



Sexual Harassment and Sexual Misconduct Policy Outside of the 2020 Final Rule for Federal Title IX Regulations



NEBRASKA
WESLEYAN
UNIVERSITY

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Sexual Harassment and Sexual Misconduct Policy Outside of the 2020 Final Rule for Federal Title IX Regulations

This policy applies to sexual harassment and sexual misconduct of all forms, including sexual and gender-based harassment/bullying, sexual assault, dating violence, domestic violence, stalking, and sexual exploitation that fall **outside** of Title IX as outlined in the 2020 Final Rule for 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 this document in Section V – Prohibited Conduct.

This policy is based on the 2020 Final Rule for Title IX of the Education Amendments of 1972 (Title IX), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics 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 illegal discrimination based on sex or gender, including sexual harassment, sexual assault, stalking, sexual exploitation, dating violence, and domestic violence. 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) becomes aware of allegations of sexual harassment and sexual misconduct, it 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 harassment and sexual misconduct. To make a report, contact titleix@nebrwesleyan.edu or connect with the appropriate staff member:

- Head Title IX Coordinator: Maria Harder, Nebraska Wesleyan University, Smith Curtis 202E, 5000 Saint Paul Ave., Lincoln, NE 68504 (402) 465-2117, mharder@nebrwesleyan.edu
- Deputy Title IX Coordinator: Natasha Sutliff, Nebraska Wesleyan University, Smith Curtis 325, 5000 Saint Paul Ave., Lincoln, NE 68504 (402) 432-6925, nsutliff@nebrwesleyan.edu or titleix@nebrwesleyan.edu

The Head Title IX Coordinator, or designee, will manage reports and complaints for Faculty and Staff. The Deputy Title IX Coordinator, or designee, will manage reports and complaints for Students.

II. Jurisdiction

This policy applies to:

- **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.
- **Students:** Any person enrolled in courses at the University, both full-time and part-time, pursuing undergraduate or graduate studies, including those who audit courses.
- **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 or visiting the University. 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 this document, Section V – Prohibited Conduct) when the conduct falls outside of the 2020 Final Rule for 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 Title IX, 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.

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 Final Rule 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 provides equal opportunity to all qualified persons in all areas of University operation, including education, employment, and decisions regarding faculty appointment, promotion or tenure, without regard to race, religion, age, sex, creed, color, disability, marital status, national or ethnic origin, ancestry, sexual orientation, gender identity, genetic material, or any other legally protected class under city, state, or federal law.

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 Employees who “need to know” in order to assist in the assessment, investigation, and resolution process. All Employees 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, 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 hearing decision-makers does not rely on sex stereotypes and promotes impartial investigations and adjudications of formal complaints of sexual harassment. Training materials can be found on the NWU Title IX website.

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.

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 VI 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 child abuse of a minor by an adult, including sexual/physical assault, witness to domestic violence, dating/intimate partner violence, and stalking. In Nebraska, minors are considered all persons under the age of 19.

V. Prohibited Conduct

This Policy, Sexual Harassment and Sexual Misconduct that falls outside of Federal Title IX Regulations, identifies three types of misconduct that constitute Sexual Harassment as Prohibited Conduct:

1. quid pro quo harassment;
2. any unwelcome conduct that a reasonable person would find severe, pervasive, and objectively offensive; 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.

Elements of Consent

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.

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.

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;
- Trafficking of another individual;
- Knowingly exposing another individual to a sexually transmitted infection without the other individual's knowledge and consent; or
- Inducing incapacitation or attempted incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

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 this policy and related procedures, just as a complaint of sexual harassment is handled.

Non-compliance with a No/Limited Contact Order: Failure to comply with the directives of a No/Limited Contact Order administered by the Title IX Office, will also be addressed as a separate violation of University policy.

VI. Reporting

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 Title IX Coordinator will support all parties involved in understanding and assessing all options. Questions should be directed to a Title IX Coordinator.

Reporting to the University: The University encourages anyone who becomes aware of an incident of sexual harassment or sexual misconduct to promptly report the incident to a Title IX Coordinator. Any Campus Security Authority (CSA) identified by the University who receives a disclosure of sexual harassment or sexual misconduct by a harmed party or witness is required to report to the Title IX Office. While there is no time limit for reporting sexual harassment or 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.

Anonymous Reporting to the University: Individuals may report sexual harassment and sexual misconduct concerns anonymously 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.

Making a Report vs. Filing a Non-Title IX Formal Complaint:

Making a Report is the notification of an incident of sexual harassment or sexual misconduct to a Title IX Coordinator by any Reporting Party. A report may be accompanied by a request for any of the following: resources, no further action, supportive measures, and/or initiation of the Formal Complaint process. The University recognizes that not every individual will be prepared to request supportive measures or to file a Formal Complaint; therefore, Reporting Parties may pursue these options any time in the future. Individuals are not expected or required to pursue any specific course of action.

The University will make a reasonable effort to respect the wishes of the person who experienced sexual harassment or sexual misconduct. However, if the reported incident constitutes an imminent or ongoing threat to campus safety based on the assessment of the Title IX Coordinator, the Title IX Coordinator may proceed to address the matter as the University deems appropriate.

To ensure the harmed party of sexual harassment or sexual misconduct is informed of their rights and options, Campus Security Authorities (excluding Confidential Employees) will be required to report the relevant details about an incident of sexual harassment or sexual misconduct that involves any Student or Employee as a Complainant, Respondent, and/or Witness. This includes dates, times, locations, and names of parties and witnesses, if known. The Title IX Coordinator will contact the harmed party to provide information and ask how they wish to proceed.

Filing a Non-Title IX Formal Complaint is defined as the request to initiate either the University's formal or informal resolution process designed by the University that falls outside of the 2020 Final Rule for Federal Title IX Regulations. The decision to file a Non-Title IX Formal Complaint may be made at any time. A Report or Complaint can be made at any time via email, phone, or physical mail, or in person during regular business hours.

Title IX Coordinators: Nebraska Wesleyan University has two Title IX Coordinators, each responding to specific members of the campus community. The Coordinators oversee Nebraska Wesleyan University's processes regarding the review, investigation, and resolution of reports of sexual harassment and sexual misconduct. A report or complaint can be made at any time via email, phone, or physical mail, or in person during regular business hours.

- Head Title IX Coordinator: Maria Harder, Nebraska Wesleyan University, Smith Curtis 202E, 5000 Saint Paul Ave., Lincoln, NE 68504 (402) 465-2117, mharder@nebrwesleyan.edu

- Deputy Title IX Coordinator: Natasha Sutliff, Nebraska Wesleyan University, Smith Curtis 325, 5000 Saint Paul Ave., Lincoln, NE 68504 (402) 432-6925, nsutliff@nebrwesleyan.edu or titleix@nebrwesleyan.edu

The Head Title IX Coordinator, or designee, will manage reports and complaints for Faculty and Staff. The Deputy Title IX Coordinator, or designee, will manage reports and complaints for Students.

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 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.

Campus Security Authorities are required to report to a Title IX Coordinator all relevant details about an incident of sexual harassment or sexual misconduct, including dates, times, locations, and names of parties and witnesses, if known. Disclosure at public awareness events (e.g., "Take Back the Night") and certain research-based disclosures (e.g., where a Student is a subject in an Institutional Review Board-approved human subjects research project) will not trigger an individual investigation. Further, disclosures which occur as part of a classroom assignment will not require faculty or staff to report to a Title IX Coordinator, unless there is abuse of a minor by an adult. Faculty and staff members are required to share reporting options with all students.

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, domestic abuse, 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 or Omaha Police:

- 911 (for emergencies)
- Lincoln Police Department: 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
- Omaha Police Department: To make a non-emergency police report, visit the Omaha Police Department Headquarters 24/7 or a precinct office Monday-Friday between 8:00 AM and 5:00 PM.
 - Omaha Police Department Headquarters: 505 S. 15th Street, Omaha, NE 68102

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.

Lincoln Police Department:

- 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.

Omaha Police Department:

- 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.

VII. 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.

Confidential Resources for Students:

- **Voices of Hope Campus Advocate:** can help students, staff, and faculty access on- and off-campus resources 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@nebrwesleyan.edu; Voices of Hope 24/7 Support: 402-475-7273.
- **NWU Counseling Services:** serves traditional undergraduate students. 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@nebrwesleyan.edu; (402) 465-2464.
- **University Minister:** can help students, faculty and staff and is located in Old Main - Room 105; ebousson@nebrwesleyan.edu; (402) 465-2222.
- **WCA (Women's Center for Advancement):** provides free and confidential support to survivors of domestic violence, sexual assault, and stalking; the WCA is located at 3801

Harney St, Omaha, NE 68131; info@wcaomaha.org; Office Phone: (402) 345-6555; WCA 24/7 Support: 402-345-7273.

Confidential Resources for Employees:

- **Directions EAP (Employee Assistance Program):** can help faculty and staff and is located at 3930 South St, Ste. 101 in Lincoln, NE 68506; directionseap@directionseap.com; (402) 434-2900.
- **University Minister:** can help students, faculty and staff and is located in Old Main – Room 105; ebousson@nebrwesleyan.edu; (402) 465-2222.
- **Voices of Hope Campus Advocate:** provides free and confidential support to empower those who have experienced relationship violence, sexual assault, or abuse; Voices of Hope is located at 2545 N St., Lincoln, NE 68510; info@voicesofhopelincn.org; Office Phone: (402) 476-2110; Voices of Hope 24/7 Support: 402-475-7273.

VIII. Supportive Measures

The University offers a wide range of resources for Students and Employees to provide support and guidance throughout the initiation, investigation, and resolution of a report of sexual harassment or sexual misconduct. Upon receipt of actual knowledge of an alleged occurrence of sexual harassment or sexual misconduct, the University will offer supportive measures to the alleged victim (“Complainant”). These offered measures will be reasonable and appropriate measures to facilitate continued access to University employment or education programs and activities for all involved parties. Non-disciplinary, non-punitive individualized services will be offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of 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 living space, change of class schedule, and/or security escort.

IX. 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. This policy and corresponding procedures are also available to complaints made that are deemed by the University to be outside the scope of Title IX.

The University has the responsibility to address sexual harassment and sexual misconduct under Federal Title IX regulations. Under the 2020 Final Rule for Federal Title IX Regulations, the University is allowed to have formal and informal resolution procedures for sexual harassment and sexual misconduct that falls outside of Title IX jurisdiction for Students and

Employees. 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 Title IX Personnel involved with the University's sexual harassment and sexual misconduct resolution processes, including Title IX Coordinators, Investigators, Hearing Decision Makers, and Informal Resolution Process Facilitators, receive regular and ongoing training. Annual training includes, but is not limited to, the definition of sexual harassment, the scope of the University's education program or activity, how to conduct an investigation and all resolution processes including informal resolution, deliberations, 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. For additional information about NWU's resolution processes, refer to NWU Sexual Harassment and Sexual Misconduct outside of the 2020 Final Rule for Federal Title IX Regulations Procedures for Students or Procedures for Staff.

Any question of interpretation of this policy will be referred to the Head Title IX Coordinator. The Head Title IX Coordinator will consult with the University President, whose interpretation is final.

X. 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 Sexual Harassment and Sexual Misconduct Prevention and Response Page of the University's website.

The NWU Board of Governors approved this policy on January 22, 2021. All incidents of sexual harassment and sexual misconduct reported on or after this date will be subject to this policy. However, the University will apply sexual harassment and sexual misconduct definitions in effect at the time of the incident.