



# SEXUAL MISCONDUCT AND HARASSMENT POLICY



NEBRASKA  
WESLEYAN  
UNIVERSITY

Approved by the NWU  
Board of Governors 9/7/18

# NEBRASKA WESLEYAN UNIVERSITY

# Sexual Misconduct and Harassment Policy

This policy applies to sexual misconduct of all forms, including sexual assault, sexual and gender-based harassment, stalking, and intimate partner violence. Hereinafter all behavior referenced in this policy will be termed sexual misconduct.

## I. Statement of Intent

Nebraska Wesleyan University is committed to establishing and maintaining a community that is free from all forms of discrimination and 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 discrimination based on sex or gender, including sexual harassment, sexual assault, stalking, sexual exploitation, and intimate-partner violence. These behaviors threaten our learning, living, and work environments and will not be tolerated. These forms of sexual misconduct are a subset of the behaviors prohibited for students under the Nebraska Wesleyan University Code of Student Conduct.

**When the University becomes aware of allegations of sexual misconduct, it will take prompt and effective action.** The Director of Title IX Services will oversee the University's response to all allegations of sexual misconduct. To make a report, contact [titleix@nebrowesleyan.edu](mailto:titleix@nebrowesleyan.edu) or connect with the appropriate staff member:

- Natasha Sutliff, Title IX Coordinator for Lincoln Students
- Amy Harrison, Title IX Coordinator for Omaha Students
- Maria Harder, Director of Title IX Services and Title IX Coordinator for Faculty and Staff

## II. To Whom this Policy Applies

This policy applies to Students as defined in Section VI: Definitions ("Students"); Student groups or organizations as defined in Section VI: Definitions ("Student Organizations"); University employees, consisting of all full-time and part-time (adjunct) faculty, and University full- and part-time staff ("Employees"); and contractors, vendors, visitors, guests, or other third parties within the University's control ("Third Parties"). This policy pertains to acts of Prohibited Conduct committed by or against Students, Employees, and Third Parties when:

- The conduct occurs on University Grounds or other property owned or controlled by the University;
- The conduct occurs in the context of a University employment or education program or University-sponsored activity, including, but not limited to, University-sponsored study abroad, research, on-line, or internship programs; or
- The conduct occurs outside the context of the University employment or education program or activity, but has continuing or adverse effects on the Complainant or creates a hostile environment for Students, Employees, or Third

Parties while on University Grounds or other property owned or controlled by the University or in any University employment or education program or activity.

### **III. Notice of Non-Discrimination**

Nebraska Wesleyan University provides equal educational and employment opportunities to all qualified persons in all areas of university operation, including education and decisions regarding faculty appointment, promotion, or tenure, without regard to race, religion, age, sex, creed, color, disability, marital status, national or ethnic origin, gender identity or sexual orientation.

### **IV. Nebraska Wesleyan University Statement Regarding Privacy**

The University is committed to protecting the privacy of all individuals involved in a report of sexual misconduct or harassment. In any report under this policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a thorough review of the allegation.

#### **Confidentiality and Privacy**

**Confidentiality:** Confidentiality exists in the context of laws that protect certain relationships, including 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 who have the ability to have privileged communications as "Confidential Employees."

When an individual shares information with a Confidential Employee or a community professional with the same legal protections, the Confidential Employee (and/or such community professional) 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 may 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 under the age of 18.

**Privacy:** Privacy means that information related to a report of Prohibited Conduct will be shared with a limited circle of University Employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All Employees who are involved in the University's Title IX response receive specific training and guidance about safeguarding private information.

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.

## V. Prohibited Conduct

**A. Sexual Harassment:** is any unwelcome conduct of a sexual nature or based on sex or gender, sexual orientation, gender identity, or gender expression, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature. Sexually harassing behaviors differ in type and severity. Key determining factors are that the behavior is unwelcome, is sex- or gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct. Sexual harassment involves one of the following conditions (hostile environment or quid pro quo):

**Hostile Environment:** is conduct that has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e., it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard. A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

**Quid Pro Quo:** is making the submission to or rejection of such conduct an explicit or implicit condition of, or the basis of an individual's employment, evaluation of academic work, or any aspect of a University program or activity.

**B. Sexual Assault:** is a.) intentional sexual contact with another person without that person's consent; b.) sexual contact with someone who they knew, or should have known, was mentally or physically incapable of resisting or appraising the nature of their conduct; and c.) forcing or coercing another person to engage in sexual contact against their will.

Sexual contact includes intentional contact with the intimate parts of another, causing another person to touch one's intimate parts, or disrobing or exposure of another 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.

Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual assault or harassment in any form and does not negate one's intent or diminish one's responsibility to obtain informed and freely given consent.

**C. Intimate Partner/Relationship Violence:** includes any act of physical, sexual, or emotional violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It 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 or romantic partner. It may involve one act or an ongoing pattern of behavior.

**D. Sexual exploitation:** is violating the sexual privacy of another, or taking sexual advantage of another without consent, and that behavior does not otherwise constitute sexual assault.

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

- Voyeurism (such as 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);
- 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;
- Prostituting another individual; or
- Knowingly exposing another individual to a sexually transmitted infection or virus without the other individual's knowledge and consent; or
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

**E. Stalking:** is when a person engages in a course of conduct or repeatedly communicates and/or commits acts toward another person, including following the person without proper authority, under circumstances that would cause a reasonable person to

- (1) Fear for their safety or the safety of others; or
- (2) Suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, a particular form of stalking 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 in an unsolicited fashion.

**F. Retaliation:** is 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 misconduct allegation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a Complainant or Respondent, can engage in retaliation.

**G. Failure to comply with the directives of a No Contact Order related to a Title IX report.**

## VI. Definitions

### General Definitions

**Advisor of Choice:** is any individual selected by a Complainant or Respondent to assist them during any part of the procedures, including the Investigation, Hearing, and Appeal process. An Advisor of Choice may be a faculty or staff member, student, parent, community member, victim advocate, or an attorney. During a Hearing, the Advisor of Choice may confer with the Complainant or Respondent that they advise, but may not communicate directly with the Review Panel.

**Complaint:** is a formal accusation against an individual for violation of Nebraska Wesleyan University's *Code of Student Conduct*.

**Complainant:** The *Code of Student Conduct* states, "the term 'complainant' means an individual who files a disciplinary complaint; the University may also serve as a Complainant." For purposes of this policy, the University will consider any alleged victim of sexual misconduct a "complainant," whether or not they make a report or participate in the investigation and resolution process.

**Day:** University working day, not including Saturday, Sunday, or University holidays. Time deadlines may be extended during breaks and University holidays.

**Deliberations:** means the formal structure by which the Title IX Review Panel will review the investigative report prepared by the Investigator, determine a finding of responsible or not responsible for violating the sexual misconduct policy, and determine appropriate sanctions. The Title IX Review Panel can determine that they need more information from the Investigator, Complainant, Respondent, and/or Witnesses before affirming findings or determining sanctions, which will result in a Title IX Hearing. Even if criminal proceedings for the same offense are pending, deliberations/hearing may still be held. While the Title IX Review Panel procedures are designed to give due process to the parties involved, the Panel is not bound by the rules of criminal or civil procedure that govern judicial proceedings in courts of law. Deliberations will be convened and facilitated by the Student Conduct System Administrator, whose sole purpose is to answer any questions regarding policies and procedures.

**Investigators:** are trained University-appointed faculty or staff members who, in allegations of sexual misconduct or harassment, conduct an investigation, and prepare and submit a written report to the Student Conduct System Administrator for distribution to the Title IX Review Panel. The investigator is present at deliberations and the hearing to answer questions related to the investigation.

**Respondent:** is a person accused of sexual misconduct. The *Code of Student Conduct* states, "the term 'respondent' means the Student or Student Organization whose conduct is the subject of a conduct proceeding under this Code."

**Student:** Any person enrolled and taking courses at Nebraska Wesleyan University, both full-time and part-time, including study abroad and auditing courses, and pursuing undergraduate or graduate studies. Students who leave the University before a conduct

complaint is resolved may be prohibited from future enrollment and have a hold placed on their Nebraska Wesleyan University transcript until the matter is resolved.

**Student Conduct Appellate Panel:** are faculty and staff members appointed by the President of Nebraska Wesleyan University to consider an appeal from a Complainant or Respondent in any Student Conduct Board proceeding. The Student Conduct Appellate Panel reviews appeals and makes decisions to uphold either the appeal or the decision of the Student Conduct Board. Membership will include one full-time faculty member and one staff member. Members of the Student Conduct Appellate Panel will serve two-year terms and can be reappointed. The Student Conduct System Administrator will see that any new appointees receive appropriate training and resources to fulfill this role.

**Student Conduct System Administrator:** is the Vice President for Campus Community or their designee. The role of the Student Conduct System Administrator is to convene and facilitate the Student Conduct Board. In no event will the Student Conduct System Administrator serve as a member of the Student Conduct Board. Because the Student Conduct System Administrator has no role in the process that would influence the decision of the Student Conduct Board, and is not a member of the Student Conduct Board, the Student Conduct System Administrator cannot be removed from a hearing on the allegation of personal bias, although specific interpretations or recommendations of the Student Conduct System Administrator may be included in the justification for an appeal.

**Student Organization:** Any group of persons who have complied with the formal requirements for University recognition. In cases where a complaint is filed against a Student Organization, refer to the definition of Group Violations found in Section 6: The Student Conduct Process in the NWU Code of Student Conduct.

**Title IX Hearing:** During Deliberations, the Title IX Review Panel may determine they need more information from the Complainant, Respondent, and/or Witnesses before affirming findings or determining sanctions. In this situation, the Student Conduct System Administrator convenes and facilitates the Hearing. The Student Conduct System Administrator's sole purpose is to conduct the Hearing and to answer any questions regarding policies and procedures. The Title IX Review panel will provide both Complainant and Respondent an opportunity to share information about the Complaint when a Hearing is deemed necessary. While the Hearing procedures are designed to give due process to the parties involved, the Hearing is not bound by the rules of criminal or civil procedure that govern judicial proceedings in courts of law.

**Title IX Review Panel:** is the group assigned to review the investigator's report and/or hear information presented as part of a Title IX Hearing, affirm the finding of responsible or not responsible, and determine sanctions when a Respondent is found responsible for sexual misconduct. The group will be composed of three staff or faculty (at least one faculty and one staff member) members from the Student Conduct Board, who have received specialized training in Title IX related issues, as determined and defined by the [Title IX Coordinator](#). Student members of the Student Conduct Board are prohibited from hearing sexual misconduct complaints. Whenever possible, the Title IX Review Panel shall reflect diversity in the gender of its members. None of the Title IX Review

Panel members shall have a conflict of interest or prejudice for or against either the Complainant or the Respondent. A majority decision of the Title IX Review Panel is required for all decisions rendered by the Panel. The Title IX Review Panel shall keep all deliberations and proceedings confidential.

**"University":** is Nebraska Wesleyan University.

**Witness:** An individual who, being present, personally sees or perceives a detail or event and is willing to attest to that effect. Information from witnesses whose sole purpose is to provide character information will not be considered.

### **Specific Definitions - Other**

**Coercion:** is 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 impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.

**Consent:** means words and actions that clearly convey to both parties intentions to engage in mutually agreed-upon sexual activity. Consent is not the absence of resistance. Consent to one form of sexual contact or act does not imply consent for other sexual contact or acts or for consent of similar future sexual activity. A person who is incapacitated is incapable of giving consent.

**Force:** is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

**Incapacitation:** is 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 of alcohol and other drugs varies from person to person.

An individual may be incapacitated without visible signs of such. Evaluating incapacitation also requires an assessment of whether a Respondent should have been aware of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position. Evidence of incapacitation may require evaluating normal and abnormal behaviors of the Complainant and Respondent.

## **VII. Reporting**

There are multiple channels for reporting Prohibited Conduct. A Complainant may choose to report to the University, to law enforcement, to both, or to neither. These reporting options are not exclusive. Complainants may simultaneously pursue criminal and disciplinary action. The University will support Complainants in understanding and assessing these options.

**Law Enforcement:** Complainants have the right to notify or decline to notify law enforcement. In keeping with its commitment to taking all appropriate steps to eliminate, prevent, and remedy all Prohibited Conduct, however, the University urges Complainants to report Prohibited Conduct *immediately* to local law enforcement by contacting:

- 911 (for emergencies)
- Lincoln Police Department - (402) 441-6000 (for non-emergencies)

The University will assist Complainants in notifying law enforcement if they choose to do so. Police have unique legal authority, including the power to seek and execute search warrants, collect forensic evidence, make arrests, and assist in seeking Emergency Protective Orders.

Complainants may simultaneously pursue criminal and University complaints.

**The University:** The University also urges anyone who becomes aware of an incident of Prohibited Conduct to report the incident *immediately* to the University through the following reporting options: by contacting a University [Title IX Coordinator](#) by telephone, email, or in person during regular office hours at their respective locations, email addresses, and/or phone numbers (listed on page 1 of this policy). Situations involving Lincoln students should be reported to Natasha Sutliff; situations involving Omaha students should be reported to Amy Harrison; situations involving faculty or staff members should be reported to Maria Harder.

There is no time limit 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 fade, and Respondents may no longer be affiliated with the University. If the Respondent is no longer a Student or Employee, the University will provide reasonably appropriate remedial measures, assist the Complainant in identifying external reporting options, and take reasonable steps to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects.

**Amnesty:** The University will not pursue disciplinary action against Complainants or witnesses for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

1. For Complainants

The University provides amnesty to victims who may be hesitant to report to University officials because they fear that they themselves may be accused of minor policy violations, such as underage drinking, at the time of the incident. An educational conference related to the minor policy violation may occur, but no conduct proceedings or conduct record will result.

2. For Those Who Offer Assistance

To encourage Students to offer help and assistance to others, the University pursues a policy of amnesty for minor violations when Students offer help to others in need. At the

discretion of the Vice President for Campus Community, or designee, amnesty may also be extended on a case-by-case basis to the person receiving assistance. An educational conference related to the minor violations may occur, but no conduct proceedings or conduct record will result.

### 3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of the University are offered amnesty for their minor violations. An educational conference related to the minor violations may occur, but no conduct proceedings or record will result.

### 4. For Those Who Witness Serious Violations

Students who witness serious violations by others are offered amnesty for any minor violations if they are called on as a witness to a serious violation. An educational conference related to the minor violations may occur, but no conduct proceedings or record will result.

Abuse of amnesty requests can result in a decision by the Vice President for Campus Community, or designee, not to extend amnesty to the same person repeatedly.

**A "Confidential Employee"** is an individual designated by the University to provide support to Students without being required to report to a Title IX Coordinator. The University has identified the Campus Advocate from Voices of Hope, [Counseling Services](#), and [University Ministries](#) as Confidential Employees.

**A "Responsible Employee"** is any University Employee who is not a Confidential Employee. A Responsible Employee is required to report to a University [Title IX Coordinator](#) all relevant details (obtained directly or indirectly) about an incident of Prohibited Conduct that involves any Student as a Complainant, Respondent, and/or witnesses, 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 (i.e., where a Student is a subject in an Institutional Review Board-approved human subjects research protocol) will not trigger an individual investigation of Prohibited Conduct, although such disclosures may inform the need for community-wide education and prevention efforts.

**Making a Report vs. Filing a Complaint:** Making a report is defined as notification of an incident of sexual misconduct to a [Title IX Coordinator](#) by any reporting person. A report may be accompanied by a request for resources, no further action, remedies-based resolution, and/or initiation of a formal complaint process by filing a Complaint.

Filing a Complaint is defined as the request to initiate the University's formal disciplinary process. At the time a report is made, a Complainant does not have to decide whether or not to file a Complaint. The University recognizes that not every individual will be prepared to file a Complaint with the University or to law enforcement, and individuals are not expected or required to pursue a specific course of action. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. To the extent possible, the University will respect an individual's autonomy in making these decisions and provide support that will assist each individual in making that determination.

A report may become a formal Complaint, either initiated by the Complainant or the University, depending on the outcome of the Title IX assessment.

To make a report or file a Complaint, please contact the appropriate [Title IX Coordinator](#).

## VIII. Campus Supports

**Title IX Coordinators:** Nebraska Wesleyan University has three Title IX Coordinators, each responding to specific members of the campus community.

- Natasha Sutliff, Title IX Coordinator for Lincoln Students, Smith-Curtis 325, (402) 432-6925, [titleix@nebrwesleyan.edu](mailto:titleix@nebrwesleyan.edu)
- Amy Harrison, Title IX Coordinator for Omaha Students, Omaha Adult and Graduate Programs, Omaha Campus - Room 103, (402) 827-3555, [aharriso@nebrwesleyan.edu](mailto:aharriso@nebrwesleyan.edu) or [titleix@nebrwesleyan.edu](mailto:titleix@nebrwesleyan.edu)
- Maria Harder, Title IX Coordinator for Faculty and Staff and Director of Title IX Services

The Title IX Coordinators oversee Nebraska Wesleyan University's review, investigation, and resolution of reports of sexual misconduct or harassment. The Title IX Coordinators also ensure the University's compliance with Title IX. The Title IX Coordinators can be contacted by telephone, email, or in person during regular office hours.

The Title IX Coordinators are:

- Responsible for oversight of the investigation and resolution of all reports of sexual misconduct or harassment;
- Knowledgeable and trained in relevant state and federal laws and University policy and procedures;
- Available to provide information to any individual, including a Complainant, a Respondent, or a third party, about the courses of action available at the University, both informally and formally;
- Available to provide assistance to any University community member regarding how to respond appropriately to reports of sexual misconduct or harassment;
- Responsible for oversight of sexual violence prevention education and employee training;
- Responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- Responsible for compiling annual reports.

### Confidential Supports

A Confidential Support will not disclose information about Prohibited Conduct to the University's Title IX Coordinator without the reporting Student's permission (subject to the exception set forth in the Confidentiality section of this policy).

Confidential Supports for Students:

- **Campus Advocate (Voices of Hope):** An advocate can help students, staff, and faculty access on- and off-campus resources and can also support a Student who chooses to report to the Title IX Coordinator. Lindsay Spaulding, NWU Campus Advocate, is available by appointment or during walk-in hours (Thursdays from 12:00 – 4:00 in Counseling Services, located at 2641 N. 49<sup>th</sup> Street); [advocate@nebrwesleyan.edu](mailto:advocate@nebrwesleyan.edu); [Voices of Hope 27/4 Support: 402-475-7273](#)

- **Counseling Services:** Counseling Services is located at 2641 N. 49<sup>th</sup> Street (49<sup>th</sup> & St. Paul Avenue). Counseling Services serves Students Monday-Friday from 8:00 a.m. to 5:00 p.m. (402) 465-2464.
- **University Ministries:** NWU University Ministries, is located in Old Main - Room 105; [ebousson@nebrwesleyan.edu](mailto:ebousson@nebrwesleyan.edu); (402) 465-2222.
- **WCA** (Women's Center for Advancement): Located at 3801 Harney St in Omaha, WCA provides free and confidential support to survivors of domestic violence and sexual assault; [info@wcaomaha.org](mailto:info@wcaomaha.org); Office Phone: (402) 345-6555; WCA 24/7 Support: 402-345-7273.

Confidential Supports for Employees:

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

## IX. Remedial and Protective Measures

The University offers a wide range of resources for Students and Employees, whether as Complainants or Respondents, to provide support and guidance throughout the initiation, investigation, and resolution of a report of Prohibited Conduct. The University will offer reasonable and appropriate measures to protect a Complainant and facilitate the Complainant's continued access to University employment or education programs and activities. These measures may be both remedial (designed to address a Complainant's safety and well-being and continued access to educational opportunities) or protective (involving action against a Respondent). The University may also provide, when possible and in the best interest of both parties, reasonable and appropriate measures to the Respondent to facilitate the Respondent's access to University employment and education programs and activities.

Remedial measures are available regardless of whether a Complainant pursues a Complaint or investigation under this policy. The University will keep private any remedial and protective measures provided under this policy to the extent practicable and will promptly address any violation of the remedial and protective measures. The Title IX Coordinator has the discretion to determine the appropriateness of any remedial and protective measure based on all available information, and is available to meet with a Complainant or Respondent to address any concerns about the provision of remedial and protective measures. Examples of remedial and protective measures include:

- Access to support services: Campus Advocate from Voices of Hope, Counseling Services, etc.
- No Contact Orders: means a written document signed by the Complainant and the Respondent in which the parties agree to refrain from any written, spoken, or electronic contact whatsoever until further notice.
- Arranging for medical services
- Providing escort on campus
- Academic support services

- Rescheduling of exams and assignments
- Alternative course completion options
- Changes in class schedule
- Changes in Student's campus housing
- Change in work schedule or job assignment
- Limit responding party's access to University facilities
- Voluntary withdrawal
- University-imposed leave or separation for responding party

## **X. Resolution Procedures**

The University has jurisdiction over complaints based on Title IX and may take disciplinary action against a Respondent who is a current Student or Employee. Disciplinary action against a Respondent may only be taken through one of the University's resolution procedures. Because the relationship of Students, staff, and faculty to the University differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this Sexual Misconduct and Harassment Policy. All staff involved with the Sexual Misconduct and Harassment resolution processes, including investigators and adjudicators, receive annual training.

The procedure followed will be determined by the relationship of the Respondent to the University:

- Complaints against a Student will be resolved by the Procedures for [Resolution of Complaints of Sexual Misconduct Against Students](#).
- Complaints against a staff member, instructional staff member, including faculty will be resolved by the Procedures for Resolution of Complaints against Staff and Instructional Staff, including Faculty.
- Even if the offending individual is not a Student or employee, the University will promptly and equitably respond to all reports of sexual misconduct or harassment in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.

Any question of interpretation of the NWU Sexual Misconduct Policy will be referred to the Director of Title IX Services, Maria Harder. The Director of Title IX Services will consult with the University President, whose interpretation is final.

*This Policy is thoroughly reviewed on an annual basis. The Policy may be updated periodically for accuracy and clarity. The most up to date and current version can be found on the Title IX webpage.*