Table of Contents

TITLE IX/SEXUAL MISCONDUCT POLICY AND COMPLAINT PROCEDURES FOR STUDENTS, FACULTY AND STAFF................................................................. 1

I. PURPOSE .......................................................................................................................... 3

II. POLICY .......................................................................................................................... 4

   NOTICE OF NONDISCRIMINATION ............................................................................. 4

   RETALIATION PROHIBITED ....................................................................................... 4

   APPLICATION OF THIS POLICY .................................................................................. 4

   PREGNANCY .................................................................................................................. 5

   ATHLETICS ..................................................................................................................... 5

   RESPONSIBLE EMPLOYEES ....................................................................................... 5

III. CONFIDENTIAL RESOURCES .................................................................................... 6

   ACCOMMODATIONS ...................................................................................................... 7

   EVIDENCE COLLECTION ............................................................................................ 8

IV. ADDITIONAL RESOURCES ......................................................................................... 8

V. PROHIBITED CONDUCT - DEFINED ........................................................................... 9

VI. REPORTING OPTIONS ................................................................................................ 11

   FILE A TITLE IX COMPLAINT WITH THE UNIVERSITY .......................................... 12

   FILE A POLICE REPORT ............................................................................................. 13

VII. TITLE IX INVESTIGATION PROCESS AND PROCEDURES ................................... 14

   INVESTIGATIVE TIMEFRAME AND FLOWCHART .................................................... 14

   INTERIM PROTECTIVE MEASURES ......................................................................... 14

   VOLUNTARY INFORMAL RESOLUTION MECHANISMS ....................................... 15

   AMNESTY PROVISION ............................................................................................... 15

   CONFIDENTIALITY AND ANONYMITY .................................................................... 15

   RIGHT TO PRIVACY ..................................................................................................... 15

   STANDARD OF EVIDENCE ......................................................................................... 16

   ROLE OF INVESTIGATORS ......................................................................................... 16

   STATEMENT OF TIME FRAME LIMITATIONS .............................................................. 16

   PRESENCE OF SUPPORT PERSONS ........................................................................... 16

   INVESTIGATION RULES .............................................................................................. 16

   APPEAL OF INVESTIGATION DECISION ................................................................... 18

   SANCTIONS FOR STUDENT RESPONDENTS ............................................................... 18

   SANCTIONS FOR EMPLOYEE AND THIRD-PARTY RESPONDENTS .......................... 20

   REMEDIES ................................................................................................................... 22

VIII. TITLE IX COORDINATOR AND DEPUTY TITLE IX COORDINATORS .......................... 23

IX. EXTERNAL AGENCIES ................................................................................................ 24

X. RELATED DEFINITIONS .............................................................................................. 24
I. Purpose

The mission of Northern Illinois University (NIU or “the university”) is to empower students through educational excellence and experiential learning as we pursue knowledge, share our research and artistry, and engage communities for the benefit of the region, state, nation and world. Pursuant to this mission, it is therefore crucial for the university to ensure that all members of its community have the right to learn and work in the safest possible community and environment and to be free from all forms of sex discrimination. *Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.* ("Title IX") provides, in part, that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” This policy governs the university’s response to sex discrimination in accordance with Title IX as advised by the Department of Education’s Office for Civil Rights.

Sex discrimination includes sexual misconduct in the form of sexual harassment, sexual abuse, sexual assault, intimate partner violence, stalking and gender/sex-based harassment or discrimination; all of which represent conduct/behavior that is prohibited by this policy. Sex discrimination also includes discrimination on the basis of pregnancy or related medical conditions. (See *Pregnancy* section below.)

Any student or university employee (including, but not limited to, faculty, supportive professional staff, civil service staff, extra help, and student employees) who engages in conduct prohibited by this policy will be required to participate in appropriate corrective measures. Additionally, visitors and guests are expected to conduct themselves in a manner that does not infringe on the rights of others. The procedures contained in this policy will be used to provide resources for allegations of sexual misconduct involving faculty, staff or students. This is intended to be consistent with the preamble to the NIU constitution which declares, “Respect for the intrinsic dignity of each member of the university community, both by the university itself and by each member of that community, is the basic cornerstone governing all community activities.”

Throughout these procedures, all persons involved should exercise discretion in receiving and transmitting information. All complaints and allegations filed in accordance with this policy will be examined in a fair and equitable manner and in accordance with applicable federal and state laws. As warranted by the facts of the situation and in coordination with the organizational areas involved, suitable corrective action will be implemented whenever sex discrimination in the form of sexual misconduct or retaliation for opposing conduct/behavior that is believed to be unlawful or a form of sex discrimination occurs. All disciplinary actions will be performed in accordance with applicable procedural and substantive due process principles and personnel procedures as stated by this or other applicable university policies.

An investigation of sexual misconduct may also result in a criminal investigation by the university, which is separate and apart from the standard university due process procedures. Employment-related matters or resolutions resulting from any employment discrimination or Title IX complaint will be conducted independent of any applicable criminal investigation. Student Conduct may conduct an independent review of any matter to determine if a separate student conduct violation occurred. Such a review would be conducted pursuant to the Student Code of Conduct to address violations outside of any sexual misconduct.
II. Policy

*Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.* provides in part:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

NIU has jurisdiction over all students and university employees who engage in sexual misconduct at NIU or within the educational programs and activities that NIU offers.

**Notice of Nondiscrimination**

Academic and employment decisions based upon sex or gender and/or acts of sexual misconduct are forms of unlawful sex discrimination under Title IX and additional federal and state laws. Such decisions are prohibited under this and other policies of NIU. The university does not discriminate on the basis of sex, gender or gender identity in any phase of its educational or employment programs; the university is required by Title IX and other applicable laws not so to discriminate.

**Retaliation Prohibited**

Retaliation against any individual who opposes what they believe to be discrimination on the basis of sex or sexual misconduct is prohibited by this policy. Any person who is found to have retaliated against another for engaging in a protected activity, such as making a report or complaint of sexual misconduct, being a witness for purposes of any such investigation, or being otherwise involved in the complaint or investigative process (including the respondent), will be subject to discipline up to and including termination or expulsion. Retaliation may occur even if no responsibility is found for the underlying basis of the complaint or investigation. Retaliation should be reported immediately to Sarah Garner, Title IX Coordinator, Ethics and Compliance Office, Health Services 230, 815-753-5560, titleixcoordinator@niu.edu, or electronically at go.niu.edu/file-retaliation.

**Application of this Policy**

This policy applies to all students, faculty, staff and third parties, regardless of race, color, national origin, ancestry, sex, religion, age, physical or mental disability, marital status, veteran status, sexual orientation, gender identity, gender expression, political affiliation or any other factor unrelated to professional or educational qualifications.

This policy also applies to all conduct in any academic, educational, extracurricular, athletic or other university program or activity, whether those programs or activities occur in university facilities or on- or off- campus. Even if the sexual misconduct did not occur in the context of an education program or activity, NIU will consider the effects of the off-campus sexual misconduct when evaluating whether there is a hostile environment on-campus or in an off-campus education program or activity. Should the university become aware that any contractor, vendor, partner or other affiliate engages in sexual misconduct, it will take appropriate action, up to and including termination of the business relationship or partnership.

The university reserves the discretion to investigate a complaint involving an employee of the university pursuant to the procedures contained in the Nondiscrimination, Harassment and Retaliation Policy and Procedures for Students, Faculty and Staff. However, this policy serves primarily as the governing document for the Ethics and Compliance Office (ECO) to conduct investigations of sexual misconduct involving employees and students.
Pregnancy
The university prohibits discrimination against students, faculty and staff based on pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery from any of these conditions. For more information about pregnancy-related accommodations contact the Dean of Student’s Office, Altgeld Hall 208, 815-753-6100, DeanofStudents@niu.edu. If a student or employee believes they have been discriminated against or harassed because of pregnancy, please refer to the Nondiscrimination, Harassment and Retaliation Policy and Procedures for Students, Faculty and Staff.

Athletics
NIU faculty, staff and students with questions concerning the application of Title IX to the university’s intercollegiate athletic programs and activities may contact Debra Boughton, Intercollegiate Athletics, Deputy Title IX Coordinator for Athletics, 1525 W. Lincoln Highway, DeKalb, IL 60115, 815-753-9541, dboughton1@niu.edu.

Responsible Employees
The university is obligated to address acts of sexual misconduct of which a responsible employee knew or should have known occurred. A “responsible employee” is any employee who:

1) Has the authority to take action to address sexual misconduct,
2) Has been given the duty of reporting incidents of sexual misconduct or any other misconduct by students, or
3) A student could reasonably believe has this authority or duty.

At NIU, “responsible employees” include, but are not limited to, faculty members, administrators (deans, department chairs, directors, vice presidents, etc.), community advisors (CAs), residence life administration, complex coordinators, hall directors, faculty advisors, police officers, building service workers, dining hall employees and administrative professionals. If an employee is unsure whether they are a responsible employee, they are required to contact the Title IX Coordinator.

Reporting Obligations of Responsible Employees
A responsible employee must report to the Title IX Coordinator all relevant details of sexual misconduct that an individual has shared with them. This includes the names of the respondent (if known); the student or other person who experienced the sexual misconduct; others involved in the sexual misconduct; as well as relevant facts including the date, time and location of the incident. Definitions of sexual misconduct can be found in the Prohibited Conduct – Defined section of this policy. Reports can be made online at go.niu.edu/FileTitleIX.

A report to the Title IX Coordinator may not automatically initiate a formal investigation. Rather, the purpose of this reporting obligation is to ensure that students and employees are aware of their rights and options to address what they may have experienced, including the ability to obtain advocacy services. Additionally, it is a mechanism to report potential forms of sexual misconduct to the Title IX Coordinator to provide them with information about the campus climate regarding sexual misconduct.

Before a person reveals information that they may wish to keep confidential, a responsible employee should make every effort to ensure that the person understands:

1) The employee’s obligation to report the information that the person shares with the Title IX Coordinator regarding the incident, including the name of the respondent and person involved in the sexual misconduct.
2) The person’s ability to obtain confidential resources, including an advocate.
3) The person’s rights and options to formally report what they experienced, including a complaint to the Title IX Coordinator or law enforcement.
A responsible employee’s failure to report sexual misconduct to the Title IX Coordinator is considered a violation of this policy and may lead to discipline, up to and including suspension and termination.

**Training and Education**

In compliance with the *Illinois Preventing Sexual Violence in Higher Education Act* (110 ILCS 155) and *Illinois State Officials and Employee Ethics Act* (5 ILCS 430), all employees must complete annual Title IX/Sexual Misconduct training. Such training should include, but is not limited to, the Title IX Policy, effects of trauma on a survivor, consent, retaliation, reporting options, available support services, and strategies for bystander intervention and risk reductions.

Additional annual training on the issues related to sexual misconduct is provided to those involved in the receipt and resolution of Title IX complaints, including, but not limited to, coordinators, investigators, resolution officers, hearing officers, appeal agents, confidential resources/advisors and law enforcement. The training, at minimum, includes the types of sexual misconduct that constitute a violation of this policy and how to conduct an investigation or hearing that protects the safety of all parties involved.

**Child Abuse and Neglect**

All staff and faculty must report suspected or known child abuse to the *Illinois Department of Children and Family Services (DCFS)*. 325 ILCS 5/4. Accordingly, all employees of NIU must report suspected sexual misconduct perpetrated against those under the age of 18 to DCFS. The DCFS hotline is 800-252-2873. For additional information visit niu.edu/publicsafety/resources/DCFS.

**III. Confidential Resources**

Seeking assistance via confidential resources means that these resources will not provide notice of the incident to the university, an investigation into the matter will not result and the matter will remain confidential to the extent permissible by law. Conversations with confidential resources are not disclosed to others, including police or university officials.

Below is a list of resources available to students and employees who have been subjected to sexual misconduct. A report or complaint is not necessary to utilize these resources.

**NIU Coordinator for Advocacy Services (Confidential Advisor):** on-campus, free and for students

Counseling and Consultation Services, Campus Life 200, 815-753-1206, go.niu.edu/advocacy

- Informs the student of their choice of possible next steps regarding reporting options and possible outcomes, including the Title IX process and notifying local law enforcement.
- Notifies the student of on- and off-campus resources and services available, including, but not limited to, student services available at NIU and through community-based resources, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services, and mental health services.
- Informs the student of their rights and NIU’s responsibilities regarding orders of protection, no contact orders or similar lawful orders issued by NIU or a criminal or civil court.
- Provides confidential services to and has privileged, confidential communications with students impacted by sexual misconduct.
- Upon the student’s request and as appropriate, liaises with campus officials, community-based sexual assault crisis centers, or local law enforcement and, if requested, assists the student with contacting and reporting to campus officials, campus law enforcement, or local law enforcement.
Upon the student’s request, liaises with the necessary campus authorities to secure interim protective measures and accommodations for the student.

**Note:** The Confidential Advisor is designated to receive confidential reports for inclusion in the Annual Safety and Security Report. The identity of the reporting party will not be disclosed when making the report for inclusion purposes.

**Safe Passage**, off-campus, 24-hour, free for students and employees
Community-Based Sexual Assault and Domestic Violence Crisis Center, 815-758-7922, safepassagedv.org
- Provides confidential advocacy for students, including the ability to explain an individual’s rights and options regarding reporting to the Title IX Coordinator and/or law enforcement.
- Assists individuals on how to request changes to off-campus living, transportation and working situations or protective measures, regardless of whether they choose to report the crime to campus police or local law enforcement.
- Trained legal advocates assist individuals with completing the paperwork necessary to obtain orders of protection and assist them as they navigate the legal system.
- Supports individuals when they arrive in the emergency department for medical evaluation and/or evidence collection.
- Provides confidential services to and has confidential communications with individuals impacted by sexual misconduct.

**Employee Assistance Program**, on-campus, free for employees
Holmes Student Center 7th Floor, 815-753-9191, go.niu.edu/eap
- Informs the employee of possible next steps regarding reporting options and possible outcomes, including the Title IX process and notifying local law enforcement.
- Notifies the employee of resources and services available, including, but not limited to, services available on campus and through community-based resources, sexual assault crisis centers, medical treatment facilities, counseling services, legal resources, medical forensic services and mental health services.
- Informs the employee of their rights and NIU’s responsibilities regarding orders of protection, no contact orders or similar lawful orders issued by NIU or a criminal or civil court.
- Provides confidential services to and has privileged confidential communications with employees impacted by sexual misconduct.
- Upon the employee’s request and as appropriate, liaises with campus officials, community-based sexual assault crisis centers or local law enforcement and, if requested, assists the employee with contacting and reporting to campus officials, campus law enforcement, or local law enforcement.
- Upon the employee’s request, liaises with the necessary campus authorities to secure interim protective measures and accommodations for the survivor.

**Accommodations**
Accommodations are available on a confidential basis to students or employees who have been subjected to sexual misconduct. Accommodations may include changes to the impacted student’s or employee’s academic, living, transportation and working situations. Accommodations do not require the filing of a formal complaint to the university and/or law enforcement. Examples of accommodation include the following:
- Academic: transfer to a different section of a class, or withdraw and take a class at another time.
- Living: moving to a different room or residence hall.
- Work: changing working hours.
- Transportation: the ability to park in a different location, assisting the student or employee with a safety escort.
The Coordinator for Advocacy Services, Safe Passage or the Employee Assistance Program can assist an individual in requesting accommodations from the appropriate university official. For example, if a student is seeking an extension to a deadline for an assignment, the professor is the appropriate university official able to determine the reasonableness of the accommodation. Additionally, if the student or employee is seeking an escort to and from their vehicle, the NIU Department of Police and Public Safety is the appropriate university official.

The university will maintain as confidential any accommodations provided to the individual subjected to sexual misconduct, to the extent that maintaining such confidentiality would not impair the ability of the university to provide the accommodation. At the individual's request, and to the extent of their cooperation and consent, university offices will work cooperatively to assist them in obtaining accommodations.

To request changes to academic, living, transportation and/or working situations, contact the Confidential Advisor at 815-753-1206 for students, the Employee Assistance Program at 815-753-9191 for employees, or Safe Passage at 815-756-5228 for employees and students.

Evidence Collection
Collecting evidence may be necessary for criminal prosecution and may be helpful in obtaining an order of protection. It is recommended not to bathe, wash one’s hands, use the restroom, drink, smoke, change clothing or brush one’s teeth before seeking medical attention.

The nearest hospital to the DeKalb campus is Northwestern Medicine Kishwaukee Hospital, located at 1 Kishwaukee Hospital Drive, DeKalb, IL, 815-756-1521, www.nm.org/locations/kishwaukee-hospital. NIU Police may provide transportation to the hospital. The Hospital provides trained nurses to collect evidence at no cost for individuals who have been sexually assaulted or abused, pursuant to the Sexual Assault Survivors Emergency Treatment Act. Upon arrival at the hospital, an advocate from Safe Passage will be available to assist the individual in understanding what to expect and answering any questions they may have.

IV. Additional Resources

The below chart has additional information regarding available services to employees and students on-campus and within the community.

<table>
<thead>
<tr>
<th>On-Campus Resources</th>
<th>Type of Services Available</th>
<th>Service Provider</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling / Mental Health</td>
<td>Counseling and Consultation</td>
<td>*NIU Counseling and Consultation Services</td>
<td>815-753-1206</td>
</tr>
<tr>
<td></td>
<td>Counseling and Mental Health</td>
<td>*NIU Employee Assistance Program</td>
<td>815-753-9191  <a href="mailto:EmployeeAssistance@niu.edu">EmployeeAssistance@niu.edu</a></td>
</tr>
<tr>
<td></td>
<td>Psychological Services</td>
<td>*NIU Psychological Services Center</td>
<td>815-753-0591</td>
</tr>
<tr>
<td>Health</td>
<td>Health Services</td>
<td>*NIU Student Health Clinic</td>
<td>815-753-1311</td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td>Advocacy Services</td>
<td>*NIU Dean of Students Office</td>
<td>815-753-1573  <a href="mailto:DeanofStudents@niu.edu">DeanofStudents@niu.edu</a></td>
</tr>
<tr>
<td>Respondent Advisor</td>
<td>Advising Services</td>
<td>NIU Dean of Students Office</td>
<td>815-753-1573  <a href="mailto:DeanofStudents@niu.edu">DeanofStudents@niu.edu</a></td>
</tr>
<tr>
<td>Legal Assistance</td>
<td>Consultation, Advocacy and Court Representation Services</td>
<td>*NIU Students' Legal Assistance</td>
<td>815-753-1701  <a href="mailto:studentslegal@niu.edu">studentslegal@niu.edu</a></td>
</tr>
</tbody>
</table>
V. Prohibited Conduct - Defined

Any student or employee found to have committed or to have attempted to commit the following forms of sexual misconduct is in violation of this policy and will be subjected to disciplinary sanctions outlined herein.

A. Intimate partner violence

Any act of violence or threatened act of violence against a person who is in, or has been involved in, a sexual, dating, domestic, or other intimate relationship with the Respondent. This can include one or more acts of physical violence or sexual violence, or a pattern of emotional or economic abuse. For Clery purposes, intimate partner violence is classified as domestic violence or dating violence.

Examples:

- Your partner slaps and pushes you during an argument.
• A person that you regularly have sexual intercourse with repeatedly calls you derogatory names and isolates you from your friends.
• A person that you share a child with hits you with an object.

B. Gender discrimination
Being treated unfavorably or being subjected to adverse treatment because of one’s gender, gender identity or gender expression.

Examples:
• You were denied a job based on your gender-related appearance.
• Your professor or supervisor repeatedly refuses to call on you because of your disclosed pronouns.

C. Gender harassment
Unwanted or unwelcomed conduct based on one’s gender, gender identity or gender expression that is severe or pervasive enough to interfere with the student’s or employee’s educational or work performance or creates a hostile, intimidating or offensive educational or work environment.

Examples:
• Your roommate calls you derogatory names because of your gender-related appearance.
• A person repeatedly prevents you from using the restroom of the gender of which you identify.

D. Retaliation
Being subjected to an adverse action because of one’s engagement in a protected activity.

Examples:
• You were fired from your job because you filed a Title IX Complaint.
• You are being harassed because you helped your friend contact the police department.

E. Sex discrimination
Being treated unfavorably or being subjected to adverse treatment because of one’s sex or sexual orientation.

Examples:
• Your classmates stop talking to you, ostracize you from group projects, and gossip about you because you have a same-sex partner.
• You were denied a position as a Graduate Assistant because you are a female.
• Your professor will not call on you because you are the only male in the class.

F. Sexual abuse
Knowingly engaging in physical contact of a sexual nature with another individual without their consent (see definition of “Consent” in Related Definitions section). This includes touching the intimate parts of another, touching a person with one’s own intimate parts, forcing a person to touch another’s intimate parts, forcing a person to touch their own intimate parts, or exposing or undressing another without their consent. Intimate parts include the breasts or chest, genitals, buttocks, groin, or mouth, including the clothing covering such areas.

Examples:
• A classmate grabbed your buttocks as you were walking out of class.
• Your roommate’s friend kissed you by the use of force.
• An individual takes your hand and forces you to touch your genitals.

G. Sexual assault
Having or attempting to have sexual intercourse with another individual without their consent (see definition of “Consent” in Related Definitions section). This includes vaginal or anal penetration, however slight, with a body part (penis, tongue, finger, or hand) or object, or oral penetration involving mouth to genital contact.

Examples:
• An individual inserts their penis into your vagina while you are incapacitated from alcohol consumption.
• Your roommate performs oral sex on you while you are asleep.
• While consensually kissing, your friend anally penetrates you without seeking or receiving consent.

H. Sexual exploitation
When an individual(s) takes non-consensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, or behavior that does not otherwise constitute one of the other sexual misconduct offenses within this policy.

Examples:
• Your roommate spies on you while you are showering.
• Your friend secretly hides in the closet while you and your partner engage in sexual intercourse.
• An individual exposed their genitals to you as you walk down the hallway.
• A former partner sent nude pictures of you to their friends without your permission.

I. Sexual harassment
Unwanted or unwelcomed conduct based on one’s sex or sexual orientation that is severe or pervasive enough to interfere with the student’s or employee’s educational or work performance or creates a hostile, intimidating or offensive educational or work environment.

Examples:
• A coworker repeatedly telling you dirty jokes while at work making you feel uncomfortable.
• A friend locking you in your room and demanding you engage in sexual intercourse with them.
• Your roommate repeatedly questioning you about intimacy with your same-sex partner after you told them to stop.

J. Stalking
Knowingly engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts in which a person directly, indirectly or through third parties: follows, monitors, observes, surveils, threatens, communicates to or about another or interferes with another’s personal property by physical acts or electronic means, such as a computer or cell phone.

Examples:
• Your former partner showing up to your classes the entire week after the relationship ended.
• An individual following you on-campus to areas that you frequently go to.
• A classmate calling you and threatening to harm you if you do not go on a date with them.

Note: Definitions used by law enforcement for purposes of criminal investigation and prosecution may differ. Please consult with the respective law enforcement agency and/or advocate about what conduct constitutes a crime according to the Illinois Criminal Code.

VI. Reporting Options
Any student or employee who witnesses or experiences what they believe is a form of sexual misconduct as defined by this policy is strongly encouraged to,

1. File a Title IX complaint with the university.
2. File a police report with law enforcement.
Responsible employees, as discussed herein, are required to submit a report at go.niu.edu/FileTitleIX.

**File a Title IX Complaint with the University**

**Who May File a Title IX Complaint**

Any university student, employee, third-party or bystander on any NIU campus, or those acting on another’s behalf (e.g., departments, parents or guardians), may file a Title IX complaint to report acts of sexual misconduct in the treatment of students, employees or third-parties. A Title IX complaint may also concern retaliation for filing a complaint or participating in an investigation relating to acts of sexual misconduct.

**How to File a Title IX Complaint**

A formal Title IX complaint can be filed using one of the following options:

- **File an Electronic Report**: An employee or student may file a Title IX complaint by completing the online incident report located at go.niu.edu/FileTitleIX. Within 12 hours after filing an electronic report, the reporting party and identified claimant will receive information about available rights and options to address the sexual misconduct. This information will be sent to both individuals via the identified emails in the report.

- **Contact the Title IX Coordinator**: The Title IX Coordinator may be contacted for an appointment to discuss the nature of the complaint, during which the employee/student should be prepared to discuss all factual circumstances and information upon which the Title IX complaint is based. This includes the names of the respondent (if known), the student or other person(s) who experienced the sexual misconduct, others involved in or witnesses to the sexual misconduct, as well as relevant facts, including the date, time and location. The Title IX Coordinator will determine whether a Title IX investigation, further inquiry, follow-up or other resolution methods are warranted.

Additional documents may be submitted with the Title IX complaint (e.g., police report, emails), but are not required.

**What to Expect if a Title IX Complaint is Filed**

If a formal Title IX complaint is filed, an initial review of the complaint will be conducted by the Title IX Coordinator or designee to determine if there is enough information, evidence, or facts to warrant a Title IX investigation, further follow-up, inquiry or resolution. If necessary, the Title IX Coordinator or designee will conduct a meeting with the claimant in a private setting and provide the claimant with information regarding all available options and services.

The issue of confidentiality and retaliation will also be discussed with the claimant. The claimant will have an opportunity to discuss the investigation process and ask questions regarding the possible outcomes and next steps in the process. The Title IX Coordinator or designee will review the facts of the incident with the claimant and develop a list of witnesses who can provide information regarding the incident. The claimant will also be provided with information on how to file a police report. Furthermore, an assessment of whether further involvement by the university police is warranted will also be performed by the Title IX Coordinator or designee.

The university expects that all Title IX complaints will be filed in good faith. All incidents of sexual misconduct will be taken seriously by the university when formally reported, and such incidents will be assessed in accordance with the procedures contained herein.
File a Police Report
Who May File a Police Report
Any student, employee, third-party or bystander may file a police report by contacting the NIU Department of Police and Public Safety or the DeKalb Police Department. The NIU Department of Police and Public Safety will forward the report to the Title IX Coordinator or designee.

Note: A police report with campus police or the DeKalb Police Department can be filed at any time and is encouraged in cases of sexual violence, including but not limited to incidents of intimate partner violence, sexual assault, stalking and/or sexual abuse.

How to File a Police Report
A police report may be filed using the contact information listed below:

FOR AN EMERGENCY: Dial 911.

For incidents that occur on campus:
NIU Department of Police and Public Safety
395 Wirtz Drive
DeKalb, IL 60115
Nonemergency: 815-753-1212
niupd@niu.edu
niu.edu/publicsafety

For incidents that occur off campus:
DeKalb Police Department
700 West Lincoln Highway
DeKalb, IL 60115
Nonemergency: 815-748-8400
dekalb.police@cityofdekalb.com
cityofdekalb.com/184/Police-Department

For incidents that occur off-campus and outside of DeKalb, individuals are encouraged to contact the local police department in the city where the incident occurred.

What to Expect if a Police Report is Filed
Anyone who goes to the NIU Department of Police and Public Safety to report an incident will meet with a police officer to discuss the incident. The police officer will provide information related to available on- and off-campus services and resources. The police officer may also accompany individuals to the hospital for evidence gathering or provide transportation if it is otherwise unavailable. An official police report will then be generated. The police officer will notify the Title IX Coordinator that an instance of alleged sexual misconduct has occurred.

If the incident is determined to be criminal in nature, the police may continue to investigate the matter. After the investigation is complete, criminal charges may be brought against the alleged offender. The identified victim may be asked to sign a formal criminal complaint against the alleged offender. No one can be required to sign a formal criminal complaint.

If a formal criminal complaint is signed, the DeKalb County State’s Attorney will become involved in the matter. A warrant for the respondent’s arrest may be issued, if they were not already arrested.

A police report or formal criminal complaint are not considered formal complaints with the university. While the Title IX Coordinator or designee is advised of all police reports made to the NIU Department of Police and Public Safety involving alleged sexual misconduct, the Title IX Coordinator might not be informed of police reports from other police departments or law enforcement agencies.
Individuals may obtain assistance making a criminal report or complaint by contacting the **Confidential Advisor** at **Counseling and Consultation Services**, 815-753-1206, or a **Safe Passage designee**, 815-756-5228. See above **Confidential Resources** section for more information.

**VII. Title IX Investigation Process and Procedures**

The procedures outlined in this document may proceed independent of any other university grievance or disciplinary procedure provided for elsewhere by the university including, but not limited to, faculty/staff university grievance process, nondiscrimination/harassment complaint process, grade appeal process, student conduct process, student grievance process and collective bargaining/union grievance processes. The procedures herein will also proceed independent of any police investigation.

Where an act in violation of this policy occurs in addition to other acts that may violate university policy, both bases for violations of university policies may be investigated and disciplined accordingly.

In all cases, the final decision on whether, how and to what extent the university will conduct an investigation, and whether other measures will be taken in connection with any allegation of sexual misconduct, rests primarily with the discretion of the Title IX Coordinator or designee.

All reports and complaints of sexual misconduct are assumed to be made in good faith. However, if the evidence establishes that the report or complaint was intentionally falsely made, corrective action will be taken, up to and including termination of the employment or educational relationship. Moreover, all individuals are expected to be truthful during the procedures contained in this policy. The misrepresentation of facts or filing a false report may be considered a violation of this policy. Further, attempts to persuade others not to participate in an investigation or to apply pressure not to cooperate fully may also constitute a violation of this policy.

**Investigative Timeframe and Flowchart**

The Title IX complaint will be investigated by the Title IX Investigator(s) in a reasonably prompt timeframe. Generally, the university attempts to investigate a complaint within 60 days. However, circumstances such as the extent of evidence and availability of parties may require a longer timeframe. A flowchart representing the steps of a Title IX Investigation is found at go.niu.edu/TitleIXFlowchart.

**Interim Protective Measures**

Interim protective measures are available pending completion of the investigation and may limit or restrict the respondent’s access to university facilities and/or whereabouts. Examples of interim protective measures are the issuance of a no-contact order between the respondent and claimant, transfer to a different residence hall, banishment from certain on-campus locations, and changing an academic schedule.

Upon receipt of a complaint of sexual misconduct, the Title IX Coordinator or designee will review the details of the complaint and provide information to the claimant about the availability of interim protective measures. An interim protective measure involving a student respondent is issued by the Title IX Coordinator and implemented by Student Conduct. Upon issuance, the parties will be notified in writing about the interim protective measure. The individual that is subjected to the interim protective measure (i.e. the person whose access has been limited or restricted) has the opportunity to appeal the order within two (2) business days to the Associate Vice President of Student Affairs and Dean of Students.
An interim protective measure involving an employee respondent is issued by the Title IX Coordinator. Upon issuance, the parties will be notified in writing about the interim protective measure.

The university is responsible for complying with external orders of protection, no-contact orders, restraining orders—and similar lawful orders issued by a criminal, civil or tribal court. If a student or employee obtains a lawful order, it is recommended that they maintain a copy in their possession and provide the NIU Department of Police and Public Safety with a copy.

**Voluntary Informal Resolution Mechanisms**

If the investigator(s) believe the matter may be resolved by informal means and both the claimant and respondent are in agreement with such resolution, the investigator(s) will consult with the Title IX Coordinator to determine whether an informal resolution (including the terms of the resolution) is appropriate. The investigator will send notice of the terms to the claimant and respondent. If the respondent agrees to the terms, they will be required to comply with the terms. Failure to comply may result in the opening of a formal investigation, a hold on their student account, and/or a referral to Student Conduct. The claimant or respondent may end informal resolution mechanisms and initiate a formal investigation at any point. The university reserves the right to ensure that any resolution is designed to stop problematic behavior.

*Note: Informal means of resolution may not be available in cases of sexual assault or abuse.*

**Amnesty Provision**

Amnesty aims to remove the barriers that may prevent an individual from reporting an incident of sexual misconduct or from participating as a witness in an investigation with the university. If an individual reports an incident of sexual misconduct, in good faith, or participates in an investigation as a witness, the Title IX Coordinator will not pursue disciplinary action for that individual for a separate university policy violation, such as underage drinking, that is revealed in the course of the report and/or participation. However, if the separate violation was egregious, including, but not limited to an action that places the health or safety of any other person at risk, amnesty may not be afforded by the Title IX Coordinator.

**Confidentiality and Anonymity**

A student or employee may request to remain completely anonymous. A student or employee may also request that their name or details surrounding the incident not be disclosed during an investigation process, which is called a request for confidentiality. If a request of confidentiality is made, the Title IX Coordinator will determine if confidentiality can be afforded. Where there is a likelihood of further harm to the claimant and/or the campus community, confidentiality may not be honored. The Title IX Coordinator may also consult with appropriate university officials regarding the request for confidentiality.

When confidentiality of the claimant is maintained or the claimant’s identity is unknown (*i.e.* anonymous), the university’s ability to respond and take appropriate disciplinary action may be impeded. Nevertheless, the university will attempt to provide resources as provided herein, take steps to address the misconduct, remedy the effects and prevent its recurrence.

For the purposes of the Clery Act reporting and disclosures, no identifying information about the victim or reporting person will be disclosed in publicly available recordkeeping, such as the Daily Crime Log, Timely Warning, or the Annual Security and Fire Safety Report (ASFSR).

**Right to Privacy**

Information regarding sexual misconduct reports and investigations, including any outcomes, will be shared with NIU employees on a need-to-know basis or with external individuals or entities as permitted under
university policy and applicable law. These individuals are typically those with a legitimate educational interest. The information shared shall protect the privacy of the participating parties and witnesses. Identities of parties, including witnesses, will not be disclosed except as necessary to resolve the complaint or to implement interim protective measures and accommodations.

**Standard of Evidence**
The investigation will result in a determination as to whether it is “more likely than not” (preponderance of the evidence) that a violation did or did not occur. The conduct alleged to have violated this policy shall be evaluated from the perspective of a similarly situated reasonable person when considering the totality of the circumstances involved in the matter.

**Role of Investigators**
Investigators are neutral fact-finders. As such, investigators do not function as advocates for any of the involved parties. Investigators will, however, inform individuals about other university offices where they may seek support or advocacy.

**Statement of Time Frame Limitations**
An employee or student is encouraged to file a complaint as soon as possible to ensure that evidence is reasonably available to afford a thorough investigation. There is no explicit time in which a complaint must be filed.

**Presence of Support Persons**
The claimant and respondent may each have one support person present at any meeting to provide support. Support persons may act in an advisory capacity only and may not speak on behalf of the party in any proceeding; however the claimant or respondent may consult with the support person during the proceeding. The involvement of a support person cannot result in an undue delay of the proceeding(s). Additionally, the support person must comply with the rules contained herein. Failure to comply with or engagement in behavior that is disruptive or harasses, intimidates or abuses any party or witness may result in their prohibition in future involvement in the process. Any individual who is participating in this capacity is expected to maintain the same level of privacy that is expressed throughout these procedures.

Individuals who may be a co-complainant, co-respondent, witness, hold a supervisory position over the complainant or respondent or be in a position that may suggest a conflict of interest may not serve as a support person.

A licensed attorney may be considered a support person. However, as this process is considered administrative in nature, neither party has the right to an attorney during any part of the complaint resolution process, thereby authorizing ECO with the right to deny the request for presence of an attorney. If the complainant or respondent is a member of a union, they have the right to have union representation present during their meeting. Union representation may be considered a support person.

The assigned investigator must be notified in writing in advance of the presence of a support person, including the presence of a union representative or a licensed attorney.

**Investigation Rules**
The following rules apply to all Title IX investigations resulting from the filing of a complaint or report of sexual misconduct:
• The investigation will be conducted consistent with this policy and transparent to the claimant and respondent.

• Any investigation will proceed independent of any criminal or other legal proceedings. Further, the university reserves the right to forward any Title IX complaint to the appropriate law enforcement agency for review if there is a concern for the safety of the claimant or campus community.

• Promptness, fairness and impartiality to all individuals involved with a Title IX complaint is a priority. Both the claimant and respondent to a Title IX complaint will be given a copy of these procedures and will have the opportunity to respond to all allegations.

• Any proceeding, meeting or hearing held to resolve complaint(s) of alleged violations(s) of this policy shall protect the privacy of the participating parties and witnesses to the extent permissible by law (see Right to Privacy).

• The claimant and respondent shall receive notice of the identity of investigator(s). A sufficient number of individuals are trained to investigate or resolve Title IX complaints to allow for substitution in the case of a conflict of interest, recusal from a case and with no prior involvement in the initial determination or finding to hear any appeal brought by a party. If the claimant or respondent believes that the assigned investigator poses a conflict of interest, the claimant and respondent have the opportunity to request a substitution, and such request must be made to the Title IX Coordinator within two calendar days after notice of the assigned investigator is made.

• The investigator(s) will provide timely and equal access to the claimant and respondent of any information that will be used during the investigation process. The information is presented to the claimant and respondent in the Preliminary Report.

• Every Title IX complaint will be investigated to the maximum extent possible.

• Any and all of the procedures outlined in this policy will proceed regardless of whether the claimant or respondent has withdrawn from and/or has otherwise been separated from the university, including the imposition of sanctions related to suspensions (for proven conduct).

• The claimant and respondent shall each have access to a meeting with the Title IX Investigator(s) during which, 1) The proceedings under this policy will be explained; 2) Any questions of either party will be answered; and 3) Each party will be given the opportunity to provide their version of events and witnesses on their behalf. The claimant and respondent may also suggest questions to the Title IX investigator(s) and respond to the other party at the discretion of the investigator(s).

• The claimant and respondent will receive periodic information and updates on the status of the investigation. Email is an acceptable form of delivery.

• The use of alcohol or drugs by the claimant at the time of the incident may be considered for purposes of determining consent or memory only and will not form the basis for independent proceedings or discipline (see Amnesty Provision).

• The sexual history or sexual character of the claimant shall not be considered in any investigation or hearing unless such evidence is offered to prove that someone other than the respondent committed the conduct in question, or if the evidence concerns specific instances with the respondent and is offered to prove consent.
• The claimant and respondent will simultaneously be notified in writing about the outcome of both the complaint and any appeal. Email is an acceptable form of delivery.

• At the conclusion of an investigation, regardless of the outcome, a Title IX Coordinator or designee shall review all evidence to determine whether the claimant is entitled to any remedy under Title IX that may not have been provided for under the university’s procedures.

**Appeal of Investigation Decision**

The results of the investigation may be appealed by either party by submitting a written request of appeal to the executive vice president and provost, or designee, within five business days after the date of the written report regarding the investigation. Appeals are filed electronically at go.niu.edu/appeals.

Appeals of the investigator’s decision may be made only on the following grounds:

• A material deviation from these procedures affected the outcome of the case.
• New and relevant information is available that was not available, with reasonable diligence and effort, at the time of the investigation that could reasonably affect the investigation finding(s).
• The outcome was significantly contrary, unsupported and unreasonable to the weight of the evidence presented.

The executive vice president and provost or designee will render a decision about the appeal within seven business days after the date the written appeal is submitted. The executive vice president and provost may extend the time to render a decision on appeal when unusual circumstances arise. The appealing party will be informed of the extension of time along with the date in which the appeal decision will be rendered.

**Sanctions for Student Respondents**

Upon completion of the investigation in cases involving a student respondent, if there is a finding of sexual misconduct, an Official Report of Findings along with pertinent information or evidence collected during the investigation will be forwarded to Student Conduct to determine the appropriate sanction(s).

**Sanction by Agreement (for student respondents only)**

The resolution officer within Student Conduct will consult with the claimant, respondent, Title IX Coordinator (or designee) and other affected parties as appropriate to gather input on potential sanctions. Email is deemed an acceptable method of communication. Depending on the circumstances, the resolution officer may ask to meet with each party separately or invite them to submit statements for consideration. If a claimant or a respondent meets with the resolution officer, they may be accompanied by a support person.

If the respondent chooses not to participate in the Sanction by Agreement, the process will continue and sanctions may be implemented absent their input and/or participation.

The resolution officer will then prepare a proposed resolution agreement between the university and the respondent, informed by input from the respondent, the claimant and the Title IX Coordinator (or designee). The proposed agreement will be shared with the respondent and the claimant in a manner that honors due process and privacy considerations.

If the respondent accepts or fails to participate in the proposed agreement and the claimant does not object to it or fails to respond, the agreement will become binding, the respondent will be required to fulfill the sanctions included in the agreement and neither the claimant nor the respondent will be permitted to appeal the sanction.
Sanction by Hearing (for student respondents only)

If the respondent is a student, participates in the Sanction by Agreement and is unwilling to enter into an agreement, or if the claimant objects to the proposed agreement, the sanctions will be decided by a hearing officer in accordance with the hearing procedures of Student Conduct as outlined in the Student Code of Conduct. The hearing officer will determine appropriate sanctions after a hearing. The hearing officer will not modify the findings of the investigation regarding whether a violation of policy has occurred and will address only what sanctions are appropriate at the hearing. The hearing officer’s review will consist solely of, 1) Reviewing the Official Report of Findings, the proposed resolution agreement and any written objections to the proposed resolution agreement submitted by the claimant or respondent; 2) Speaking with the respondent and claimant if they are present during the hearing or if they provide information in advance to the hearing; 3) Consulting with appropriate university officials, including the Title IX Coordinator or designee and the Title IX resolution officer; and 4) Any witnesses or documents presented by the respondent or claimant. Witnesses and documents may be presented to the hearing officer as it relates to sanctions only.

The following rules will be followed during any sanction for the student respondent:

• Respondent and claimant shall receive notice of the identity of the hearing officer and shall have the opportunity to challenge the designation of the hearing officer for cause if such challenge is delivered within two business days of such notice.

• Respondent and claimant may each have another person present at any hearing to provide support. For more information about support persons, see Presence of Support Persons.

• Respondent and claimant may have another person, an observer, present who may observe the hearing. The observer is not permitted to participate in, nor communicate in any way, with the parties involved in the hearing. The observer may be in addition to a support person.

• A hearing may be held regardless of whether respondent or claimant has withdrawn from the university.

• Respondent and claimant are not required to attend any hearing.

• Respondent and claimant may not directly cross-examine one another, but may, at the discretion and direction of the hearing officer, suggest questions to be posed by the hearing officer and respond to the other party.

• Respondent and claimant will each receive three business days’ notice before the hearing of the other’s evidence, including witnesses and documents to be used at said hearing. Failure to provide a witness list and copies of documentary evidence three business days before the hearing may result in the inability to present said witness or evidence.

• All questions directed to the claimant or respondent will be asked only by the hearing officer or Title IX resolution officer.

• Respondent and claimant may not be compelled to testify in the presence of the other party. If a party invokes this right, the party shall be allowed to testify or answer questions outside the direct physical presence of the other (e.g., via telephone, behind a screen, etc.).

• All hearings conducted under this policy shall be closed to the public.

• If it is determined that a student has violated this policy, appropriate sanctions will be imposed by Student Conduct as outlined herein. The claimant will receive notice of any disciplinary sanctions
imposed on the respondent, individual remedies available to them, and other steps the university has
or will take to eliminate the hostile environment

• The claimant and respondent have the right to appeal the sanctions as provided herein (see Appeals).

Possible Sanctions for Students
Any student found responsible for violating this policy may receive sanctions include the following:

• Anger intervention assessment.
• Abuse intervention program.
• Banishment from all NIU property, functions, etc.
• Community service to NIU or the DeKalb community.
• Discretionary sanction-required work assignments, written assignments, service to NIU or other
related discretionary assignments.
• Educational sanctions including, but not limited to, the completion of an educational assignment
(e.g., research paper, program presentation, etc.).
• Fines.
• Formal written warning.
• Loss of privileges (e.g., inability to have visitors/guests, etc.).
• No contact (direct or indirect) with the claimant or involved party.
• Parental notification.
• Probation.
• Residence hall expulsion.
• Residence hall suspension.
• Restitution.
• Restorative justice participation.
• Revocation of admission and/or degree.
• Substance use intervention and education program.
• Training on sexual misconduct.
• University expulsion.
• University suspension.
• Withholding degree.

Student Respondent Appeal of Sanction
The sanction(s) may be appealed by either the claimant or respondent on the following grounds:

• A material deviation from these procedures affected the outcome of the case.
• New and relevant information is available that was not available, with reasonable diligence and
effort, during the course of the hearing that could reasonably affect the hearing outcome.
• The sanction(s) is/are disproportionate to the determined finding(s).

The appeals must be made within five business days of receipt of the decision regarding sanction(s) and must
be submitted to the associate vice president for Student Affairs and dean of students or designee. Appeals are
submitted electronically via Student Conduct’s website.

Sanctions for Employee and Third-Party Respondents
Upon completion of the investigation in cases involving an NIU employee or third-party respondent, an Official
Report of Findings and Recommendations will be forwarded to the division head or designee for review and
implementation at their discretion.
Sanction by Decision (for employees and third-party respondents)
The division head must review the Official Report of Findings and Recommendations to determine the appropriate level of corrective action. The Title IX Coordinator also reserves the right to consult with appropriate university officials regarding imposition of corrective action. To ensure fairness and consistency as well as compliance with the university’s Title IX obligations, the division head and/or appropriate university official should consult with the Title IX Coordinator (or designee) regarding the facts of the case, proposed resolution and recommendations and any written objections to the Official Report of Findings and recommendations. The division head or university official will then either adopt the proposed recommendations or modify the recommendations as needed.

Once a decision has been reached, reviewed and approved by the Title IX Coordinator or designee, the division head will issue a letter to the respondent and claimant sharing, in a manner appropriate to honor due process and privacy considerations, the corrective action that will be implemented. Any imposition of corrective action may be appealed in accordance with the Appeals section herein.

Possible Sanctions for Employees
Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the university reserves the right to impose different sanctions depending on the severity of the offense and/or history of the respondent.

Any employee found responsible for violating this policy may receive corrective action to include the following:

- Letter of warning.
- Official reprimand.
- Referral to a required counseling program.
- No contact (direct or indirect) with the claimant or involved party.
- Suspension from employment with pay.
- Suspension from employment without pay.
- Termination from employment.
- Training on sexual misconduct.
- Community service.
- Any other sanction deemed appropriate by the Title IX Coordinator.

Any third-party (visitor, guest, contractor, subcontractor, vendor, partner or business affiliate) found responsible for violating this policy will receive a sanction ranging from a written warning to being banned from any university property, activities and/or programs, including the termination of any business contract with the university.

Employee and Third-Party Respondent Appeal of Sanction
In cases where the respondent is an employee or third-party, the appeal of sanction(s)/corrective action may be directed to the senior administrator responsible for Human Resource Services within 10 business days from the date the corrective action is determined. Appeals may be made on the following grounds:

- A material deviation from these procedures affected the outcome of the case.
- New and relevant information is available that was not available, with reasonable diligence and effort, during the course of the investigation that could reasonably affect the investigation finding(s) or sanction(s).
- The sanction(s) is/are disproportionate to the determined finding(s).
Formal sanctions may become part of the respondent’s permanent employment record maintained by Human Resource Services.

**Remedies**

In addition to the interim protective measures described in this document, the following remedies may be available at the conclusion of an investigation and resolution whether or not a respondent is found to be responsible:

- Providing an effective escort to ensure that the claimant can move safely between classes and activities.
- Ensuring the claimant and respondent do not share classes, extracurricular activities or work space.
- Moving the respondent or claimant (if the claimant requests to be moved) to a different residence hall.
- Providing comprehensive, holistic individualized services including medical, counseling and academic support services such as tutoring.
- Arranging for the claimant to have extra time to complete, retake or withdraw from a class without an academic or financial penalty.
- Reviewing any disciplinary actions taken against the claimant to see if there is a causal connection between the sexual misconduct and the disciplinary action that claimant may have received.
- Training or retraining university employees on responsibilities to address allegations of sexual misconduct.
- Developing and distributing materials on sexual misconduct.
- Conducting bystander intervention and sexual violence prevention programs with students and employees.
- Issuing policy statements or taking other steps that communicate that the university does not tolerate sexual misconduct and will respond to any incidents and to any student/employee who reports such incidents.
- Conducting, in conjunction with student leaders, a campus climate survey to assess the effectiveness of efforts to ensure that the university is free from sexual misconduct and using that information to inform future proactive steps that the school will take.
- Targeted training for a group of students or employees if the sexual misconduct created a hostile environment in a specific area.
- Any other remedy that the Title IX Coordinator may consider appropriate.
VIII. Title IX Coordinator and Deputy Title IX Coordinators

The role of the Title IX Coordinator is to manage, implement and administer this policy, including the enforcement of Title IX complaint procedures provided herein, provide oversight to the Title IX training programs, and ensuring the prompt and appropriate resolution of Title IX complaints. Questions or concerns regarding Title IX, this policy, or other aspects of the university's commitment to equal opportunity may be directed to:

Sarah Garner, Title IX Coordinator, Ethics and Compliance Officer
Ethics and Compliance Office
Health Services 230
815-753-5560
titleixcoordinator@niu.edu

Inquiries/questions regarding Title IX may also be referred to:
Office for Civil Rights
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
312-730-1560
OCR.Chicago@ed.gov

Questions and/or concerns may also be referred to the Deputy Title IX Coordinators listed below:

Vernese Edghill-Walden
Chief Diversity Officer
Deputy Title IX Coordinator for Training
Academic Diversity, Equity and Inclusion
Altgeld Hall 211
DeKalb, IL 60115
815-753-2638
vedghillwalden@niu.edu

Debra Boughton
Athletic Associate Director, Business Affairs
Deputy Title IX Coordinator for Athletics
Intercollegiate Athletics
Convocation Center 200D
DeKalb, IL 60115
815-753-9541
boughton1@niu.edu

Lindsay Hatzis
Director of Investigations, Ethics and Compliance Office
Deputy Title IX Coordinator for Investigations
Ethics and Compliance Office
Health Services 229
DeKalb, IL 60115
815-753-1649
lhatzis@niu.edu

Omar Ghrayeb
Vice Provost for Undergraduate Studies
Deputy Title IX Coordinator for Academic Affairs
Executive Vice President and Provost
Altgeld Hall 215
DeKalb, IL 60115
815-753-6922
oghrayeb@niu.edu

Jeanne Meyer
Director, Student Conduct
Deputy Title IX Coordinator for Student Conduct
Student Conduct
Campus Life Building 280
DeKalb, IL 60115
815-753-9286
jeanne@niu.edu

Dan Pedersen
Senior Director of Housing
Deputy Title IX Coordinator for Housing
Housing and Residential Services
Neptune 151
DeKalb, IL 60115
815-753-9651
dpedersen2@niu.edu
IX. External Agencies

At any time during the pendency of the above-described investigation, hearing and/or appeal, students and employees with questions about Title IX or those who believe they have been subjected to sexual misconduct or retaliation may file a complaint with the Office for Civil Rights (OCR):

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

312-730-1560
FAX 312-730-1576
TDD 800-877-8339
OCR.Chicago@ed.gov
ed.gov/ocr

At any time during the pendency of the above-described investigation and/or appeal, employees who believe they have been subjected to sexual misconduct or retaliation based thereon in violation of *Title VII of the Civil Rights Act, 42 U.S.C. § 2000e et seq.*, may file a complaint with the following agencies:

**Illinois Department of Human Rights**
100 West Randolph Street
10th Floor – Intake Unit
Chicago, Illinois 60601
312- 814-6200
TTY: 866-740 3953
ilinois.gov/dhr

**Equal Employment Opportunity Commission**
Chicago District Office
500 West Madison Street, Suite 2000
Chicago, Illinois 60661
800-669-4000
TTY: 312-869-8001
eeoctg.gov

**Office of the Executive Inspector General for the Agencies of the Illinois Governor**
69 West Washington Street, Suite 3400
Chicago, Illinois 60602
Phone: 312- 814-5600, 866- 814-1113 or 888-261-2734 (TTY)
Fax: 312- 814-5479
www.illinois.gov/oeig

**Illinois Sexual Harassment & Discrimination Helpline:** 877-236-7703

X. Related Definitions

- **Active:** Consent must take the form of clearly understandable words or actions that reveal one's expectations and agreement to engage in specific sexual activity. This means that silence, passivity, submission or the lack of verbal or physical resistance (including the lack of a “no”) should not—in and of themselves—be understood as consent. Consent cannot be inferred by an individual’s manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.

- **Anonymous Complaint:** One where the identity of the claimant is not known.

- **Claimant:** Refers to the victim; a person who has been subjected to any of the conduct prohibited by this policy and/or person who files a formal complaint.
• **Coercion:** The use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice or attract another person to have sex. When a person makes clear a decision not to participate in a particular sexual act, a decision to stop or a decision to not go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, the following factors will be considered; the frequency of the application of the pressure, the intensity of the pressure, the degree of isolation of the person being pressured and the duration of the pressure.

• **Consent:** Clear, unambiguous, informed, voluntary and freely given agreement between all participants to knowingly engage in sexual activity. Consent must be mutually understandable by words or actions (i.e., a reasonable person would consider the words or actions to indicate mutual agreement to engage in the sexual activity). Consent is active and cannot be based on the absence of an affirmative statement or act of denial. Silence or lack of resistance does not constitute consent.

Seeking and receiving consent is the responsibility of the person(s) initiating the sexual act or acts regardless of whether the person initiating the act is under the influence of drugs and/or alcohol.

Consent to any sexual act or prior consensual sexual activity between or with any party does not in and of itself constitute consent to any other sexual act. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another.

Consent may be initially given but withdrawn at any time. Consent cannot be given when a person is incapacitated (including but not limited to a person or someone with a physical or mental disability and/or level of intoxication that causes impairment resulting in incapacitation), asleep, unconscious or underage. Consent cannot be given when it is the result of coercion, intimidation, force or threat of harm. The university prohibits any sexual activity that does not involve the consent of each individual.

Consent must be given to engage in the act of sexual activity, and consent must also be given to any person who records or photographs any aspect of the sexual encounter as well as third parties who wish to view the sexual activity either in person or via any electronic equipment, methods or devices.

The definition of consent does not vary based upon a participant’s sex, sexual orientation, gender identity or gender expression.

• **Employee:** Person that receives compensation from the university for services performed. This includes civil service staff, supportive professional staff, faculty, instructors, graduate/teaching/research assistants, extra help, and student employees.

• **Force:** The use of physical violence and/or otherwise physically imposing on another person to gain sexual access. Also includes threats, intimidation, implied threats and coercion that overcome resistance or produce consent.

**Incapacitation:** Physical or mental impairment due to drugs or alcohol (whether such use is voluntary or involuntary); the lack of consciousness or being asleep; being involuntarily restrained; if any of the parties are under the age of 17; or if an individual otherwise cannot consent. If a person is known or reasonably should be known to be incapacitated, then any sexual activity with that person is without consent.
Generally, an incapacitated individual is incapable of recognizing what is occurring and is not able to recognize the nature of sexual activity or the extent of a sexual situation. Some ways in which a person can be incapacitated as a result of alcohol use may include, but is not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings or the inability to communicate for any reason. The individual may experience a blackout state in which they appear to be giving consent but does not actually have conscious awareness or the ability to consent.

- **Knowingly:** Consent must demonstrate that all individuals understand, are aware of and agree to the “who” (same partners), “what” (same acts), “where” (same location), “when” (same time), and “how” (the same way and under the same conditions) of the sexual activity.

- **Physical or Mental Disability:** “A physical or mental impairment that substantially limits one or more life activities of an individual such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. This also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.” (Americans with Disabilities Act.)

- **Proceeding:** All activities related to a noncriminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings and hearings. The proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

- **Reasonable Person:** Person under similar circumstances with similar identities.

- **Resolution Officer:** A representative from Student Conduct who will be appointed to facilitate the sanctioning process.

- **Respondent:** The alleged offender/accused; a person alleged to have engaged in any of the conduct prohibited by this policy.

- **Responsible Employee:** Any employee who:
  - Has the authority to take action to redress sexual violence.
  - Has been given the duty of reporting incidents of sexual violence or any other misconduct by students.
  - Anyone a student could reasonably believe has this authority or duty.

- **Result:** Any initial, interim or final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution.

- **Sanction by Agreement:** A proposed resolution agreement between the university and the respondent, informed by input from the respondent, the claimant and the university. There shall be no appeal of a Sanction by Agreement.
• **Sanction by Decision** (for employees and third parties only): The division head or designee will either adopt the proposed resolution agreement and impose the sanctions therein or modify the sanctions as needed.

• **Sanction by Hearing** (for students only): A hearing officer shall, at the conclusion of a hearing, impose appropriate sanction(s) as provided herein.

• **Sexual Misconduct**: Umbrella term for one or more acts as defined as a violation of this policy. Sexual misconduct can occur among, between or to heterosexual, lesbian, gay, bisexual and transgender individuals.

• **Student**: Person admitted to the university and/or enrolled in any course (for credit or not for credit), or who is on campus for the purpose of enrolling in any course at the time of the alleged incident.

• **Title IX Coordinator**: Manages, implements and administers NIU’s procedures which prohibit discrimination, including enforcement of Title IX complaint procedures, Title IX training programs and ensuring the prompt and appropriate resolution of Title IX complaints.

NIU’s Title IX Coordinator is Sarah Garner, Ethics and Compliance Office, Health Services 230, 815-753-5560, titleixcoordinator@niu.edu.

• **Voluntary**: Consent must be freely given and cannot be the result of force (violence, physical restraint or the presence of a weapon); threats (indications of intent to harm, whether direct or indirect); intimidation (extortion, menacing behavior, bullying); coercion (undue pressure); or fraud (misrepresentation or material omission about oneself or the situation in order to gain permission for sexual or intimate activity).


The *Family Educational Rights and Privacy Act* (FERPA) (20 U.S.C. § 1232g) is a Federal law that protects the privacy of student education records.