



University Policy

Volume G1: Governance	G1.8 Sexual Harassment Interim Policy Effective Date: 08/14/2020	Responsible Office: Vice President for Legal Affairs
		Responsible Officer: Director of Equal Opportunity, Title IX, and Ethics

POLICY STATEMENT

Northeastern Illinois University (Northeastern or the University) supports the principles of equal opportunity and non-discrimination and does not tolerate sexual harassment. Northeastern does not discriminate or permit discrimination by any member of its campus community against any individual on the basis of race, color, religion, sex, pregnancy, disability, national origin, citizenship status, ancestry, age, order of protection status, genetic information, marital status, sexual orientation, gender identity, gender expression, arrest record status, military status or unfavorable discharge from military service, or any other classification protected by law in matters of admissions, employment, housing, or in the educational programs or activities it operates. Harassment that is based on any of these protected categories is a form of discrimination and is not tolerated.

Northeastern complies with federal and state laws that prohibit discrimination based on the protected categories listed above, and complies with Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in the University’s educational programs and activities. Northeastern accepts complaints of discrimination and harassment, including sexual harassment from students, employees, applicants for admission or employment, and University visitors. The University does not tolerate retaliation against any person for coming forward with a complaint or concern, or for otherwise participating in the process of addressing discrimination or harassment. In addition, Northeastern provides reasonable accommodations to qualified applicants, students and employees with disabilities and to individuals who are pregnant.

PURPOSE OF THE POLICY

The purpose of this policy is to advance Northeastern’s long-held position that sexual harassment violates the standards of our community and is unacceptable, and to provide sexual harassment proceedings which will include a prompt, fair, and impartial process from the initial investigation to the final result. This policy furthers Northeastern’s commitment to providing locations that are safe and secure from sexual harassment.

WHO IS AFFECTED BY THIS POLICY

This policy applies to all members of the University community: students; employees; applicants for admission or employment; and University visitors. It applies to the University’s education programs or activities, which includes physical locations and events over which the University exercises substantial control over both the Respondent and the context in which the sexual harassment occurs. The Title IX Coordinator may refer misconduct matters that do not qualify under this policy to the Dean of Students or the Office of Human Resources on a case by case basis.

DEFINITIONS

PROHIBITED CONDUCT

Sex Discrimination: treating someone unfavorably because of that person’s sex or gender, including their sexual orientation, gender identity, or gender expression.



Sexual Harassment: an umbrella term encompassing sexual assault, *quid pro quo* harassment, hostile environment harassment, stalking, dating violence and domestic violence. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) a University employee conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct; (2) unwelcome conduct on the basis of sex determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) sexual assault, dating violence, domestic violence, and stalking, as defined in this policy.

Hostile Environment Harassment: unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity.

Quid Pro Quo Harassment: the conduct of an employee conditioning the provision of an aid, benefit or service on an individual's participation in unwelcome sexual conduct.

Sexual Assault: Sexual assault is an offense that meets the definition of rape, statutory rape, fondling, or incest, as defined below.

- Rape: penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the survivor.
- Statutory rape: sexual intercourse with a person who is under the statutory age of consent.
- Fondling: touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the survivor, including instances where the survivor is incapable of giving consent because of their age or temporary or permanent mental incapacity.
- Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Sexual Abuse: sexual penetration by force or the threat of force. However, if a victim is under the age of 17, or if the victim is unable to understand the nature of the act or give knowing consent, sexual abuse does not need to include penetration. Sexual abuse is a type of sexual assault and constitutes a severe form of sexual harassment that violates this policy and the Illinois Criminal Code.

Sexual Penetration: any contact, however slight, between the sex organ or anus of one person by an object, the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration. Non-consensual sexual penetration constitutes sexual assault. If one individual or a group of individuals forces a person to engage in non-consensual sexual penetration with respect to any consenting or non-consenting party, this conduct constitutes sexual assault.

Sexual Conduct: any knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.

Sexual Exploitation: the use of another person's nudity or sexual activity without consent for the purpose of sexual gratification, financial gain, personal benefit, personal advantage, or any other non-legitimate purpose. Sexual exploitation includes, but is not limited to:

- Without the knowledge and consent of all participants, observing, recording, or photographing nudity or sexual activity of one or more persons in a location where there is a reasonable expectation of privacy, allowing another to observe, record, or photograph nudity or sexual activity of one or more persons, or otherwise distributing recordings, photographs, or other images of the nudity or sexual activity of one or more persons; or
- Sending sexually explicit materials of another person without consent of the recipient.

Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the survivor and where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship.

Domestic Violence: includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the survivor, by a person with whom the survivor shares a child in common, by



a person who is cohabitating with or has cohabitated with the survivor as a spouse or intimate partner, by a person similarly situated to a spouse of the survivor under the state domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under the state domestic or family violence laws.

Stalking: 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.

Retaliation: intimidation, threats, coercion, or discrimination against any individual for purpose of interfering with any right or privilege secured by Title IX because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing.

False Complaint: a Complaint made by an individual knowingly and intentionally in bad faith. A person who files a false complaint under this policy is subject to University discipline as described more fully below. A finding of not responsible in a sexual harassment hearing does not indicate that a Complaint was false.

RELATED DEFINITIONS

Complaint: a formal written document submitted to the Title IX Coordinator that provides a Complainant's detailed description of a sexual harassment incident or incidents and identifies information about the Respondent to the greatest extent possible.

Complainant: an individual who has reported being or is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Supportive Measures: non-disciplinary, non-punitive individualized services offered as appropriate, reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal Complaint or where no formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all.

Consent: is informed, freely given, and mutual. Sexual activity requires consent, which is defined as voluntary, positive agreement between the participants to engage in specific sexual activity. Consent to sexual activity can be communicated in various ways, but one should presume that consent has not been given in the absence of clear, positive agreement. While verbal consent is not an absolute requirement for consensual sexual activity, verbal communication prior to engaging in sex helps to clarify consent. If coercion, intimidation, threats, or physical force is used, there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception. Silence does not by itself constitute consent, nor does past consent to sexual activities by itself imply ongoing or future consent. Moreover, undertaking a new type of sexual activity requires that new consent be provided. A person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person's manner of dress does not constitute consent and may not be considered as a factor under this policy. A person can withdraw consent at any time.

Title IX Coordinator: the University official responsible for implementing Northeastern's Sexual Harassment policy. This official ensures the University's compliance with Title IX, and coordinates the University's responses to all complaints involving potential sex discrimination. Any Title IX reports or complaints should be directed to the Title IX Coordinator at titleix@neiu.edu or (773) 442-5412.

Advisor: provides assistance to Complainants and Respondents with cross-examinations during the hearing process described within this policy. Advisors may be staff, faculty, or third-parties engaged by the Title IX Coordinator or selected by the Complainant or Respondent.

Confidential Advisor: an employee of the University to provide emergency and ongoing support to student survivors of sexual violence. The Confidential Advisor informs survivors of the survivor's rights and reporting options, and provides resources and services. The Confidential Advisor is not required to notify the Title IX Coordinator or University of any sexual harassment reports. Northeastern's Confidential Advisor, Rae Joyce Baguilat, may be reached at (773) 442-4686 or confidentialadvisor@neiu.edu.

Hearing Officer: the official designated by the University to oversee the live hearing and issue the written



determination (including remedial measures and sanctions, if applicable) to the Complainant and Respondent. The hearing officer is the decision-maker regarding whether a Respondent violated the Sexual Harassment Policy. The University may designate an employee or third-party to serve as the hearing officer.

Appeals Officer: the official designated by the University to decide an appeal by the Complainant and/or Respondent. The University may designate a senior administrator or third-party to serve as the appeals officer.

Visitor: a person who temporarily comes to any University location or attends a University-sponsored educational program or activity.

REGULATIONS

[Illinois Criminal Sexual Assault and Abuse Act, 720 ILCS 5/12-12, 720 ILCS 5/12, et seq. to 5/16, et seq.](#)
[Illinois Domestic Violence Act, 750 ILCS 60/](#)
[Illinois Human Rights Act, 775 ILCS 5/](#)
[Illinois Preventing Sexual Violence in Higher Education Act, 110 ILCS 155/1](#)
[Illinois Stalking and Cyberstalking Act, 720 ILCS 5/12-7.3, 720 ILCS 5/12 7.5](#)
[Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(Clery Act\), 20 U.S.C. § 1092\(f\)](#)
[Preventing Sexual Violence in Higher Education Act, Illinois Public Act 099-0426 Safe Homes Act, Public Act 094-1038](#)
[Sexual Assault Awareness Education, 110 ILCS 305/40](#)
[Sexual Assault Survivors Emergency Treatment Act \(SASETA\), 410 ILCS 70/](#)
[Title IX of the Education Amendments Act of 1972 \(Title IX\), Title 20 U.S.C. Sections 1681-1688](#)
[Title IX Regulations, 34 CFR Part 106](#)
[Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq., as amended](#)
[Victims' Economic Security and Safety Act \(VESSA\), 820 ILCS 180/325 ILCS 5/ Abused and Neglected Child Reporting Act](#)

PROCEDURES

I. RESOURCES FOR GETTING HELP

Support and Resources: the needs of an individual who has been subject to sexual harassment vary from person to person. Northeastern offers a diverse array of services and external resources, many of which may be accessed 24 hours a day, so that a person may choose what is most helpful. The University's K(NO)W More campaign provides significant support and resources to members of the campus community impacted by sexual harassment and can be accessed [here at K\(NO\)W More](#). The Title IX webpage can be accessed [here](#). Please see the Informational Material section below for additional details regarding on and off campus resources.

Northeastern is committed to ensuring that individuals who have experienced sexual harassment are treated respectfully and listened to carefully. It is well-documented that individuals in underrepresented groups are impacted by sexual harassment and especially sexual violence at a higher rate than their peers. This includes people of color, veterans, members of the LGBTQ+ community, undocumented students, indigenous women and persons with disabilities. Northeastern is dedicated to a culturally competent approach to prevent sexual harassment, and recognizes the societal and institutional barriers for many members of our campus community.

Seeking Confidential Support on Campus: the Confidential Advisor, University Ombuds, Student Health Services, and Student Counseling Services are confidential resources exempt from reporting sexual harassment to the University. Staff in these offices are legally privileged to keep communications confidential and are provide safe spaces to talk about sexual harassment. After discussing any concerns with the Confidential Advisor, University Ombuds, Student Health Services, and/or Student Counseling Services, an individual may choose to file a Complaint of sexual harassment with the Title IX Coordinator.

Supportive Measures: supportive measures are non-disciplinary, non-punitive individualized services or accommodations provided by the Title IX Coordinator to the Complainant or Respondent. Such measures will be provided to a person alleging sexual harassment regardless of whether a Complaint was or will be filed. Examples of supportive measures include, but are not limited, to: No Contact Orders; class or work schedule changes; housing changes; academic support or adjustments; transportation arrangements; and safety



planning. Supportive measures are available for both parties and will be individualized based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving student Complainants or Respondents access to their education. The supportive measures needed by each individual may change over time, and the Title IX Coordinator shall communicate with the Complainant and Respondent throughout any investigation and hearing process to address evolving needs. Requests to challenge or adjust supportive measures should be made in writing to the Title IX Coordinator, who will determine such requests based on the information available at the time.

Seeking Medical Assistance and Preserving Physical Evidence: the University urges anyone who has experienced sexual violence to seek support as soon as possible to minimize and treat physical harm, assist with processing the unique and complex emotional aftermath, and help preserve and understand options for pressing charges. Even for someone who does not wish to report the event to the University or law enforcement, seeking medical attention as soon as possible is important. Medical professionals can also help preserve physical evidence. Additional guidance on preserving physical evidence can be found [here](#).

Pursuing Criminal Charges: every individual alleging criminal sexual harassment maintains the right to file criminal charges with the appropriate local law enforcement agency in addition to filing a Complaint with the University's Title IX Coordinator. The University respects an individual's decision regarding reporting to law enforcement. Neither the Title IX Coordinator nor any faculty or staff members at the University may contact law enforcement without the explicit permission of the Complainant.

For more information about pursuing a criminal charge, individuals may call the University Police at (773) 442-4100. Please note that University Police has officers who are specially trained to work with individuals reporting sexual violence. For emergencies, immediately call 911 (local emergency number) or (773) 442-5511 (University Police emergency number). University Police are required to send copies of reports alleging sexual harassment to the Title IX Coordinator to review for policy violations. Northeastern will reasonably assist individuals in criminal cases when requested.

II. HOW TO REPORT AN INCIDENT OR FILE A COMPLAINT

Filing a Complaint: the University accepts sexual harassment reports or Complaints from:

- persons who self-report
- students
- University employees (including faculty, staff, and student staff)
- third parties, or
- via the [anonymous Complaint form](#) on the Title IX webpage

All reports and complaints regarding sexual harassment should be made to the University's Title IX Coordinator. Students are strongly encouraged to report allegations of sexual harassment to the University's Title IX Coordinator.

University employees are considered mandatory reporters by Northeastern and are obligated by University rules to report allegations of sexual harassment to the Title IX Coordinator.

Confidentiality and Privacy: Northeastern keeps the identities of anyone making a report or Complaint of sexual harassment, the parties, and any witnesses as confidential as possible, except as permitted by the Family Educational Rights and Privacy Act (FERPA) or required by law. The expectation for individuals involved in a sexual harassment matter should be that information will be kept as private as possible, though complete confidentiality is not possible in order to address reports and conduct investigations and hearings.

The University may issue an [N-Alert](#), an alert through the official emergency notification and warning system, to notify the community about the occurrence of a serious crime or pattern of crimes that might put the public at risk. The University annually reports criminal sexual violence data in accordance with the law. These statistics, and the list of entities to which a crime may be reported, are listed on [Northeastern's University Police web pages](#). Campus crime statistics do not contain specific victim-identifying information.

Amnesty: Northeastern recognizes that an individual who has been drinking or using drugs at the time of a potential sexual harassment incident may be reluctant to report the incident due to fear of potential consequences. Northeastern provides immunity to any student who reports, in good faith, an alleged violation of this policy to a staff, student staff or faculty member of the University (including the Title IX Coordinator). A reporting student will not be subject to remedial measures or disciplinary sanctions by the University for a student conduct violation, such as underage drinking or illegal drug use that is revealed in the course of such a report, unless the University determines that the violation was egregious and/or placed the health or safety of any other person at risk.



III. HOW FORMAL COMPLAINTS ARE RESOLVED

The University's procedures for resolving sexual harassment Complaints is outlined below. As an important threshold matter, sexual harassment proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result. Related provisions are included in Section II. For any questions about the University's procedures, please contact the Title IX Coordinator. Asking questions about how the investigation process works does not constitute disclosing a sexual harassment matter to the University.

A. PROCEDURES

The following establishes the University's procedures for resolving Complaints involving potential violations of the Sexual Harassment Policy. The process involves:

- an assessment of whether a Complaint qualifies for resolution under this policy,
- an informal resolution option for certain cases,
- an investigation,
- a live hearing administered by a hearing officer, and
- an appeals stage.

1. Initial Assessment

Promptly after receiving a report or Complaint alleging sexual harassment, the Title IX Coordinator will provide a notice of rights and options to the Complainant. The Title IX Coordinator will make a good faith effort to conduct a private in-depth interview with the potential Complainant. At this meeting, the potential Complainant will be provided with information about resources, procedural options, and an opportunity to discuss the University's policy. The Title IX Coordinator will determine at this initial stage whether to issue supportive measures to the potential Complainant and/or potential Respondent. A person is not required to file a Complaint to be provided with supportive measures by the Title IX Coordinator. Supportive measures may also be issued any time during, as well as after, the investigation, hearing, and appeals process.

A Complaint must be signed by the Complainant or the Title IX Coordinator. The Title IX Coordinator is responsible for making the following determinations before proceeding with the investigation:

- (1) Did the conduct occur while the Complainant was participating in or attempting to participate in the University's education programs or activities?
- (2) Did the University exercise substantial control over both the Respondent and the context in which the sexual harassment occurs?
- (3) Do the facts set forth by the potential Complainant, if substantiated, constitute a violation of the University's Sexual Harassment Policy?

If the answer to any of these questions is no, the Title IX Office does not have the authority to resolve the Complaint and the potential Complainant will be provided appropriate resources and may be referred to the Dean of Students or Office of Human Resources (determined on a case by case basis). If the answer to all of the questions is yes, the Title IX Coordinator has the authority to investigate and resolve the Complaint. The Title IX Coordinator will typically investigate only written complaints received within six months of the alleged violation/s, but may investigate older allegations on a case-by-case basis.

If Complainant wishes to proceed, the Title IX Coordinator provides Notices of Investigation to both parties initiating the investigation process. With this Notice, the Respondent will also be provided with a copy of the Complaint and information regarding the identities of the parties involved, the specific policy provision/s allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident/s. The next step is the informal resolution stage, if applicable.

2. Informal Resolution

Informal resolution will be available as an option to the Complainant by the Title IX Coordinator after a formal Complaint is filed for all cases, except those involving a student Complainant and employee Respondent or any case involving sexual assault. Both parties will be provided information regarding the informal resolution process and any consequences from participating (including information about records that will be maintained or could be shared). If both parties provide written, voluntarily consent, the Title IX Coordinator can proceed and attempt to resolve the Complaint without initiating the formal investigation and hearing procedures. Informal resolution is available at any time in the investigation process up until the Investigation Report has been submitted to the Complainant and Respondent. If an informal resolution is reached, the Title IX Coordinator will document the details in writing to both parties and dismiss the Complaint.



3. Formal Investigation

If the informal resolution process is not available, if it ends unsuccessfully, or if it is declined by one or both parties, the Formal Investigation stage will begin so long as the Complainant wishes to continue with the process. The Title IX Coordinator will serve as the Investigator in the Formal Investigation stage, unless a third-party is designated to conduct the investigation for good cause. The Title IX Coordinator will provide the Respondent 14 calendar days to respond in writing to the policy violation/s alleged in the Complaint. Respondent's Written Response must be timely delivered by email or written letter to the Title IX Coordinator and will be promptly shared with the Complainant. Any extension of time must be approved by the Title IX Coordinator.

The Title IX Coordinator's Formal Investigation will include interviewing the parties and relevant witnesses, and reviewing written statements, documents, records, and other communications as potential evidence. Students and employees are expected to cooperate with the investigation process, whether they are identified as a witness or as a Respondent in the process. Both the Complainant and Respondent are entitled to the following:

- The right to have an Advisor of their choice accompany them to any meeting or proceeding, including the subsequent hearing.
- The opportunity to identify and propose witnesses who can provide information about the alleged conduct at issue (excluding character witnesses).
- The opportunity to submit evidence for consideration.

In addition, the University:

- holds the burden of proof and the burden of gathering evidence in an investigation;
- may not use records made or maintained by medical or mental health professionals without a party's voluntary, written consent;
- may encourage the parties to keep the investigation as confidential as possible, but may not prohibit the parties from discussing the allegations with others on campus;
- will treat both parties and all witnesses respectfully during the investigation process;
- will presume the Respondent to be in compliance with the Sexual Harassment Policy unless and until the investigation, hearing, and appeal stages are completed and a policy violation is found; and
- will provide regular updates by the Title IX Coordinator to both the Complainant and Respondent throughout the investigation, hearing, and potential appeal process.

4. Evidence Review

Prior to completion of the Investigation Report, the Title IX Coordinator will provide the parties with an opportunity to inspect, review, and respond to evidence obtained during the investigation that is directly related to the allegations. The Title IX Coordinator will send the parties and each party's Advisor evidence for review in electronic format. Each party will be provided five business days from the date the evidence is sent to submit a written response to the Title IX Coordinator.

5. Investigation Report

The Title IX Coordinator will consider the evidence and any written responses to the evidence, and prepare the Investigation Report. The Investigation Report includes each of the following:

- the allegations of sexual harassment;
- a description of the procedural steps taken;
- findings of fact;
- conclusions regarding applying the policy to the facts;
- a statement with rationale detailing the result of each allegation; and
- an explanation of whether Respondent is found responsible for any policy violations.

In all stages of the process, the preponderance of the evidence standard (i.e., more likely than not) will be applied.

The Investigation Report will be submitted to the parties and the hearing officer. A hearing will be scheduled as promptly as possible. An Advisor for both The Complainant and Respondent is required for the hearing stage. Advisors will be provided by the University if needed by either or both parties for the hearing. Complainant and Respondent may use a different Advisor for the hearing than the one they used throughout



the investigation process. Requests for an Advisor are to be made in writing to the Title IX Coordinator at least seven calendar days before the scheduled hearing.

6. Hearing

A hearing officer (i.e., decision-maker) will be appointed for each case. The hearing officer will meet with the Title IX Coordinator prior to the hearing to address procedural matters. The role of the hearing officer is to review the information presented in the Investigation Report and to determine if the Respondent violated the University's Sexual Harassment Policy, and, if so, to determine appropriate remedial measures or sanctions. The hearing officer will manage the live hearing, which will take place at a University location. At the request of either party, the University will provide for the hearing to occur with the parties in separate rooms, with technology enabling the hearing officer to see and hear the party or witness answering. The audio or video tape begins recording at the start of the hearing.

The hearing will then proceed as follows:

- The hearing officer will explain how the hearing will proceed and address any questions.
- The hearing officer will permit the Complainant and the Respondent to each give an opening statement.
- The Title IX Officer or a designee will present a summary of the Investigation Report and explain the findings. Relevant questions and follow-up questions are permitted by the hearing officer and each party's Advisor, including questions regarding bias.
- The hearing officer and Respondent's Advisor will have the chance to ask questions of Complainant. Relevant questions and follow-up questions are permitted, including those challenging credibility.
- The hearing officer and Complainant's Advisor will have the chance to ask questions of Respondent. Relevant questions and follow-up questions are permitted, including those challenging credibility.
- The Complainant and the Respondent may not directly cross examine one another.
- Witnesses approved by the hearing officer will be available for questions. The hearing officer will permit each party's Advisor to ask any witnesses relevant questions and follow-up questions, including those challenging credibility.
- Before a Complainant, Respondent, Title IX Coordinator, or witness answers a question, the hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- The hearing officer will permit the Complainant and the Respondent to each give a closing statement.
- The hearing officer may order breaks as needed or upon requests from a party or witness during the hearing.

After these steps, the hearing is concluded and the audio or video tape will be turned off.

7. Written Determination

The hearing officer will prepare a **written determination** following the hearing and email it to the parties simultaneously. The written determination should be issued within seven business days and will include each of the following:

- the allegations of sexual harassment;
- a description of the procedural steps taken;
- findings of fact;
- conclusions regarding applying the policy to the facts;
- a statement with rationale detailing the result of each allegation;
- an explanation of whether Respondent is found responsible for any policy violations;
- a description of remedial measures and/or sanctions; and
- appeals instructions.

In all stages of the process, the preponderance of the evidence standard (i.e., more likely than not) will be applied.

H. Appeals

Complainants and Respondents each have the right to appeal the hearing officer's Written Determination and/or the remedial measures or sanctions. Appeals must be made in writing (via letter or email) to the appeals officer within 10 business days from the date of receiving the Written Determination. Each party has the right to receive a copy of the other party's appeal and respond. Five business days will be allowed to submit a written response to the appeals officer addressing the other party's appeal. Cross appeals (appeals



filed by both the Complainant and Respondent) are permitted.

The University official or designee receiving the appeal is referred to as the appeals officer. The following describes the assignment of appeals officers:

- For a case involving a student Complainant and student Respondent, the appeal will be made to the Vice President for Student Affairs or a designee.
- For a case involving an employee Complainant and employee Respondent, the appeal will be made to the Vice President for one of the areas in which the employee works or a designee, to be determined by the University on a case by case basis.
- For a case involving an employee Complainant and student Respondent, the appeal will be made to the Vice President for the area in which the employee works or a designee.
- For a case involving a student Complainant and employee Respondent, the appeal will be made to the Vice President for the area in which the employee works or a designee.
- For all additional cases, including those involving third-party Complainants, the University will appoint a Vice President or a designee.

The following grounds are the only allowable bases for appeals: (1) there is an alleged procedural irregularity that affected the outcome; (2) new evidence is available that could affect the outcome; or (3) the Title IX Coordinator, Investigator, or hearing officer had a conflict of interest or bias that affected the outcome.

The appeals officer's decision regarding the appeal will be issued in writing to the parties no more than 60 calendar days from receipt of the appeal request. If both parties appeal, the 60 calendar day deadline applies to each appeal separately. The appeals decision is final.

I. RELATED PROVISIONS

Remedial Measures or Sanctions: the imposition of remedial measures or sanctions, if recommended, will proceed in accordance with Illinois and federal statutes and relevant University policy, as well as applicable collective bargaining agreements, rules and regulations.

For employees (including student employees), the following may be imposed:

- verbal warning;
- written warning;
- advisory letter;
- monitoring;
- campus access restrictions;
- required educational and prevention training;
- No Contact Order; loss of University privileges;
- suspension with or without pay;
- probation;
- demotion;
- transfer;
- termination; and/or
- revocation of tenure or emeritus status.

For students, the following may be imposed:

- verbal warning;
- written warning;
- advisory letter;
- monitoring;
- campus access restrictions;
- residence hall suspension or expulsion;
- required educational and prevention training;
- No Contact Order;
- loss of University privileges;
- disciplinary suspension;
- expulsion; and/or
- degree revocation.

For applicants, visitors, and third parties, the University may impose sanctions including, but not limited to prohibition from entering campus or other actions to prevent contact with the person suffering an incident of sexual harassment. A finding of a sexual harassment policy violation against an individual who is not a member of the University community (*i.e.*, not a student or employee) may result in sanctions 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.

These foregoing remedial measures and sanctions are separate and distinct from those available to local law enforcement authorities.

Retaliation: retaliatory action of any kind taken against a Complainant, Respondent or witness as a result of that person’s participation in the above-referenced procedures is prohibited and will be evaluated for an internal investigation by the Title IX Office. Any retaliation concerns should be immediately shared with the Title IX Coordinator.

Campus Safety: students or employees may be removed from campus on an emergency basis prior to a Complaint being filed or the resolution of the investigation process described in the Guidelines section of this policy. The University must engage in an individualized safety and risk analysis. Specifically, the University must determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies the removal, and must provide the Respondent with written notice and an opportunity to challenge the decision immediately following removal. The challenge must be made in writing to the Title IX Coordinator, who will confer as needed with the Dean of Students and other University officials and issue a written decision to the Respondent within 48 hours or as soon as practicable. If the Respondent is an employee, the removal will be either paid or unpaid leave, determined by the Office of Human Resources in line with University rules and appropriate collective bargaining agreements.

Sexual History/Rape Shield Protections: questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant during the investigation or hearing stage, unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered solely to prove consent.

Records: the University will maintain records relating to any investigation for seven years. This record-keeping requirement includes, but is not limited to, the investigation report and evidence, the audio or hearing recording, the written determination and any remedial measures or sanctions, appeals materials, and information regarding informal resolutions. Note that these records may be subject to discovery in a civil or criminal case.

Training of Title IX Officials: the Title IX Coordinator, Investigator, and any University officials or third-parties who serve as hearing officers or appeals officers under this policy will receive annual training on Title IX. Information about the trainings and training materials will be posted on the [Title IX webpage](#) and regularly updated.

AUTHOR REFERENCE

[Title IX of the Education Amendments Act of 1972 \(Title IX\)](#)
[Board of Trustees Governing Policies, Article II, Section 4 University Employees and Section 7 Students](#)
[University of Chicago Sexual Assault Policy](#)
[Northwestern University Policy on Sexual Misconduct](#)

HISTORY

08/14/2020: Converted to Interim Sexual Harassment Policy
 03/05/2020: added definition of “visitor”
 Policy Revision 10/18/2018
 Administrative Memorandum No. 62 Equal Opportunity and Affirmative Action, General Policy Statement, Effective Dated 3/1/1999
 Administrative Memorandum No. 63, Discrimination Grievance Procedure, Effective Dated 3/1/1999
 Sexual Harassment policy E2.10, Effective Dated 5/17/2012, previously Administrative Memorandum No. 6
 Policy on Sexual Harassment, Effective Dated 3/1/1999

APPENDIX

Appendix A: Sexual Harassment Complaint Form



RELATED POLICIES AND OTHER INFORMATIONAL MATERIAL

[Equal Opportunity and Nondiscrimination Policy Notice of Rights and Options](#)
[Nepotism and Personal Relationships](#)
[Relationships between University Employees and Students](#)

CONTACT INFORMATION FOR RESOURCES

University Resources

Confidential

[Confidential Advisor](#) (students): Rae Joyce Baguilat, (773) 442-4686, confidentialadvisor@neiu.edu
[Employee Assistance Program](#) (employees): (773) 442-5202
[University Ombuds](#) (students and employees): (773) 442-4527
[Student Counseling Services](#) (students): (773) 442-4650
[Student Health Services](#) (students): (773) 442-5800

Non-Confidential

[Title IX](#) (students and employees): (773) 442-5412
[Dean of Students](#) (students): (773) 442-4610
[Office of Human Resources](#): (773) 442-5200
[Angelina Pedroso Center for Diversity and Intercultural Affairs](#) (students): (773) 442-5449
[Behavioral Concerns Team](#) (students and employees): BCT@neiu.edu
[University Police](#) (students and employees): (773) 442-4100 (non-emergency), (773) 442-5511 (emergency)

Additional Resources (off campus and confidential)

Advocate Illinois Masonic Medical Center Crisis Line: (773) 296-5380 <http://www.advocatehealth.com/immc-ourservices>
Center on Halsted (serving LGBTQA community): (773) 472-6469 <http://www.centeronhalsted.org/resource-directory/>
Chicago Bar Association (legal services): 312-554-2000
http://www.chicagobar.org/AM/Template.cfm?Section=Need_a_Lawyer
Chicago Rape Crisis Hotline (24 hours, referrals, information, and counseling): 888-293-2080
http://www.ywcachicago.org/site/c.fmJW/KcOZJkI6G/b.8243031/k.F95D/Rape_Crisis_Hotline.htm
Chicago Women's Health Center (gynecological care and counseling): (773) 935-6126
<http://www.chicagowomenshealthcenter.org/>
Illinois Coalition Against Sexual Assault (counseling/education/advocacy): (773) 275-8340
<http://www.icasa.org/crisisCenters.aspx?PageID=501>
Resilience (formerly Rape Victims Advocates) 312-443-9603 <https://www.ourresilience.org/programs-services/>
LGBT Antiviolence Project (24 hours, referrals, information, and counseling): (773) 871-2273 (773) 871-2273
http://www.centeronhalsted.org/new_website/EVA.html
City of Chicago Division on Domestic Violence: (24 hours, referrals, information): 877-863-6338
http://www.cityofchicago.org/city/en/depts/fss/provdrs/dom_violence.html
National Suicide Prevention Lifeline: 1-800-273-TALK (8255), en Español 1-888-628-9454
<http://www.suicidepreventionlifeline.org/>

Medical Facilities for Sexual Violence Cases

The closest medical facilities where a medical forensic exam (*i.e.*, a "rape kit") can be conducted at no cost to the person who has experienced a sexual assault are as follows for each of Northeastern's locations:

- **Carruthers Center for Inner City Studies**, Mercy Hospital & Medical Center, 2525. S Michigan Ave., Chicago, IL 60616, 312-567-2000, <http://www.mercy-chicago.org/emergency-medicine>
- **Center for College Access and Success**, Northwestern Memorial Hospital, 250 E. Erie St., Chicago, IL 60611, 312-926-5188, <http://emergency.nm.org/>
- **El Centro**, Community First Medical Center, 5645 W. Addison St., Chicago, IL 60634, (773) 282-7000, <http://www.cfmedicalcenter.com/>
- **Main Campus**, Swedish Covenant Hospital, 5145 N. California Ave., Chicago, IL 60625, (773) 878-8200, <http://www.swedishcovenant.org/contact-us>

Resolution Outside Northeastern

This policy establishes prompt, fair, and impartial procedures for responding to every sexual harassment complaint so that problems can be identified and remedied internally. However, an individual has the right to contact the following state or federal agencies to file a formal complaint without retaliation from the University:

Illinois Department of Human Rights (IDHR)

Chicago: 312-814-6200 or 800-662-3942 (TTY: 866-740-3953) or Springfield: 217-785-5100
(TTY: 866-740-3953)

Illinois Human Rights Commission (IHRC)

Chicago: 312-814-6269 (TTY: 312-814-4760) or Springfield: 217-785-4350 (TTY: 217-557-1500)

U.S. Department of Education's Office for Civil Rights (OCR)

An individual may file a sexual discrimination complaint online with the U.S. Department of Education's Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>) regarding an alleged violation of Title IX or call 1-800-421-3481.

CONTACT INFORMATION

Please direct questions or concerns about this policy to:

Contact	Phone	E-Mail
Director, Office of Equal Opportunity, Title IX, and Ethics (Title IX Coordinator)	(773) 442-5412	titleix@neiu.edu

DISCLAIMER

The University reserves the right to modify or amend sections of this policy at any time at its sole discretion. This policy remains in effect until such time as the Responsible Officer calls for review. Requests for exception to any portion of this policy, but not to the policy statement, must be presented in writing to the Responsible Officer.