

# TITLE IX HARASSMENT & SEXUAL MISCONDUCT POLICY

## Section 1. Introduction and Coverage

North Park University (hereinafter “NPU”) is committed to providing a learning, working and living environment that promotes personal integrity, civility, and mutual respect in an environment free of sexual harassment, violence, and discrimination. Sex discrimination, sexual harassment, sex-based crimes, and sexual harassment violate an individual’s fundamental rights and personal dignity.

NPU has a broad non-discrimination policy that exceeds the requirements under current law. As for gender, the NPU’s policy provides that the NPU does not discriminate on the basis of gender, gender identity, or sexual orientation in its educational programs or in any other activities sponsored by the NPU, as required by Title IX of the Education Act of 1972 (and its amendments) and Title VII of the Civil Rights Act of 1968. This nondiscrimination policy extends to all applicants for admission to NPU, as well as all students who are full- or part-time, matriculated for a degree or not, and visiting students.

In addition, Title IX assigns further obligations upon colleges and universities like NPU to investigate and adjudicate complaints of sexual harassment. This policy applies to all such Title IX sexual harassment complaints. This policy applies to sexual harassment that meet the definition of Title IX involving students and employees whether the harassment is alleged to have been committed by another student, faculty member, or staff member. Further, this policy does not apply to allegations by students against a non-student or non-employee of NPU.

To the extent that receipt of notice of Title IX prohibited conduct also triggers NPU’s responsibilities under the Illinois Preventing Sexual Violence in Higher Education Act, this policy is also designed to meet NPU’s concurrent obligations under those laws. This policy is also designed to comply with the Violence Against Women Act (“VAWA”) (42 U.S.C. 13925) and its implementing regulations (24 C.F.R. 5.2001) if reauthorized.

NPU’s Title IX Coordinator is Kim Edstrom Schiller, Old Main, Third Floor, 3225 W. Foster Avenue Chicago, IL 60625, Telephone Number 773.244.6276 [keschiller@northpark.edu](mailto:keschiller@northpark.edu). Inquiries concerning the application of Title IX requirements may be directed to Ms. Schiller.

You may also contact the Office for Civil Rights, US Department of Education, John C. Kluczynski Federal Building 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604, Telephone: 312.730.1560, Facsimile: 312.730.1576. <mailto:OCR.Chicago@ed.gov>.

## Section 2. Concepts and Definitions

**A. Sexual Harassment:** For purposes of this policy, Title IX definition of Sexual Harassment, which is conduct on the basis of sex, occurring within NPU’s education program or activity, occurring within the United States, that satisfies one or more of the following:

1. An employee of NPU conditioning the provision of an aid, benefit, or service of NPU on an individual's participation in unwelcome sexual conduct, Quid Pro Quo
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to NPU's education programs or activities.
3. Sexual assault (as defined by the Clery Act) or dating violence, domestic violence or stalking as defined by the Violence Against Women Act (VAWA).

Acts that constitute sexual harassment take a variety of forms and may include but are not limited to the following unwelcome actions:

1. Propositions, invitations, solicitations, and flirtations of a sexual nature.
2. Threats or insinuations that personal employment, wages, academic grade, promotional opportunities, classroom or work assignments, or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
3. Verbal expressions of a sexual nature, including sexual communications about a person's body, dress, appearance, or sexual activities; the use of sexually degrading language, name calling, sexually suggestive jokes or innuendoes; suggestive or insulting gestures, sounds, or whistles; sexually suggestive phone calls.
4. Sexually suggestive objects or written materials such as e-mail or internet communications, pictures, photographs, cartoons, text messages, videos, DVDs, or other recorded media.
5. Inappropriate and unwelcome physical contact such as touching, patting, pinching, hugging, or other sexually suggestive contact.
6. Stereotyping or generalizing about a group based on gender.
7. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v). "Sexual Assault" is defined by 20 U.S.C. 1092(f)(6)(A)(v) as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
8. "Dating violence" as defined in 34 U.S.C. 12291(a)(10). "Dating Violence" is defined by 34 U.S.C. 12291(a)(10) as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.
9. "Domestic violence" as defined in 34 U.S.C. 12291(a)(8). "Domestic Violence" is defined by 34 U.S.C. 12291(a)(8) as a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Illinois, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Illinois.
10. "Stalking" as defined in 34 U.S.C. 12291(a)(30). The definitions of these terms as of the effective date of this policy are supplied below, but subject to change based on any

revision to these laws. “Stalking” is defined by 34 U.S.C. 12291(a)(30) as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

11. “Education program or activity” includes locations, events, or circumstances over which the NPU exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

**B. Consent:** Consent is the equal approval, given freely, willingly, and knowingly, of each participant to desired sexual involvement. Consent is an affirmative, conscious decision – indicated or expressed clearly by words or actions – to engage in mutually accepted sexual contact. Engagement in sexual contact by force, threat of force, or coercion is not consensual. Lack of mutual consent is the crucial factor in any sexual harassment. Consent to some form of sexual activity does not necessarily constitute consent to another form of sexual activity. Similarly, consent to one sexual act does not necessarily constitute consent to any subsequent sexual acts. Silence without demonstrating permission does not constitute consent. Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, flirtation, or dancing) are unwarranted, and should not be considered as evidence of consent. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect.

Faculty and staff members and other persons of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflicts of interest that are inherent in personal relationships that result from professional and educational interactions. Sexual harassment is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships with students, whether overtly, implicitly, or through misinterpretation, is abused in any way, there is potentially great damage to the individual student, to the respondent individual, and to the climate of the institution.

**C. Incapable of Giving Consent:** An individual may be incapable of giving consent due to incapacitation, substantial impairment, or other factors. Incapacitation is a state in which someone cannot make rational, reasonable decisions because the person lacks the capacity to give knowing consent (e.g. to understand the “who, what, when, where, why, or how” of their sexual interaction). An individual who is not incapacitated, but is substantially impaired, may be incapable of giving consent. Examples of incapacitation and substantial impairment include, but are not limited to, being:

1. Unconsciousness
2. Being frightened
3. Physically or psychologically pressured or forced
4. Feeling intimidated
5. Incapacitated because of a psychological or physiological health condition or disability
6. Incapacitated because of voluntary or involuntary intoxication or use of drugs or alcohol
7. Age
8. Intellectual disability
9. Deceptive or forced administering of any drug, intoxicant, or controlled substance.

**D. Unwelcome Behavior:** Unwelcome behavior is an action that is not solicited or invited, and is undesirable or offensive. Behavior or action that is perceived to be voluntary or consensual may not necessarily be welcome. Power relationships, intimidation, and/or fear of consequences may be contributing factors in this determination.

**E. Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**F. Force:** Force is the use of physical violence or superior strength, and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce the appearance of consent.

### **Section 3. Immediate Actions for Victims of Sexual Violence**

A victim of sexual violence should immediately:

- Get to a safe place
- Tell a trusted person about the incident
- Call 911 or the Office of Campus Safety and Security 773.244.5600 and/or go directly to the emergency room at any local hospital for medical attention. The closest hospital to the NPU's facilities is:

Swedish Hospital  
5140 N. California  
Chicago, IL 60625  
773.878.8200

\*Note that this hospital has a SANE nurse (Sexual Assault Nurse Examiner)

It is important that the physical evidence of the violence be preserved. Do not wash hands, shower, douche, urinate, consume liquids or food, brush hair or teeth, or change clothes immediately following the incident. Making sure evidence is collected does not obligate the complainant to pursue any action, but does leave all options open.

The complainant can request an advocate or other support person during an examination at a hospital. An advocate is available from Resilience, 888.293.2080

The complainant is not obligated to talk to the police, but the police will be called to the emergency room.

Hospitals are required to report felony crimes (rape is a felony crime) but if the complainant is over 18, the victim's name does not have to be disclosed.

## **Section 4. Relevant Considerations**

### **A. Relationships Involving Authority or Power**

When one party has any professional responsibility for another's academic or job performance, or professional future, NPU considers sexual relationships between the two individuals to be a basic violation of professional ethics and responsibility. This includes but is not limited to sexual relationships between faculty and their students, or between supervisors and their employees, even if deemed to be mutually consenting relationships. Because of the imbalance of these relationships, "consent" may be difficult to assess, may be deemed not possible, and may be construed as coercive. Such relationships also have the potential to result in claims of sexual harassment. With regard to sexual or romantic relationships between a supervisor and employee, NPU may require the individuals to be reassigned, if feasible, or may require one or both individuals to separate employment.

Persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor and will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes RAs and students over whom they have direct responsibility. While not all relationships are prohibited by this policy, failure to timely self-report such relationship to a supervisor as required can result in disciplinary action for an employee.

### **B. Intention vs. Impact**

The fact that someone did not intend to engage in sexual harassment against an individual is not considered a sufficient explanation or defense to a complaint of sexual harassment. For example, in some instances, cultural differences may play a role in the interpretation of behavior, by either the complainant or respondent, which may result in a complaint of sexual harassment. It is expected that all members of the NPU community are knowledgeable about what constitutes sexual harassment under this policy. Although the respondent's perceptions will be considered, in most cases it is the effect and characteristics of the behavior on the complainant, and whether a reasonable person in a similar situation would find the conduct offensive that determines whether the behavior constitutes sexual harassment.

### **C. Academic Freedom**

NPU adheres to the principles and traditions of academic freedom. Academic freedom is a privilege of all faculty, and applies to NPU activities including teaching and research. Each faculty member may consider, in his or her class or studio, any topic relevant to the subject matter of the course as defined by the appropriate academic unit. However, these freedoms must be balanced with the rights of others not to be sexually harassed. It is therefore understood that the principles

of academic freedom permit topics of all types, including those with sexual content, to be part of courses, lectures, and other academic pursuits. If there are questions about whether the course material or the manner in which it is presented falls within the definition of sexual harassment, the concerned party(ies) should contact the Title IX Coordinator (see below).

#### **D. Relationship to Criminal Laws Regarding Sexual Crimes**

Conduct need not rise to criminal activity under state, federal or local in order to constitute a violation under this policy.

### **Section 5. Responsibilities of the NPU Community**

#### **A. Reporting Responsibility**

Any member of the NPU community who is consulted about, observes, and/or witnesses behavior involving potential sexual harassment (see definition above) is strongly encouraged to report it to one of the Designated Reporting Officers (see list below). In addition, to the extent possible, the reporting member of the NPU community should advise the person experiencing the sexual harassment of the NPU Title IX Harassment & Sexual Misconduct Policy and encourage the person to promptly report the harassment to a Designated Reporting Officer.

NPU can only act if its Designated Reporting Officer receives actual knowledge of a complaint of a violation that is covered by this policy.

#### **B. Cooperation.**

All members of the NPU community are strongly encouraged to cooperate and participate in inquiries and investigations, appear at any hearing as requested, and cooperate with resolutions of complaints and implementations of sanctions, as applicable. Failure to cooperate may impact the results of an investigation.

#### **C. Support of Witnesses and Bystanders/Bystander Intervention**

Since the safety of the community is important to everyone, members of the NPU community are strongly encouraged to offer help and assistance to others in need, including preventing sexual harassment. While individuals are sometimes hesitant to offer assistance for fear that they might be subject to sanctions for other concurrent policy violations (such as alcohol violations), NPU will consider providing an educational intervention as opposed to sanctions or discipline for those who offer assistance.

### **Section 6. Complaint Procedure**

#### **A. Reporting Sexual Harassment to NPU**

NPU strongly encourages any student or employee who has experienced sexual harassment to immediately report this, seek assistance, and pursue NPU action. Reports of sexual harassment may be made at any time to the following Designated Reporting Officers via phone, email, or in-person:

Kim Edstrom Schiller  
Title IX Coordinator  
Old Main, 3rd Floor  
773.244.6276  
[keschiller@northpark.edu](mailto:keschiller@northpark.edu)  
[titleix@northpark.edu](mailto:titleix@northpark.edu)

Ingrid Tenglin  
Assistant Vice President, Human Resources  
EO Coordinator  
Old Main, 3rd floor  
773.244.5601  
[itenglin@northpark.edu](mailto:itenglin@northpark.edu)  
[hr@northpark.edu](mailto:hr@northpark.edu)

Additionally, reports may be mailed to the attention of a Designated Reporting Officer at:  
North Park University  
3225 W FOSTER AVE  
BOX 1  
CHICAGO IL 60625

While anonymous reports of sexual harassment are accepted, anonymity may limit the NPU's ability to conduct an effective inquiry and take action concerning the report. Confidential resources are available to those who believe they have been subject to sexual harassment to help understand the resources available and the grievance process, as further described in this policy.

NPU's students, faculty, or staff are all considered **NON-CONFIDENTIAL** reporters, and are *strongly encouraged* to notify one of the Designated Reporting Officers (DRO) above and provide as much information as possible.

## **B. Contacting a Confidential Support Resource (CSR)**

A student that has experienced sexual harassment may also contact a Confidential Support Resource (CSR). CSRs are those members of the community who are designated as professionals who can receive confidential communication and information regarding possible sexual harassment in the context of a professional relationship with the reporter of that information. These professionals are not obligated to provide any information to a DRO or law enforcement entity, but do have a duty to report if there is an imminent danger to the reporter or others. Confidential Reporters provide advice, support, and guidance about how to manage the situation following sexual violence without instituting an investigative action. The report to this person remains confidential. The CSR designee can play the role of a counselor, confidant, or

resource, or provide other support to the person making the report. It is hoped that a CSR who receives a report will notify a DRO that a report has been received, but is not obligated, unless permitted by the reporter, to reveal the name or any other identification of the person making the report. Discussions with a confidential source are not considered a report to the NPU, or a request that the NPU take any action in response to the report.

Current Confidential Reporters are found in the following organizations:

- Counseling Support Services, 773.244.4897
- Heath Services, 773.244.4897
- Campus Co-Pastors, 773.244.4982 or 773.244.4983

### **C. Reports to Police of Sexual Violence**

Sexual violence may constitute a criminal act. NPU is not required to make a report of sexual violence to a police for any person 18 years of age or older. Depending upon the circumstances, NPU may, in its discretion, report allegations of sexual violence to the police. Upon a complaint of sexual violence, if the complainant or person who experienced sexual violence is under age 18, or under 21 *and* physically or mentally impaired, a report must be made. In the case where a report is not required, NPU strongly encourages complainants who have experienced sexual violence to file a police report. NPU can help to facilitate a meeting between police and the complainant, should they want to report and allegation. A member of the police department has a responsibility to uphold and enforce the law even if the person reporting the violence does not want to participate in the process or make a complaint. If the person who experienced the sexual violence is at a hospital, the emergency room staff are required to report felony crimes to the police. If the complainant is 18 or older, their name does not have to be disclosed. If the person who is believed to have experienced sexual violence is under the age of 18, or under 21 and physically or mentally impaired, the Designated Reporting Officer is required to report the violence to the appropriate social service agency and the police, who may then contact the parent or legal guardian.

### **D. Contact of Parent/Guardian**

In some instances when there is a health or safety concern involving a student, the NPU may decide to notify a parent or guardian of a student aged 18 or older. In making this decision, the desire of the complainant will be considered along with the need to protect their safety and that of the campus community. NPU will notify a parent or guardian of student under the age 18 in the event of a reported incident.

## **Section 7. Confidentiality**

The fact that a complaint has been filed will be made known to the respondent and their advisors (see role of Advisor in Investigation Section). In addition, NPU may disclose information gathered in connection with its investigation, as well as the adjudication of the complaint, to the parties and their advisors. Otherwise, NPU will keep such information confidential except as required by law, or to carry out any investigation or hearing related to the report or complaint. To protect the integrity and credibility of the process, all parties and witnesses are expected to maintain the confidentiality of the process. Should the need arise for parties and/or witnesses to share with



others information regarding this process, they are encouraged to confer with the Designated Reporting Officers before taking this action.

## **Section 8. Procedure for Adjudicating Complaints**

### **A. Initiating Supportive Measures**

When a Designated Reporting Officer has actual knowledge of a report of sexual harassment, the Title IX Coordinator shall promptly respond by contacting each complainant, informing the complainant of available supportive measures, describing the process for filing a formal complaint, and making supportive measures available to the complainant with or without the filing of a formal complaint. If supportive measures are not provided to a complainant, NPU will document the reasons why.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve equal access to education and will be customized to each complainant's needs. These measures may include things like moving a complainant or respondent's seat in a class; alternate housing arrangements; modified work schedules; a no-contact order; course-related adjustments; revised class schedules; deadline extensions; counseling; leaves of absence; and increased campus escort services and other security services.

### **B. Removal of Respondent**

NPU may remove a respondent from NPU's education program or activity on an emergency basis if, after NPU conducts an individualized safety and risk analysis, it determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal. In this circumstance, NPU will provide respondent with notice of the decision and an opportunity to challenge the decision immediately after removal. Nothing in this section prohibits NPU from placing an employee on administrative leave. This does not change the fact that a respondent is presumed to be innocent prior to the investigative and decision making process.

### **C. Initiating the Grievance Process**

If a complainant wishes to make a formal complaint of sexual harassment, or if the Title IX Coordinator wishes to make a formal complaint of sexual harassment, NPU will initiate the grievance process set forth in this Policy. The Title IX Coordinator will endeavor to follow the wishes of the complainant, and may only initiate a formal complaint against the wishes of a complainant if in the Title IX Coordinator's discretion they determine not initiating a formal complaint would be clearly unreasonable in light of the known circumstances. Where appropriate, the Title IX Coordinator may consolidate formal complaints.

Whenever a formal complaint is filed, the Title IX Coordinator shall promptly initiate the Grievance Procedure as set forth below.

NPU is not obligated to initiate an investigation if it is plain from the face of the complaint that the complaint does not present a question of violation of the policy. In such circumstances, NPU shall notify the parties of that finding in writing.

#### **D. Investigation Process**

1. Upon receipt of a formal complaint, NPU will provide the parties with notice regarding the grievance process and the allegations of sexual harassment contained in the formal complaint (“Notice”).

The Notice will include:

- A meaningful summary of all of allegations,
  - The identity of the involved parties (if known),
  - The precise misconduct being allege
  - The date and location of the alleged incident(s) (if known),
  - The specific policies implicated,
  - A description of the applicable procedures,
  - A statement of the potential sanctions/responsive actions that could result,
  - A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
  - A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
  - A statement about the University’s policy on retaliation,
  - Information about the privacy of the process,
  - Information on the need for each party to have an advisor of their choosing and suggestions for ways to identify an advisor,
  - A statement informing the parties that the University’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
  - Detail on how the party may request disability accommodations during the interview process,
  - The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and
  - An instruction to preserve any evidence that is directly related to the allegations.
2. Upon receipt of a formal complaint, NPU will assign an impartial investigator(s) free of any conflict of interest to conduct an investigation. The investigator(s) may be an employee of NPU or an agent of the NPU, and will be properly trained in accordance with Title IX regulations. Determination will be made if the complaint should proceed under this Title IX/Sexual Misconduct policy or the University policy against Discrimination, Harassment and Retaliation.

3. The parties will be given sufficient time to review the Notice and to prepare a response before the initial investigatory interview with the investigator.
4. All parties may utilize an advisor to act as a resource during the grievance process. An advisor may, but need not be, an attorney. During the investigation, a party's advisor may be present at any time that party is being interviewed and may provide support to the party during the interview. However, during the investigation, the advisor may not speak on behalf of the party. A faculty respondent may utilize another member of the faculty as their advisor, but is not required to do so.
5. After being given sufficient time to review the Notice and prepare a response, the Investigator shall conduct an investigation that may include witness interviews and review of documents or other relevant evidence necessary to evaluate whether or not a policy violation occurred. Both parties will be provided an equal opportunity to produce inculpatory and exculpatory information and identify possible witnesses. No party will be restricted from discussing the allegations or presenting relevant evidence. NPU, chiefly through its investigator, shall have the burden of gathering information sufficient to reach a determination regarding responsibility. Nothing in this policy obligates the investigator to interview all of the witnesses designated by a party if such interviews would be duplicative or irrelevant.

Interviews for parties and all potential witnesses may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s), parties and/or witnesses determine that to be the most effective means. The University will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

6. At the conclusion of the investigation, the investigator shall provide both parties and their advisors with a copy of all relevant evidence. Each party will be given at least 10 days to review the evidence, and submit a written response (if any) for the investigator's consideration.
7. The investigator shall then prepare a written Investigation Report fairly summarizing the relevant evidence, and provide a copy to both parties. The investigator shall submit this Investigation Report to the parties no less than ten days before any scheduled hearing. Each party may submit a written response to the Investigation Report. The purpose of the Investigative Report is to summarize factual findings, not conclusions as to whether a policy violation occurred. The investigator may also make findings that go to the credibility and cooperation of witnesses.

## **E. Hearing Process**

1. NPU shall appoint a Decision Maker and Hearing Panel to preside over a live hearing, and Panel Members, not to exceed three (3) individuals to participate in the live hearing, to be conducted promptly after the conclusion of the investigation. The Decision Maker and

Panel Members may be an employee of the Institution other than the Title IX Coordinator, or a third-party agent of NPU. The Decision Maker and Panel Members shall be free of any conflict of interest pertaining to the parties, and will be properly trained in accordance with Title IX regulations. The Decision Maker and Panel Members shall presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

2. NPU shall make arrangements for the hearing to be recorded or otherwise transcribed. If requested by either party, NPU shall make arrangements for the hearing to be conducted such that the parties need not be physically present in the same room, but situated in such a way using technology that the parties and decision makers can simultaneously see and hear any party or witness answering questions.
3. Each party must have an advisor during the hearing. The advisor may, but need not be, an attorney. If a party does not have an advisor, NPU will assign the party an advisor without charge.
4. The hearing will not be open to the public, and attendance will be limited to the Decision Maker, Panel Members, investigator, the parties, their advisors and advocates, if requested, and relevant witnesses. Parents or legal guardians may be permitted to attend depending upon the circumstance, and each party will be given equal opportunity in this regard.
5. Relevant evidence shall be presented at hearing, including testimony from the investigator and all relevant witnesses. Each party, or their advisor, may ask the investigator and witnesses relevant questions. Whether or not evidence is relevant, or a question is relevant, lies within the sole discretion of the Decision Maker. Questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant unless offered: (1) to prove that someone other than the respondent committed the act; or (2) concern specific incidents of the complainant's prior sexual behavior with respondent for purposes of proving consent. The Decision Maker will evaluate all questions, and make a relevance determination before the question is answered. If the Decision Maker determines any evidence, or any question, is not relevant, they will state the basis for this finding before excluding the evidence or the question.
6. At the conclusion of the hearing, the Decision Maker and Panel Members will take the matter under advisement and promptly issue a written Determination Letter regarding responsibility, evaluating whether preponderance of evidence shows whether the respondent did or did not violate the Policy. The Decision Maker and Panel Members shall perform an objective evaluation of all relevant evidence, inculpatory and exculpatory, and shall avoid credibility determinations based on a person's status as a complainant, respondent or witness. The Determination Letter will: (1) identify the allegations potentially constituting sexual harassment; (2) describe the procedural steps taken since the formal complaint, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; (3) findings of fact supporting the determination; (4) conclusions regarding the Policy; (5) a statement, including the rationale for, the result as to each individual allegation including a

determination of responsibility; (6) any disciplinary sanctions imposed upon the respondent, and any remedy designed to restore or preserve equal access to the NPU's education program or activity; and (7) the procedure and permissible bases for either party to appeal the determination. The Determination Letter shall be provided to the parties simultaneously.

7. If a party is found responsible, the Decision Maker may consider the nature and severity of the violation, prior violations by the respondent, and statements from the complainant regarding the impact of the conduct when considering possible sanctions. Sanctions may include, but are not limited to:
  - a. Requirement of an apology
  - b. Written warning or letter of reprimand
  - c. No contact order between person who filed the accusation and the respondent
  - d. Release of the respondent from campus-controlled housing
  - e. Reassignment of one of the parties to a different residential location
  - f. Change of class schedule of one of the parties
  - g. Requirement to undergo additional training concerning sexual assault, sexual violence, and/or substance abuse
  - h. Requirement to participate in appointment(s) with a specialized counselor
  - i. Requirement for participation in community service related to prevention of sexual assault or violence
  - j. Placement on probation
  - k. Prohibition from participation in selected activities or organizations
  - l. Suspension from NPU
  - m. Dismissal from NPU
  
8. Any sanction will be imposed immediately unless implementation is temporarily stayed by the Title IX Coordinator, pending the outcome of any appeal. If neither party appeals the decision within 14 days of the release of the findings (see below), the sanction will be implemented upon expiration of the appeal deadline. If no stay is requested and no appeal is made, the decision of the Decision Maker will be final.

## **F. Dismissal of Formal Complaints**

1. NPU must dismiss a formal complaint if the conduct alleged: (1) would not constitute sexual harassment as defined by this Policy if proved; (2) did not occur in NPU's education program or activity, or in the United States.
  
2. NPU may dismiss a formal complaint if at any time during an investigation or hearing: (1) a complainant notifies the Title IX Coordinator in writing of their desire to withdraw the formal complaint or allegations within; (2) the respondent is no longer enrolled in or employed by NPU; or (3) specific circumstances prevent NPU from being able to gather sufficient information to reach a determination as to the formal complaint or allegations within it.

3. Dismissal of a formal complaint does not preclude action under any other NPU policy. For instance, with regard to a complaint against a faculty or staff member, depending upon the circumstances NPU may choose to proceed with disciplinary action regardless of the dismissal of a complaint under this policy.

## **G. Appeal Procedure**

1. While either party may appeal the Decision Maker's determination, appeals are limited to the following situations: (1) a procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time of the determination or dismissal was made, which could affect the outcome of the matter; or (3) the Title IX Coordinator, investigator, or Decision Maker or Panel Members had a conflict of interest or bias for or against a parties generally, or the individual complainant or respondent, that affected the outcome of the matter.
2. A party may appeal by submitting written notice of its desire to appeal ("Notice of Appeal"), which must include a brief, plain statement describing the permissible basis for appeal, within 14 days of the issuance of the Determination Letter.
3. Upon receipt of a timely Notice of Appeal, NPU shall assign an impartial Appeal Officer, free of any conflict of interest, to preside over the appeal. The investigator may be an employee of NPU or an agent of NPU, and will be properly trained in accordance with Title IX regulations.
4. Upon receipt of a timely Notice of Appeal, NPU shall provide written notice of the appeal to all parties. Each party will be given 15 days to prepare and submit a written statement in support of, or challenging, the Determination Letter.
5. The Appeal Officer shall review all written statements, and in turn, issue a written statement regarding their decision with respect to the appeal, describing the rationale for their decision ("Appeal Determination"). The Appeal Determination will be provided to the parties simultaneously. The Appeal Determination is final.
6. During the appeal process, NPU will make available reasonable and equitable supportive measures based upon the specific needs of the parties, if any.

## **H. Informal Resolution**

1. Except where an employee is alleged to have engaged in sexual harassment as to a student, the parties may mutually agree to informally resolve a formal complaint at any time before a Determination Letter is issued.
2. If a party wishes to explore informal resolution, NPU shall issue a notice to all parties describing the informal resolution process, the allegations, the requirements of the informal resolution process, that any party may withdraw from the informal resolution process

before it is completed, and how any records generated as part of the informal resolution process will be maintained.

3. To complete informal resolution, the parties must voluntarily consent to informal resolution in writing.
4. The Title IX Coordinator may look to the following factors to assess whether informal resolution is appropriate:
  - The parties' amenability to informal resolution;
  - Likelihood of potential resolution, taking into account any power dynamics between the parties;
  - The parties' motivation to participate;
  - Civility of the parties;
  - Results of a violence risk assessment/ongoing risk analysis;
  - Disciplinary history;
  - Whether an emergency removal is needed;
  - Skill of the informal resolution facilitator with this type of allegation;
  - Complaint complexity;
  - Emotional investment/capability of the parties;
  - Rationality of the parties;
  - Goals of the parties;
  - Adequate resources to invest in informal resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by informal resolution are not appealable.

## **I. Continuances**

A request to continue or reschedule a hearing or other event under this policy will be granted if all parties consent to the request. If a party does not consent, the request will only be granted for good cause shown.

## **J. Failure to Comply With Sanctions**

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including the Appeal Chair/Panel).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the University and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

## **Section 9. False Claims**

A complaint or report that NPU's Title IX and Sexual Misconduct Policy has been violated is a serious matter. Dishonest complaints or reports, or knowing submission of false information, tampering with or destroying evidence, are also against our policy, and NPU will take appropriate action up to and including expulsion if its investigation determines that deliberately dishonest and/or bad faith accusations have been made. Note that insufficient proof that sexual violence has occurred is not the same as a false allegation.

## **Section 10. Retaliation Prohibited**

Retaliation is defined as any effort to intimidate, threaten, coerce, or discriminate against any individual: (1) for making a report or complaint under this Policy, or for testifying, assisting, participating, or refusing to participate in any investigation or hearing under this Policy; or (2) for the purpose of interfering with the Grievance Procedure. The terms "intimidate, threaten, coerce, or discriminate" include charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances contained in a report or complaint of sexual harassment. If anyone involved in the investigative process (complainant, respondent, witness) feels that they are experiencing retaliation, they should report that activity to a Designated Reporting Officer, and the allegation will be dealt using the Grievance Procedure in this Policy, and if an individual is found responsible they will be subject to sanctions.

## **Section 11. Retention of Records**

All records of reports, complaints, supportive measures, investigations, hearings, outcomes, sanctions, and appeals will be retained for seven years. Records will be kept in a confidential and secure location and only made available to Designated Reporting Officers, other appropriate NPU officials, or other authorized individuals as required by law. NPU will also maintain any and all records in accordance with state and federal laws.

## **Section 12. Prevention and Education**

NPU provides all members of the student body, faculty, and staff with training concerning prevention of sexual harassment, substance abuse, domestic violence, and stalking through programming and educational activities throughout the academic year.

## **Section 13. Interplay with Faculty/Staff Policies**

NPU may take employment disciplinary actions up to and including discharge of employment of a faculty or staff member that is the subject of a complaint under this policy. NPU need not wait until the final adjudication under this policy to take such disciplinary action. If the faculty or staff member wishes to file a grievance in connection with such disciplinary action, they may do so



after the conclusion of the investigation, grievance, and hearing process. NPU may rely upon the information collected in the investigation of a complaint under this policy in connection with any disciplinary grievance. In any case, NPU will not re-hear facts or issues already adjudicated under this policy in a subsequent disciplinary grievance.

## **Section. 14 Local Resources**

1. Porchlight Counseling Services  
847.328.6531(office)  
773.730.7077(helpline)  
<http://www.porchlightcounseling.org>
2. RAINN: Rape, Abuse & Incest National Network  
RAINN is the nation's largest anti-sexual assault organization. 800.656.HOPE (helpline)  
<https://www.rainn.org/>
3. Resilience 312.443.9603 or 888.293.2080  
<http://www.ourresilience.org/>
4. Swedish Hospital (Closest Medical Facility) 773.878.8200  
<http://www.swedishcovenant.org/>
5. YWCA - Sexual Assault Support Services  
Operating 24 hours a day, 7 days a week, the Rape Crisis Hotlines provide free numbers where survivors of sexual assault and their significant others can call to receive confidential, immediate assistance.  
888.293.2080  
<http://www.ywcachicago.org/>

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