in Job Category A can **ONLY** use **Reporting** (Option 1) to meet this reporting obligation.

Job Category A

1. Advisors, Academic and Club
2. Chief of Staff
3. Coaches (All)
4. Deans, Assistant Deans
5. Department Chairs, Program Directors
6. Directors, Assistant Directors
7. Faculty, full-time, part-time, adjuncts
8. Provost/Vice Presidents
9. Student Life/Affairs Personnel
10. Supervisors
11. Title IX Personnel
12. University President

Employees in Job Category B may use Reporting (Option 1) **OR Providing Resource Information** (Option 2) to meet this obligation.

Job Category B

1. All other employees, including student employees, not listed in Obligation 1
2. Confidential Employees (exempt from Option 1)

Instances of disclosures may occur through various communications that include, but are not limited to, conversation, emails, classroom assignments, and social media and must be addressed in accordance with the University's Title IX procedures.

VII. Reporting

Individual disclosure

There are multiple channels for reporting sexual harassment and sexual misconduct. An individual may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. An individual may simultaneously pursue a criminal investigation and the University sexual harassment and sexual misconduct resolution process. The University will make a reasonable effort to respect the wishes of the person who experienced sexual harassment and sexual misconduct. The Title IX Coordinator will support all parties involved in understanding and assessing all options; questions should be directed to a Title IX Coordinator.

While there is no time limit for reporting sexual harassment and sexual misconduct to the University, the University's ability to respond may diminish over time, as evidence may erode, memories fade, and individuals may no longer be affiliated with the University. If an individual is no longer affiliated with the University, the University will provide reasonably appropriate supportive measures, assist individuals in identifying external and/or other internal reporting options, and take reasonable steps to eliminate sexual harassment and sexual misconduct, prevent its recurrence, and remedy its effects.

Confidential Employees

Confidential Employees are exempt from Employee Reporting Obligation Option 1, listed in Section VI of this document. A Confidential Employee is an individual designated by the University to provide support to Students and Employees without being required to report to a Title IX Coordinator. The University has identified the Voices of Hope Campus Advocate, the University Minister, Counselors within

NWU Counseling Services (for Students), and the Employee Assistance Program (for Employees) as Confidential Employees.

When an individual shares information with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee cannot reveal the information to any third party except when an applicable law or court order requires or permits disclosure of such information. For example, information will be disclosed when:

1. The individual gives written consent for the disclosure;

2. There is concern that the individual will likely cause serious physical harm to self or others; or

3. The information concerns conduct involving suspected abuse or neglect of a vulnerable adult or abuse of a minor by an adult. In Nebraska, minors are considered anyone under the age of 19.

Additionally, Confidential Employees must share non-identifying statistical information related to crimes found in the Annual Security Report with a Clery Compliance Officer, as required by the Clery Act.

Anonymous Reporting to the University

Anonymous reports of sexual harassment and sexual misconduct concerns can be submitted to the University through the University website by clicking on the link Report a Concern, located at the bottom of every webpage. Please note, the University may be limited in its ability to respond to concerns reported anonymously, or reports without sufficient details. Reporting anonymously does not fulfill Employee Reporting Obligations.

Public Awareness Events

The Title IX Coordinator is not obligated to respond directly to any identified Harmed Party in a report of sexual harassment or sexual misconduct disclosed at a “public awareness event” that takes place on-campus or in a school-sponsored online platform unless there is an imminent and serious threat to someone’s health or safety.

Reporting to Law Enforcement: Individuals have the right to notify or decline to notify law enforcement. Police have legal authority to criminally investigate reports of sexual assault, dating violence, domestic violence, and stalking, collect evidence, make arrests, and assist in seeking emergency protective measures. In keeping with its commitment to take all appropriate steps to address and to prevent sexual harassment and sexual misconduct, the University encourages individuals to promptly report sexual harassment and sexual misconduct to preserve potential evidence. The University will assist individuals in notifying law enforcement if they choose to do so.

To Contact Lincoln Police Department:

- 911 (for emergencies)
- To make a non-emergency police report, call the non-emergency line or visit a team station Monday-Friday between 8:00 AM and 4:00 PM.
    - LPD Non-Emergency Line: **(402) 441-6000**

Anonymous Reporting to Law Enforcement:

There are options to report a sexual assault or other crimes to law enforcement anonymously. These processes vary depending on the police department receiving the report. Please note, law enforcement may be limited in their ability to respond to anonymous reports or reports without sufficient details. To make an anonymous report of sexual assault to the Lincoln Police Department, visit **https://lincoln.ne.gov/city/police/anonfrm.htm** or call **(402) 441-3866**. Individuals can choose to report as much information as they would like.

Victims who choose to receive a forensic examination by a sexual assault nurse examiner may request that the evidence be collected anonymously, meaning they can choose whether to report their name and other information to law enforcement.

VIII. Confidential Resources

As indicated in Section VI, a Confidential Employee or other confidential resource will not disclose information about sexual harassment or sexual misconduct without the Reporting Party’s permission. Confidential Employees must share non-identifying statistical information related to crimes found in the Annual Security Report, as required by the Clery Act. A report to “Confidential Employees” does not trigger action by the University and will allow the harmed party to proceed as they choose.

Confidential Resources

Voices of Hope Campus Advocate: provides free and confidential support to students, staff, and faculty to empower those who have experienced relationship violence, sexual assault, or abuse; and can also support an individual who chooses to report to the Title IX Coordinator. The Voices of Hope Campus Advocate is available by appointment; advocate [at] nebrwesleyan.edu (advocate[at]nebrwesleyan[dot]edu); **(402) 465-2533**; Voices of Hope 24/7 Support: (402) 475- 7273.

University Minister: can help students, faculty and staff and is located in Old Main - Room 105; minister [at] nebrwesleyan.edu (minister[at]nebrwesleyan[dot]edu); **(402) 465-2398**.

An Additional Confidential Resource for Undergraduate Students:

NWU Counseling Services: is located at 2641 N. 49th Street (49th & St. Paul Avenue) and is open Monday-Friday from 8:00 a.m. to 5:00 p.m.; counseling [at] nebrwesleyan.edu (counseling[at]nebrwesleyan[dot]edu); **(402) 465-2464**.

An Additional Confidential Resource For Employees:

Directions EAP (Employee Assistance Program): is located at 3930 South St, Ste. 101 in Lincoln, NE 68506; directionseap [at] directionseap.com (directionseap[at]directionseap[dot]com); **(402) 434-2900**.

IX. Supportive Measures

The University offers a wide range of resources for Students and Employees to provide support and guidance upon receipt of a report of sexual harassment or sexual misconduct. The University will offer supportive measures to any involved party and will be reasonable and appropriate to facilitate continued access to University employment or education programs and activities. Non-disciplinary, non-punitive individualized services will be offered, as reasonably available, without fee or charge to the involved party, regardless of filing a report or formal complaint.

The University will keep private any supportive measures provided under this policy to the extent practicable and will promptly address any violation of the supportive measures. The Title IX Coordinator has the discretion to determine the appropriateness of any supportive measure based on all available information and is available to meet with all involved parties to address any concerns about the provision of supportive measures. Supportive measures may include but are not limited to: facilitation of connections to on- and off-campus resources, issuance of a No Contact/Limited Contact Order, change of work or class assignment/location/schedule, change of on-campus living space, change of class schedule, and/or Campus “Safe Walking Service”.

Non-compliance with a Supportive Measure: Failure to comply with the directives of a supportive measure administered by the Title IX Office, will also be addressed as a separate violation of University policy through student conduct or employee conduct.

X. Resolution

Please note: If a Formal Title IX Complaint is filed under the University’s formal or informal processes, and is subsequently dismissed as being outside the scope of Title IX, this policy and corresponding procedures are available to the University and the party making the complaint.

The University has the responsibility to address sexual harassment, sexual misconduct utilizing formal and informal resolution procedures or accessing for potential dismissal of related complaints. The resolution procedures are guided by the principle of fundamental fairness and respect for all parties, which requires notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a Formal Complaint under this policy. All parties involved with the University’s sexual harassment and sexual misconduct resolution processes, including investigators and adjudicators, receive regular and ongoing training. Annual training includes, but is not limited to, the definitions of sexual harassment and sexual misconduct, the scope of the University’s education program or activity, how to conduct an investigation and all resolution processes including informal resolution where applicable, hearings, appeals, and how to serve impartially, including how to avoid prejudgment of the facts at issue, conflicts of interest, and bias. Training materials can be found on the NWU Title IX website. Training will include, among other topics required under Title IX, the fact that Title IX requires a presumption that the accused is not responsible, and that presumption applies throughout the resolution process (including the investigation, through the live hearing); and that the culmination of a formal complaint is to occur in a live hearing which allows cross examination. See 34 CFR 106.45(b)(1).

For additional information about resolving Outside of Title IX Complaints, refer to the Resolution Procedures for Addressing Complaints of Sexual Harassment and Sexual Misconduct Outside of the 2020 Federal Title IX Regulations.

Any question of interpretation of this policy will be referred to the Director of Title IX Services, or designee, who may consult with the University President, whose interpretation is final.

XI. Additional Information

This document is thoroughly reviewed on an annual basis and may be updated periodically for accuracy and clarity. The most current version can be found on the Title IX Webpage of the University’s website. Training materials will be provided by the University on an annual basis and ongoing basis to take reasonable steps to eliminate sexual harassment and sexual misconduct, prevent its recurrence, and remedy its effects.

The NWU Board of Governors approved this policy to be implemented on January 9, 2025. All incidents of sexual harassment and sexual misconduct that occur on or after this date will be subject to this policy and corresponding procedures. However, the University will apply the applicable policy definitions in effect at the time of the incident.

Last revised date
January 9, 2025