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.