



FAQ on University of Northwestern's Sexual Misconduct Policy

What is sexual misconduct?

Based on Federal laws, primarily Title IX and Campus SaVE, sexual misconduct is a broad category that includes sex discrimination, sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, and stalking.

TITLE IX of the Education Amendments of 1972:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..." (20 U.S.C. § 1681).

Discrimination "on the basis of sex": Sexual discrimination encompasses all forms of sexual harassment, sexual violence, differential treatment, and gender-based harassment *by* employees, students, or third-parties *against* employees, students, or third-parties.

Campus Sexual Violence Elimination Act (Campus SaVE):

Campus SaVE (SaVE) is a companion to Title IX that requires all colleges and universities, participating in federal student aid programs, to increase transparency about and increase efforts in the prevention of sexual violence within higher education.

Is this a new policy?

No. Our existing anti-discrimination/anti-harassment policies have simply been revised to ensure compliance with new and updated state and Federal laws.

What is our responsibility when we become aware of sexual misconduct?

According to the Sexual Misconduct Policy, faculty and staff "must immediately report sexual misconduct to the Title IX Coordinator." This includes awareness of sexual misconduct through oral and written communication. Specifically, the responsibility to report is for sexual misconduct which includes physical assault or discrimination on the basis of sex. Those making the report should be informed that this information will be discretely handled but must be forwarded to the Title IX Coordinator.

Faculty and staff are not allowed to investigate or attempt to resolve reports of sexual misconduct. All reports of sexual misconduct must be forwarded to the Title IX Coordinator.

Can I make a confidential or anonymous complaint?

The Title IX Coordinator will try to honor requests to keep any reports confidential or for Northwestern not to investigate or respond to such report. In deciding whether the request can be honored, the University will weigh the request against the seriousness of the alleged misconduct, the University's duty to maintain a safe and nondiscriminatory learning environment for all students, and the University's commitment to address and prevent recurrence of misconduct. Also, Northwestern will accept anonymous reports to the Title IX Coordinator or Public Safety of conduct alleged to violate this policy. Complying with any such request will limit Northwestern's ability to look into and respond to a report.

In all cases, the individuals investigating and responding to incidents or allegations of misconduct will share information about the incident or allegation, investigation and response within and outside Northwestern only on a “need to know” basis.

Is it possible for a complaint to be filed against me without my knowledge?

No. The Sexual Misconduct Policy requires transparency in the process; all parties involved are kept informed throughout the process.

Does this procedure for reporting sexual misconduct conflict with Matthew 18:15-17?

Proper interpretation requires a consideration of the historical and literary context of Bible passages. Matthew 18:15-17 provides a formal process for resolving conflict between believing adults in a church setting. The passage begins with a reference to “brother” and concludes with “tell it to the church.” The conflict is personal sin, “sins against you,” and the punishment for refusal to reconcile is church discipline, “treat him as you would a pagan or a tax collector.” Although the general principles of this passage may be applied more broadly, Matthew 18:15-17 was originally intended for adults in a church setting. Even if a general application were to be attempted, Matthew 18 does not consider the age and power differential between students and faculty/staff.

What if the accusation of sexual misconduct proves to be false?

If an accusation of sexual misconduct is proven to be false, the motives and actions of the complainant will be examined. If the accusation was made in “good faith,” there will be no consequences. According to the policy, “No students or employee shall be reprimanded or retaliated against for, in good faith: initiating a report, filing a complaint, or participating in an investigation related to a claim of sexual misconduct.” Retaliation of any kind is a violation of the Sexual Misconduct Policy and is subject to disciplinary action.

Additionally, according to the policy, “The University may impose disciplinary action if it determines that a student or employee initiated a claim of sexual misconduct in bad faith, knowingly provided false information, or intentionally misled a University representative during an investigation of this or a related complaint.”

Who benefits from complying with Title IX?

Title IX benefits both men and women. The law requires educational institutions to maintain policies, practices and programs that do not discriminate against anyone on the basis of sex. Eliminating discrimination against women has received more attention because females historically have faced greater restrictions and barriers in education. However, Title IX also has benefited men. Moving toward creating educational environments where all students learn and thrive is the goal of this law.

What are the consequences of failing to comply with Title IX or the Sexual Misconduct Policy?

The penalty for failure to comply with Title IX can include the termination of all or part of an institution's federal funding, including Federal student financial aid (e.g., grants, loans).

If Northwestern determines that an employee or student intentionally fails to comply with the Sexual Misconduct Policy, disciplinary action will be imposed - up to and including termination of employment or expulsion.