

Volume G1: Governance	G1.8 Sexual Misconduct Effective Date: 07/08/14 Last Revised: 10/18/18	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) does not tolerate sexual misconduct, including but not limited to, sexual assault, sexual violence, sexual exploitation, stalking, dating or domestic violence, and sexual harassment. Sexual misconduct is strictly prohibited by Title IX of the Education Amendments of 1972 (Title IX), a federal law which protects individuals from discrimination based on sex in any educational program or activity operated by recipients of federal financial assistance. Northeastern does not discriminate on the basis of sex, gender, sexual orientation, gender identity, or gender expression in the employment, education programs, or activities it operates. Northeastern cooperates fully with legal authorities in preventing and prosecuting Title IX offenses, and imposes remedial measures and/or disciplinary sanctions against those found responsible for violations. The University offers educational programs and resources designed to promote the awareness and prevention of sexual misconduct at all Northeastern locations. This policy applies to all individuals irrespective of their sex, gender, sexual orientation, gender identity, or gender expression. Northeastern expects members of the University community to help maintain a safe environment.

PURPOSE OF THE POLICY

The purpose of this policy is to advance Northeastern’s long-held position that sexual misconduct violates the standards of our community and is unacceptable, and to provide prompt and equitable resolution of sexual misconduct complaints. This policy furthers Northeastern’s commitment to providing locations that are safe and secure from sexual misconduct.

WHO IS AFFECTED BY THIS POLICY

This policy applies to all members of the University community: applicants; students; staff and faculty; and visitors. It applies to incidents that occur on University property, as well as at off-location functions sponsored or supervised by the University, or in connection with the University’s international programs. The policy may apply to incidents on or off-campus where one or more of the persons involved are not members of the University community. In such matters, the University’s ability to investigate and/or impose sanctions may be limited, and the University will take appropriate steps to address these matters on a case by case basis.

DEFINITIONS

Complainant: An applicant, student, employee, or visitor to the University who alleges and/or files a complaint of sexual misconduct.

Consent: 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.

Dating Violence: Dating violence is a type of relationship violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such a relationship is gauged by its length, type, and frequency of interaction. Dating violence is also referred to as intimate partner violence. Dating violence involves one or more of the following elements:

- Battering that causes bodily injury (under Illinois law, a person commits battery if the person intentionally or knowingly without legal justification, and by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual);
- Purposely or knowingly causing reasonable apprehension of bodily injury;
- Emotional abuse creating apprehension of bodily injury or property damage; or
- Repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass, or threaten.

Dating violence occurs when one partner uses sexual, physical, verbal, and/or emotional abuse against the other partner. Reasonable apprehension of harm includes threats, controlling behavior, and stalking. This abuse and/or threats may occur in many ways, including but not limited to, via telephone, mail, electronic communication, or social media.

Domestic Violence: Domestic violence is a type of relationship violence committed by a person against a current or former spouse/cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law. Domestic violence involves one or more of the following elements:

- Battering that causes bodily injury (under Illinois law, a person commits battery if the person intentionally or knowingly without legal justification, and by any means causes bodily harm to an individual or makes physical contact of an insulting or provoking nature with an individual);
- Purposely or knowingly causing reasonable apprehension of bodily injury;
- Emotional abuse creating apprehension of bodily injury or property damage; or
- Repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass, or threaten.

Domestic violence occurs when one partner uses sexual, physical, verbal, and/or emotional abuse against the other partner. Reasonable apprehension of harm includes threats, controlling behavior, and stalking. This abuse and/or threats may occur in many ways, including but not limited to, via telephone, mail, electronic communication or social media.

Interim Protective Measures: Interim protective measures are reasonable measures the University can put in place to provide immediate support and protection to person(s) who report sexual misconduct or retaliation. These measures are available to individuals even if they choose not to file or pursue a complaint, or if the status of a Respondent to the University is unclear (un-enrolled student, non-employee, etc.). Examples of interim protective 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. Interim protective 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 measures needed by each individual may change over time, and the Title IX Coordinator shall communicate with the Complainant and Respondent throughout the investigation to ensure that any interim protective measures are necessary and effective based on their evolving needs. These measures may be issued by the University's Title IX Coordinator at



any time, including during the investigative process and after the conclusion of the grievance process. Requests to adjust interim protective measures should be made to the Title IX Coordinator, who will determine such requests based on the information available at the time. Decisions regarding interim protective measures may not be appealed.

Respondent: An applicant, student, employee, or visitor to the University who is accused in an allegation and/or a complaint of sexual misconduct.

Sexual Abuse: Sexual abuse means 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 Assault: Sexual assault is a severe form of sexual harassment that violates this policy and the Illinois Criminal Code. It includes:

- An act of sexual penetration or sexual conduct by the use of force or threat of force, including threatening or endangering the life of the victim or any other person; or
- An act of sexual penetration or sexual conduct where the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or
- An act of sexual penetration or sexual conduct with a victim who was under age 17 when the act was committed, or with a victim who was under age 18 when the act was committed and the accused was age 17 or more and held a position of trust, authority, or supervision in relation to the victim; or
- An act of sexual penetration or sexual conduct in which the accused delivered any controlled substance (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without his or her consent, or by threat or deception, and for other than medical purposes.

Sexual assault also includes knowingly touching or fondling a person's genitals, breasts, thighs, groin, or buttocks with no consent, or knowingly touching a person with one's own genitals, breasts or buttocks with no consent. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. This also includes causing or inducing a person to similarly touch or fondle oneself or someone else without consent.

Sexual Conduct: Includes 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: Sexual exploitation means 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.

Sexual Harassment: Sexual harassment is a form of sex discrimination when the conduct is based on an individual's actual or perceived sex, gender, sexual orientation, gender identity, or gender expression. It includes any unwelcome advances, requests for sexual favors, or any verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment, or participation in a University activity;



- Submission to or rejection of such conduct by an individual is used as the basis for or a factor in such decisions affecting employment, education, living environment, and/or participation in a University activity; and/or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance, or creating an intimidating, hostile, offensive, or abusive environment for that individual's employment, education, living environment, or participation in a University activity.

Claiming that the alleged conduct was not motivated by sexual desire is not a defense to a complaint of sexual harassment.

Sexual Misconduct: Sexual misconduct is a broad term that describes unwelcome or unwanted sex or gender based conduct and/or behavior of a sexual nature that is prohibited by the University, and may also be prohibited by federal and state law, including Title IX. Sexual misconduct includes but is not limited to sexual assault, sexual violence, sexual exploitation, stalking, dating or domestic violence, and sexual harassment. It is a violation of this policy to commit these acts or to attempt to commit them.

Sexual Penetration: Sexual penetration is 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 Violence: Sexual violence is defined as physical sexual acts attempted or perpetrated against a person's will, or when a person is incapable of giving consent, including without limitation rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Stalking: Stalking is when a person knowingly engages in a course of conduct directed at a specific person, and they know or should know that this course of conduct would cause a reasonable person to: (1) fear for their safety or the safety of a third person; or (2) suffer other emotional distress. Stalking includes repeatedly following, harassing, threatening, or intimidating another person by telephone, mail, electronic communication, social media, or any other action, device or method.

Title IX Coordinator: The Title IX Coordinator is the University official responsible for implementing Northeastern's Sexual Misconduct 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. Northeastern's Title IX Coordinator is the Director of Equal Opportunity and Ethics.

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 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/](#)



MANDATORY REPORTERS: All University employees (including student employees) are required to promptly report sexual misconduct of which they become aware to the Title IX Coordinator unless they are exempt from mandatory reporting. Only the Confidential Advisor, University Ombuds, employees of Student Health Services, and Student Counseling Services counselors are confidential resources exempt from mandatory reporting of sexual misconduct matters. Please contact the University's Title IX Coordinator for guidance on reporting. **Note:** the Title IX Coordinator is not a confidential resource for any sexual misconduct matters.

This policy prohibits:

SEXUAL MISCONDUCT: All forms of sexual misconduct, including but not limited to, sexual assault, sexual violence, sexual exploitation, stalking, dating or domestic violence, and sexual harassment are strictly prohibited at Northeastern. Sexual misconduct is considered sex discrimination and consequently is a violation of Title IX.

RETALIATION: It is unlawful to retaliate against an individual for filing a sexual misconduct charge, testifying, or participating in any way in an investigation, proceeding, or litigation. Retaliation is any adverse action taken against a person participating in these protected activities. Northeastern strictly prohibits and will not tolerate reprisals or retaliation against persons due to their assertion of protected civil rights, or their participation in the pursuit of the protected civil rights of others. Retaliation violations should be immediately reported to the Title IX Coordinator, and may be investigated as separate violations of the Sexual Misconduct policy.

FALSE AND FRIVOLOUS COMPLAINTS: Sexual misconduct is a serious matter and can have far-reaching effects on the lives and careers of individuals. Intentionally false accusations can have a similar impact. A person who knowingly and intentionally files a false complaint under this policy is subject to University discipline as described more fully in the *Sanctions or Remedial Measures* paragraph below.

PROCEDURES

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

FILING A COMPLAINT: In accordance with the Mandatory Reporter section under Regulations above, University employees are obligated to report allegations of sexual misconduct, and students are strongly encouraged to report allegations of sexual misconduct to the University's Title IX Coordinator. It is not required that the employee or student directly witnessed the incident. Such reporting should be initiated by filing a complaint form with the Title IX Coordinator (see Appendix A). The Title IX Coordinator may investigate allegations of sexual misconduct prohibited by Title IX even absent the filing of a formal grievance or its subsequent withdrawal. In addition, the Title IX Coordinator may proceed with a formal or informal investigation even if a Complainant specifically requests that the matter not be pursued. In such a case, the Title IX Coordinator will take all reasonable steps to investigate and respond to the matter in a manner sensitive to the Complainant's concerns and privacy rights.

GUIDELINES

CONFIDENTIAL ADVISOR: A Confidential Advisor is employed by 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 exempt from being a Mandatory Reporter (required to report Title IX incidents to the Title IX Office) and is therefore not required to notify the Title IX Coordinator of any sexual misconduct reports. Northeastern's Confidential Advisor, Rae Joyce Baguilat, may be reached at (773) 442-4686 or confidentialadvisor@neu.edu

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 law enforcement or pursue disciplinary action, 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: <https://rainn.org/get-information/sexual-assault-recovery/rape-kit>. See the *Related Policies and Other Informational Material* section below for additional relevant information.

PURSUIING CRIMINAL CHARGES: Because sexual misconduct constitutes a violation of University policy, and may qualify as a criminal activity, every individual alleging sexual misconduct maintains the personal right to file criminal charges with the appropriate local law enforcement agency in addition to filing an incident report within the University. If the incident occurred in the City of Chicago, the Chicago Police Department is the appropriate agency for filing criminal charges. Otherwise, an individual may contact University Police for assistance with where to file criminal charges. Northeastern makes known these [rights](#) and will reasonably assist individuals in such filings when requested. The University respects an individual's decision regarding reporting to law enforcement. 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 misconduct to the Title IX Coordinator to review for policy violations.

REPORTING TO THE UNIVERSITY: A student, applicant, or visitor to the University who either observes or believes oneself to be the object of sexual misconduct should report the incident by immediately notifying the Title IX Coordinator. This report may be made in person, [via the internet](#), via email, or by phone, by members of the University community, as well as third parties (applicants, visitors, bystanders, or individuals not affiliated with the University). Northeastern provides an option for individuals (including third-parties) to report sexual misconduct electronically, anonymously and confidentially [via the internet](#) at <https://www.neiu.edu/about/title-ix-sexual-misconduct-complaint-form>.

CONFIDENTIALITY: Northeastern will make every reasonable effort to preserve individuals' privacy, and protect the confidentiality of information related to sexual misconduct as allowed under the law. As described above, with only three limited exceptions, all University employees must notify the Title IX Coordinator of any sexual misconduct incidents. The reporting requirement for Northeastern's employees is absolute, meaning all information should be shared with the Title IX Coordinator, who will implement the policy requirements based on an analysis of the information provided and initial investigation as needed. The expectation for individuals involved in a sexual misconduct matter should be that communications will be kept as confidential as possible, though complete confidentiality is not possible. The University considers complaints and investigations under this policy to be private matters for the parties involved, including the Complainant, Respondent, and any witnesses. The University will protect the identity of persons involved in reports of sexual misconduct to the best of its ability, and will only share personally identifiable information with University staff, faculty, or students strictly on a need-to-know basis for policy compliance.

The Confidential Advisor, University Ombuds, Student Health Services, and Student Counseling Services counselors are confidential resources exempt from mandatory reporting of sexual violence, therefore these offices are legally privileged to keep communications confidential. Reporting an incident to Northeastern's Confidential Advisor, Student Health Services, Student Counseling Services counselors, and/or the University Ombuds does *not* constitute the reporting of sexual violence to the University; this includes sexual assault. After discussing any concerns with the Confidential Advisor, Student Health Services, Student Counseling Services counselor, and/or the University Ombuds, an individual may choose to file a complaint of sexual misconduct with the Title IX Coordinator or with University Police.

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 is required by law to annually report sexual assault, domestic violence, dating violence, stalking, and other campus crime statistics to the public. 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.

INVESTIGATION: *Appendix B: Grievance Procedure* sets forth the University's investigative procedures for sexual misconduct cases.



SANCTIONS OR REMEDIAL MEASURES: The imposition of sanctions or remedial measures, 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; 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; 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 misconduct. A finding of a sexual misconduct 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 remedies and sanctions are separate and distinct from those available to local law enforcement authorities.

LEGAL ORDERS: The following resources are available for filing for a legal order of protection or no-contact order. Northeastern will comply institutionally with any such legal order. For more information, please visit the Illinois Attorney General's website to learn more about [Orders of Protection](#) or [How Illinois law can protect you from stalking](#).

ROMANTIC OR SEXUAL HISTORY: When investigating a matter under this policy, the Title IX Coordinator will not consider information regarding the romantic or sexual history of either the Complainant or the Respondent, except from either the Complainant or Respondent regarding their shared sexual history. If either offers such information, the other will have the right to respond. As stated above in the Consent definition of this policy, past consent to sexual activities with a person does not imply ongoing or future consent with that same person.

AMNESTY: Northeastern recognizes that an individual who has been drinking or using drugs at the time of a potential sexual misconduct 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 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.

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

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 Misconduct Complaint Form

Appendix B: Grievance Procedure

RELATED POLICIES AND OTHER INFORMATIONAL MATERIAL

[Equal Opportunity and Nondiscrimination Policy](#)

[Notice of Rights and Options](#)

[Nepotism and Personal Relationships](#)

SUPPORT SERVICES AND RESOURCES

The needs of an individual who has been subject to sexual misconduct 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.

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>

ALL SEXUAL MISCONDUCT CASES

University Resources

Confidential

Confidential Advisor (students): Rae Joyce Baguilat, 773-442-4686, confidentialadvisor@neiu.edu

Employee Assistance Program (employees): 773-442-5202

University Ombuds (employees & students): 773-442-4527

Student Counseling Services Counselors (students): 773-442-4650

Student Health Services (students): 773-442-5800

Non-Confidential

Angelina Pedroso Center for Diversity and Intercultural Affairs (students): 773-442-5449

Behavioral Concerns Team (students and employees): BCT@neiu.edu

Campus Violence Prevention Committee (students and employees): 773-442-4600

Dean of Students (students): 773-442-4610

University Police (students and employees): 773-442-4100 (non-emergency), 773-442-5511 (emergency)

Additional Resources

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.fmJWKcOZJkI6G/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/>

Resolution Outside Northeastern

This policy establishes prompt, thorough, and effective procedures for responding to every sexual misconduct complaint and incident 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:

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) (<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 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.



Appendix A

Northeastern Illinois University Office of Equal Opportunity and Ethics

SEXUAL MISCONDUCT COMPLAINT FORM

Please complete the following:

Name

Address

Telephone Number

Status (Student, Employee, Applicant or Visitor)

Department and Title (for employees)

If you believe you have been subject to sexual misconduct by any member of the University community or while participating in a University sponsored activity, you are urged to bring it to the attention of the University's Title IX Coordinator. If you would like to initiate a criminal investigation of a sexual assault, **immediately call the University Police at 773-442-5511 or local police at 911.**

Please complete the following:

Describe the incident that you believe is sexual misconduct:
(attach additional sheets if necessary)



Please list anyone who may have witnessed the sexual misconduct incident you described:
(attach additional sheets if necessary)

Witness #1

Name

Address

Telephone Number

Status (Student, Employee, Applicant or Visitor)

Witness #2

Name

Address

Telephone Number

Status (Student, Employee, Applicant or Visitor)

Witness #3

Name

Address

Telephone Number

Status (Student, Employee, Applicant or Visitor)

Witness #4

Name

Address

Telephone Number

Status (Student, Employee, Applicant or Visitor)



Who was responsible for the sexual misconduct incident you described?

(attach additional sheets if necessary)

Respondent #1

Name

Address

Telephone Number

Status (Student, Employee, Applicant or Visitor)

Respondent #2

Name

Address

Telephone Number

Status (Student, Employee, Applicant or Visitor)

I, the undersigned, do hereby authorize the Title IX Coordinator or other designated Northeastern Illinois University official to conduct inquiries or investigation procedures with respect to the investigation/resolution of this complaint. I understand that information regarding my complaint may be shared with applicable University officials in order to acquire sufficient information with respect to the investigation, as well as, any follow-up activities that may be required in relation to the University's response to my complaint. I also authorize the University to use whatever information may be obtained with respect to this complaint in any legal or formal grievance proceedings that may involve the issues contained herein. I affirm that I have read the above complaint and that it is true to the best of my knowledge, information, and belief.

Signature

Date

Please return to Northeastern Illinois University, Office of Equal Opportunity and Ethics (Title IX Officer), 5500 N. St. Louis Ave., Office C216, Chicago, IL 60625-4699 or via email at titleix@neiu.edu Phone: 773-442-5412.



Appendix B

GRIEVANCE PROCEDURE

The following investigation procedures are the University's grievance procedures for cases involving sexual misconduct. The grievance process steps will be conducted as timely as feasible, and investigation procedures will be prompt, fair, and impartial.

A. Initial Steps

Promptly after receiving a report or complaint alleging sexual misconduct, the Title IX Coordinator will provide a written notice separately to the Complainant (if identified and a Northeastern student, staff or faculty member) and the Respondent (if identified and a Northeastern student, staff or faculty member). This notice will describe in plain language the parties' rights and options under this policy, including interim protective measures.

The Title IX Coordinator will make a good faith effort to conduct a private in-depth interview with the Complainant. If the Title IX Coordinator decides that further action is warranted, the informal and/or formal investigation procedures outlined below will be followed. The Title IX Coordinator will typically investigate only written complaints received within 30 calendar days of the alleged incident, but has the discretion to investigate older allegations or investigate in the absence of a written complaint. All information collected during the review of a complaint will be kept as confidential as possible. The Title IX Coordinator will determine at this initial stage whether to issue interim protective measures to the Complainant or both parties, and may issue such measures at any time during, as well as after, the grievance process. Various required notices will be provided to the Complainant and Respondent, including a notice stating that each party may have an advisor present at any meeting or proceeding related to the grievance process provided no undue delay is caused.

B. Informal Resolution

Informal resolution does not apply to and will not be offered for sexual violence grievances. For other cases under the Sexual Misconduct policy, if the Complainant seeks informal resolution, prompt notification of the complaint will be provided to the Respondent and informal proceedings will commence. Through the informal resolution process, the Title IX Coordinator will attempt to achieve a mutually acceptable resolution within 30 calendar days. If a resolution has not been reached through the informal process, further investigation by the Title IX Coordinator will be undertaken if deemed necessary by the Title IX Coordinator.

Informal efforts to address the allegations will conclude with one of the following: (1) a resolution of the complaint by agreement of the parties; or (2) a decision to stop further action. Possible resolutions by agreement of the parties may include, but are not limited to: an apology to the Complainant; assisting the Respondent to better understand the effects of the Respondent's conduct and ways in which this behavior could be changed; participation in designated educational programs about sexual misconduct; verbal or written reprimands; or other interventions or actions aimed at ending the alleged misconduct.

In concluding the informal resolution phase, the Title IX Coordinator shall submit a report to the parties involved in the allegation and the appropriate executive officers, but not typically to any other campus-level office. The appropriate executive officers are typically Respondent's Vice President and immediate supervisor if the Respondent is an employee or the Dean of Students if the Respondent is a student. Informal resolution reports will usually be brief. Reports prepared by the Title IX Coordinator and all records collected during the investigation shall be kept separate from the official personnel files of the parties, except for remedial measures and/or sanctions.

C. Formal Investigation

Any party, including the University, may pursue a formal investigation if the party is dissatisfied with a proposed informal resolution. If a complaint proceeds to a formal investigation or the matter is not appropriate for informal resolution (all sexual violence matters), a prompt, fair, and impartial investigation is conducted by the Title IX Coordinator to determine if a violation of this policy occurred.



The Title IX Coordinator shall provide a copy of the complaint to the Respondent and to the Respondent's Vice President and immediate supervisor if the Respondent is an employee or the Dean of Students if the Respondent is a student. Accompanying a copy of the complaint, the Title IX Coordinator shall provide the Respondent with written notice of the allegations constituting a potential violation of this policy, including the identities of the parties involved, the specific policy allegedly violated, the precise conduct allegedly constituting the potential violation, and the date and location of the alleged incident. The Respondent will be required to respond in writing to the policy violation allegations within a reasonable time, not to exceed 14 calendar days from the date of delivery of the complaint. Respondent's response may be delivered by email or written letter to the Title IX Coordinator. Any extension of time must be approved by the Title IX Coordinator. A copy of the Respondent's response will be promptly provided to the Complainant.

The Title IX Coordinator's formal investigation shall include interviewing the parties and relevant witnesses, and reviewing written statements, documents, records, and other communications. Both the Complainant and Respondent will be provided with the following in connection with the investigation of alleged or suspected violations of this policy:

- The right to have an advisor of their choice accompany them to any meeting or proceeding related to an alleged violation of this policy (this includes but is not limited to the Confidential Advisor).
- The opportunity to speak on their own behalf.
- The opportunity to identify witnesses who can provide information about the alleged conduct at issue.
- The opportunity to submit other evidence on their behalf.
- The opportunity to review any information that will be offered by the other party in support of the other party's position (to the greatest extent possible and consistent with the Family Educational Rights and Privacy Act ("FERPA") or other applicable law).
- The right to be informed of the outcome of the investigation (to the greatest extent possible and consistent with FERPA or other applicable law).
- The opportunity to appeal the outcome of the investigation.

In addition:

- The Complainant and the Respondent may not directly cross examine one another, but may, at the discretion and direction of the Title IX Coordinator, suggest questions to be posed and responded to by the other party.
- The advisor accompanying the Complainant or Respondent to any meeting or proceeding related to an alleged violation of this policy must comply with the grievance procedure rules. The advisor may not participate in the meeting or proceeding, but may speak privately to the Complainant or Respondent during break periods.
- Throughout the investigation process, both the Complainant and Respondent will be provided with regular updates by the Title IX Coordinator.

D. Investigation Disposition

When the formal investigation is completed, an Investigation Report will be prepared by the Title IX Coordinator. Copies of the Investigation Report will be provided simultaneously to the Complainant, Respondent, Respondent's Vice President and immediate supervisor, or Dean of Students, in cases in which the Respondent is a student. The Investigation Report will contain (1) the Complainant's allegations or a summary of any other suspected violations; (2) the Respondent's replies to the allegations or suspected violations; (3) information provided by witnesses, documents, or other information obtained during the investigation; (4) a description of the investigation process; (5) the Title IX Coordinator's analysis of evidence and findings of fact on each element of the complaint; and (6) any recommendation(s) the Title IX Coordinator may consider pertinent to the disposition of the complaint. The Complainant and Respondent are each permitted to review and respond to the Investigation Report. The University will provide three business days for the Complainant and Respondent to provide a written response to the Title IX Coordinator regarding the Investigation Report. The Title IX Coordinator will consider any written response and evaluate whether the outcome should be revised in part or in its entirety, providing notice to both parties of any important development related to this evaluation. Decisions regarding written responses to the Investigation Report may not be appealed.



The Title IX Coordinator's findings of fact in this Investigation Report shall be made using the *preponderance of the evidence* standard (*i.e.*, more likely than not). Individuals are presumed innocent unless a *preponderance of the evidence* supports a finding of misconduct. The *preponderance of the evidence* standard requires that the evidence supporting each finding is more convincing than the evidence offered in opposition to it. If there is evidence that the complaint was filed without a reasonable basis in fact and honest belief, the Title IX Coordinator shall include that evidence in the Investigation Report.

The Title IX Coordinator, the Vice President and the immediate supervisor for an employee, or Dean of Students for a student, will review and discuss the case and the Investigation Report as a group, and the Vice President or Dean of Students will make a decision on the merits of the complaint. This decision as to the disposition of the case shall be made as soon as possible. This decision shall be in writing, shall include an explanation of the decision and shall be sent simultaneously to the parties within seven calendar days of the final decision, and to the Respondent's immediate supervisor in the case of an employee Respondent. If the Vice President or Dean of Students determines that further information is needed to make a decision, the Title IX Coordinator will be tasked with conducting follow-up and/or additional interviews.

If a policy violation is found, remedial action will be taken by the Vice President for an employee or Dean of Students for a student after a separate discussion of alternative possible remedies with the Complainant and the Respondent's immediate supervisor. If disciplinary action is taken as a result of a finding of a policy violation, procedures required under relevant collective bargaining agreements, Northeastern Illinois Board of Trustees Regulations, State Universities Civil Service Status and Rules, or Student Conduct Code will be followed. If there is insufficient evidence to support the allegation of a policy violation, the Complainant may, at the option of the Vice President or Dean of Students, be given the opportunity to discuss the findings and to provide additional information that would be shared with the Respondent, who would have the opportunity to respond.

The grievance process, *i.e.*, investigation, resolution/decision and determination of remedial measures/sanctions (if applicable), should be completed by the University within a reasonably prompt period of time from the filing of a complaint or Title IX Coordinator's initiation of a complaint. Extensions required due to University closure or other valid reasons should be documented in the Investigation Report.

Retaliatory action of any kind taken against a complaining party as a result of that party's seeking redress under the above-referenced procedures is prohibited and shall be regarded as a separate and distinct cause for complaint under these procedures.

APPEALS

Either party (Complainant or Respondent) or both parties may appeal the Vice President's or Dean of Students' decision to the President. An appeal may be made if the party alleges (i) a procedural error occurred, (ii) new information exists that would substantially change the outcome of the finding, or (iii) the sanction is disproportionate with the violation.

Appeals to the President must be made in writing (via written letter or email) within 10 business days from the date of receiving the decision. Upon receipt of the appeal, the President will review the decision and the information provided in the appeal request. The President's decision regarding the appeal will be issued, in writing, to the party no more than 60 calendar days from receipt of the appeal request and no more than seven calendar days from the date the appeal decision was made. The President's decision is final.

The President and/or Title IX Coordinator may consult the General Counsel for advice at any step in the above informal or formal procedures, or in an appeal.