



northern *State* university

# TITLE IX POLICY & PROCEDURE GUIDELINES

## **Introduction:**

Northern State University (NSU) is committed to providing a safe environment for all students, faculty and staff. As such, we have created this document to help protect and serve our constituents. All students, faculty, and staff are covered under this policy regardless of sexual orientation or gender identity. This policy also applies to third parties who may come in contact with students, faculty or staff. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. NSU has a zero-tolerance policy for sexual misconduct. When an allegation of misconduct is brought to the Administration's attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are not repeated. All employees must report information regarding an allegation of sexual misconduct involving a student.

This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define expectations and to establish a mechanism for determining when those expectations have been violated.

## **Overview of Expectations with Respect to Sexual Misconduct:**

NSU's expectations for standards of conduct regarding sexual misconduct are as follows: When engaging in sexual activity of any type with another individual there must be **clear, knowing and voluntary consent** prior to **and** during sexual activity. Consent is the key word and defines sexual permission. Consent may be given by word or action, but non-verbal consent is not as clear as talking about what you want or don't want sexually. Consent for one form of sexual activity is not assumed to be consent for every type of sexual activity. Silence, absent of actions demonstrating permission, cannot be assumed as consent.

There is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone to have sex. Coercion happens when one party is unreasonably pressured for sex.

Alcohol and other drug use can place the capacity to consent in question. Sober sex is less likely to raise such questions. When alcohol and other drugs are being used, a person will be considered unable to give valid consent if they are unable to fully understand the details of a sexual interaction (with whom, what, where, how, and why it happened). Individuals who consent to sex must be able to understand what they are doing. Under this policy, 'NO' always means 'NO' and 'Yes' may not always mean 'Yes'. Anything other than a clear, knowing and voluntary consent to any sexual activity is equivalent to a 'No'.

### **Consensual Relationships Overview:**

Any time there is a romantic or sexual relationship between individuals in unequal positions (faculty/student or supervisor/employee) there are risks involved. Such relationships may be less consensual than perceived by the person with power status. If the relationship changes, actions that were once welcome, may no longer be considered welcome or appropriate. A past romantic or sexual relationship will not dismiss future charges of sexual harassment violations.

For the protection of all faculty, staff and students, sexual relationships where there is a clear power differential are discouraged. Consensual romantic or sexual relationships in which one individual retains a direct supervisory or evaluative role, are unethical. Therefore, any person in a supervisory role who is involved in a consensual relationship with a subordinate must report that relationship to his/her immediate supervisor. This may result in removing the supervisor from the role of supervisor/evaluator or shifting the subordinate to another supervisor. This includes Resident Assistants and students over whom they have direct responsibility.

While no relationships are prohibited by this policy, failure to self-report such relationships may result in disciplinary action for an employee.

### **Sexual Violence Reduction Tips:**

Only those who commit sexual violent acts are responsible. However, NSU believes it is important to provide information on how every person can protect him/herself from being a victim of sexual violence.

1. If you have limits, let them be known as early as possible.
2. Tell a sexual aggressor 'NO' clearly and firmly.
3. Try to remove yourself from the presence of a sexual aggressor.
4. Find someone nearby and ask for help.
5. Take affirmative responsibility for your own alcohol intake/drug use and acknowledge alcohol/drug use lowers your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.

If you find yourself the sexual initiator, you owe sexual respect to your potential partner(s). The following suggestions may help reduce your risk for being alleged of sexual misconduct:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly communicate their intentions to you.
2. Understand and respect personal boundaries.
3. DON'T MAKE ASSUMPTIONS about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there is any question or ambiguity then you DO NOT have consent.
4. Mixed messages from your partner are a clear indication that you should stop, diffuse any sexual tension and communicate better. You may be misreading the messages being sent. Your partner may not have determined how far s/he wants to go with you yet.
5. DO NOT take advantage of someone's drunkenness or drugged state, even if they did it to themselves.

6. Realize that your potential partner could be intimidated by you or fearful. You may have a power advantage simply because of your gender and size. Don't abuse that power.
7. Understand that consent to some sort of sexual behavior does not automatically imply consent to any other kind of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

For on campus hearings related to sexual violence, the terms 'guilt' or 'innocence' or 'burden of proof' do not come into play, but the university never assumes a student has violated university policy. Campus hearings are intended, however, to take into account evidence from all relevant sources.

The university reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect the rights of students, faculty and staff safety. Such measures include, but are not limited to; modification of living arrangements, interim suspension from campus pending a hearing and notification of the Aberdeen Police Department.

Not all forms of sexual misconduct will be considered equally serious offenses, and the university reserves the right to impose different sanctions, ranging from verbal warnings to suspension, depending on the severity of the situation. The university will consider the concerns and rights of both the complainant and the person alleged of sexual misconduct.

**Sexual Misconduct Offenses Include, but are not limited to:**

**1. Sexual Harassment**

- a. Unwelcome gender based verbal or physical conduct that is;
- b. Sufficiently severe, persistent or pervasive that it
- c. Unreasonably interferes with , denies or limits someone's ability to participate in or benefit from the university's educational program and/or activities and is
- d. Based on power differentials (quid pro quo), the creation of a hostile work environment or retaliation.

**Examples of Sexual Harassment (this list is not exhaustive)**

- A professor insists a student has sex with him/her in order to get a better grade
- A student continuously sends sexually oriented jokes in emails, even though others have request the emails stop, possibly causing a recipient to avoid the sender in class or in the halls
- Explicit sexual pictures are displayed in a professor's office, on the door of a residence hall or as a computer screen saver on a public computer.
- Two supervisors frequently 'rate' employees' bodies and sex appeal, commenting suggestively about their clothing and appearance
- A professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way related to the subject matter of the class. S/he probes for specific details and demands responses even though class participants are uncomfortable doing so.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend, making him uncomfortable on campus.

- Male students begin calling a brunette student ‘Monica’ because of her resemblance to Monica Lewinsky. Soon others adopts this nickname, and she becomes the target of relentless remarks regarding cigars, the president, and Weight Watchers.
- A female student sends a nude Snap Chat to her boyfriend. After breaking up, the boyfriend shares the photo with others in order to ‘get back at her’.
- Brushing up against someone when it’s unwelcome
- Unwanted letters, notes, email messages, text messages, social media posts
- Unwanted, repeated telephone calls, invitations, or pressure for sexual favors and/or dates
- Threats or insinuations that a student’s membership or participation in a group is conditioned on or may be adversely affected by not submitting to sexual advances
- Suggestive sounds or noises, including whistles, kissing sounds, howling
- Unwanted, inappropriate references to a person as a ‘hunk’, ‘babe’, ‘honey’, ‘sweetie’
- Indecent exposure or sexual exhibitionism
- Peeping or other voyeurism
- Sexual assault or rape
- Attempting to force someone to engage in sexual relations

There are three types of sexual harassment:

- A. **Hostile Work Environment** – includes any situation in which there is harassing conduct that is sufficiently severe, pervasive and objectively offensive that it alters the conditions of employment or limits, interferes with or denied educational or employment benefits or opportunities from both a subjective (the alleged victim’s) and an objective (reasonable person’s) viewpoint.
- B. **Quid Pro Quo Harassment** – exists when there are:
  - a. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
  - b. Submission to or rejection of such conduct results in adverse educational or employment actions
- C. **Retaliatory Harassment** – any adverse employment or educational action taken against a person because of the person’s participation in a complaint or investigation of discrimination or sexual misconduct. This is typically manifested in through acts of intimidation, threats, coercion, or discrimination.

**Note:** A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe.

**Board of Regents Sexual Harassment Policy** - <http://www.sdbor.edu/policy/1-Governance/documents/1-17.pdf>

**Board of Regents Prevention of Sexual Assault, Domestic Violence and Stalking** - <http://www.sdbor.edu/policy/1-Governance/documents/1-17-1.pdf>

**Board of Regents Student Conduct Code** - [http://www.sdbor.edu/policy/3-Student\\_Affairs/documents/3-4.pdf](http://www.sdbor.edu/policy/3-Student_Affairs/documents/3-4.pdf)

## **Northern State University Student Handbook -**

<http://northern.edu/studentlife/Documents/studenthandbook.pdf>

### **2. Non-Consensual Sexual Contact**

- a. Any intentional sexual touching
- b. However slight
- c. With any object
- d. By an man or a woman, upon a man or a woman
- e. That is without consent and/or by force

Sexual contact includes; vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact

### **3. Non-Consensual Sexual Intercourse**

- a. Any sexual intercourse
- b. However slight
- c. With any object
- d. By a man or a woman, upon a man or a woman
- e. That is without consent and/or by force

Sexual intercourse includes; vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact

### **4. Sexual Exploitation**

Occurs when a student takes non-consensual or abusive sexual advantage of another for his or her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to the following:

- Invasion of sexual privacy
- Prostituting another student
- Non-consensual video or audio taping of sexual activity
- Going beyond the boundaries of consent (such as letting friends hide in the closet to watch a consensual sex act)
- Engaging in voyeurism
- Knowingly transmitting an STI or HIV to another student
- Exposing one's genitals in non-consensual circumstances; inducing another to expose his/her genitals
- Sexually based stalking, cyber-stalking and/or bullying

### **Additional Definitions:**

**Consent** – Consent is clear, knowing and voluntary. It is active, not passive. Silence should not be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Remember that consent to one type of sexual activity does not necessarily indicate permission to any form of sexual activity
- Previous relationships or prior consent cannot and does not imply consent for future sexual activities

**Force** – Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also include threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you...Okay, I’ll have sex with you, just don’t hurt me”).

- Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex or don’t want to go past a certain point and yet are pressured into doing so, may be considered coercion.
- **NOTE:** There is no requirement that a person resist the sexual advance or request, but resistance is a clear demonstration of non-consent. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- Sexual activity with someone known to be – or based on the circumstances should reasonably have known to be – mentally or physically incapacitated (by alcohol or other drug use, unconscious, or blacked out) constitutes a violation of this policy.
  - Incapacitation is a state in which someone cannot rational, reasonable decisions because they lack the capacity to give knowing consent
    - Ask...is this person able to understand who, what, why, where, and how this is happening
  - This policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from taking any form of rape drug. Possession, use and/or distribution of any of these types of substances including; Rohypnol, GHB, Ketomine, Burundanga, etc. is prohibited, and administering one of these drugs to another student is a violation of this policy.
  - This policy also covers dating violence.
- Use of alcohol or drugs by an alleged perpetrator will never serve as a defense to this policy

**Bystander Intervention** - Northern State University’s sexual assault prevention has adopted a dual-approach of integrating social norms correction with bystander intervention. One of the main barriers to an individual intervening to prevent a sexual assault is the misperception that others; are not concerned, would not support an intervention, and would not respect someone who did so. These barriers are typically untrue, but incorrect perceptions may be preventing you or others from intervening in a threatening situation.

### **Sanction Statement**

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive a sanction ranging from probation to expulsion, depending on the severity of the case, and taking into account any previous campus conduct code violations.
- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.
- Any student found responsible for violating the policy on Sexual Exploitation or Sexual Harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous code of conduct violations.

**NOTE:** The student board of conduct reserves the right to broaden or lessen any range of suggested sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor the appeals body will deviate from the range of suggested sanctions unless compelling justification warrants such action.

### **Reporting a Violation of This Policy:**

Any violation of this policy in any form should be reported immediately. All faculty and staff members of this campus are considered to be “responsible employees” who can take the initial information from a victim. After any such incident is reported to a ‘responsible employee’ that employee will notify or ask the victim to contact any one of the following:

- Title IX Coordinator – Checka Leinwall, 626-2530, [checka.leinwall@northern.edu](mailto:checka.leinwall@northern.edu) , SC-222
- Title IX Deputy Coordinator/Investigator – Jon Christenson, [jon.christenson@northern.edu](mailto:jon.christenson@northern.edu), 626-3007,
- NSU Vice President for Student Affairs – JoEllen Lindner, 626-2530, [joellen.lindner@northern.edu](mailto:joellen.lindner@northern.edu), SC 222
- Title IX Training Coordinator – Susan Bostian, 626-2520, [susan.bostian@northern.edu](mailto:susan.bostian@northern.edu), AB213
- NSU Campus Police Officer – Officer Dan McCoy, 380-8925, [nsucampusofficer@northern.edu](mailto:nsucampusofficer@northern.edu), SC 212
- Aberdeen Police Department – On Campus Dial 9-911, Off Campus Dial 911
- Safe Harbor – 226-1212, 310 S Kline Street – Off campus resource for confidential sexual assault assistance

Notification of a violation of the Title IX Policy will lead to an investigation into the incident(s). An on-campus investigation will involve reporting the incident to the Title IX Coordinator or a deputy Title IX Coordinator. After receiving the initial intake, the Title IX Coordinator or deputy will conduct the other party or parties involved to gain all relevant information regarding the incident.

It is important to bring any complaint to a resolution as quickly as possible. The University will work as quickly as possible to bring closure to both parties. If the complaint is valid, there will be a hearing of the Student Conduct Board approximately 60 days after the initial intake.

Anyone experiencing a violation of this policy is encouraged to speak to University officials to make a formal report. Notice to University official is official notice to the institution. You have the right and can expect to have incidents of sexual misconduct taken seriously by the institution when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Formal reporting means that only the people who need to know will be informed, and information will be shared only as necessary investigators, witnesses, and the alleged.

### **Reporting and Confidentially Disclosing Sexual Violence: Know the Options**

NSU encourages victims of sexual violence to talk to somebody about what happened so victims can get the support they need, and so NSU can respond appropriately.

Different employees on campus have different abilities to maintain a victim’s confidentiality.

- Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a victim in confidence, and generally only report

to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim's wishes.

- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. A report to these employees (called "responsible employees") constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation. This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. The University encourages victims to talk to someone identified in one or more of these groups.

### The Options:

#### A. Privileged and Confidential Communications

- Professional and Pastoral Counselors.

Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission.

Following is the contact information for these individuals:

[Kelly.bindenagel@northern.edu](mailto:Kelly.bindenagel@northern.edu) – Counselor

[Kristi.spitzer@northern.edu](mailto:Kristi.spitzer@northern.edu) – Counselor

Father Tom Anderson – NSU Newman Center 229-1011

### **Federal Statistical Reporting Regulations**

Certain campus officials have a duty to report sexual misconduct for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus, etc) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

### **Federal Timely Warning Reporting Obligations**

Victims of sexual misconduct should also be aware that university administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The university will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing ample information for community members to make safety decisions in light of the potential danger.

## **Questions & Answers:**

Below are some of the most commonly asked questions regard NSU's sexual misconduct policy and procedures:

- *Does information about a complaint remain private?*

The privacy of all parties to a sexual misconduct complaint must be respected insofar as it interferes with the university's obligation to fully investigate allegations of sexual misconduct. Where privacy is not strictly maintained, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the complainant or the alleged may lead to conduct action by the university. The university has an obligation to investigate all reports of sexual misconduct, even if the victim does not wish to press charges.

In all complaints of sexual misconduct, all parties will be informed of the outcome. If there is a report of an act of alleged sexual misconduct to a conduct officer and there is evidence that a felony has occurred, the local police department will be notified. This does not mean that charges will automatically be filed or that a victim must speak to the police, but the institution is legally required to notify law enforcement.

- *Will my parents be told?*

No, not unless you tell them. Whether you are the complainant or the alleged, the University's primary relationship is with the student and not the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. University officials will directly inform parents when requested to do so by the student, in a life-threatening situation, or if an alleged student has signed the permission form at registration which allows such communication.

- *Will the alleged student know my identity?*

Yes, if you file a formal complaint. Sexual misconduct is a serious offense and the alleged student has the right to know the identity of the alleged victim/complainant. If there is a hearing, the university does provide options for questioning without confrontation, including Skype or a room divider or separate hearing rooms.

- *Do I have to name the perpetrator?*

Yes, if you want formal disciplinary action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint. Victims should be aware that not identifying the perpetrator may limit the institution's ability to respond effectively.

- *What do I do if I am alleged of sexual misconduct?*

DO NOT contact the alleged victim. You may want to contact someone in the campus community who can act as your advisor. You may also contact the Office of Student Rights and Responsibilities in Student Affairs, which can explain the University's procedures for addressing sexual misconduct complaints. You may also want to speak to a counselor at the University's counseling center or seek other community assistance.

- *As a victim, will I be required to pay for counseling or medical attention?*

NSU provides a free counseling center for students. If a victim is accessing community and non-institutional services, payment for these will be subject to state/local laws, insurance requirements, etc.

- *What about legal advice?*

Victims of criminal sexual assault need not retain a private attorney to pursue prosecution because representation will be handled by the District Attorney's office. You may choose to retain an attorney if you are the alleged or are considering filing a civil action. The alleged student may retain counsel at his/her own expense.

- *What about changing residence hall rooms?*

If you want to move, you can request a room change through the Office of Residence Life. Room changes under these circumstances are considered emergencies. A student making such a request will be moved to the first available and suitable room. If you want the alleged student to move, and believe you have been a victim of a sexual misconduct, you must be willing to complete a formal or informal complaint with the university. No contact orders can be imposed and room changes for the alleged student can usually be arranged rather quickly. Other accommodations available may include:

- Assistance from the Office of Residence Life staff in completing the relocation;
- Arranging to modify the original housing contract and pro-rated refund;
- Assistance from the Academic Affairs with the necessary modifications to the students schedule (paper, test, etc.);
  - o Taking an incomplete in a class;
  - o Assistance with transferring class sections;
  - o Temporary withdrawal from classes;
  - o Assistance with alternative course completion options;
- Other accommodations for safety as necessary;

- *How do I preserve evidence from a sexual assault?*

Police are in the best position to secure evidence from a potential crime. Physical evidence of a physical sexual assault must be collected from the alleged victim's person within 120 hours, though evidence can often be obtained from towels, sheets, clothes, etc. for much longer periods of time. If you believe you have been a victim of criminal sexual assault, you should go to the emergency room at Avera St. Luke's or Sanford Hospital, before washing yourself or your clothing. The Sexual Assault Nurse Examiner (a specially trained nurse) at the hospital is usually on call 24 hours a day, 7 days a week. A victim advocate from NSU can also accompany you to the hospital and law enforcement or campus security can provide transportation.

If a victim goes to the hospital, law enforcement will be contacted, but the victim is not obligated to speak to the officer or to pursue prosecution. Having the evidence collected in this manner will help keep all options available to a victim, but will not obligate him or her to any particular course of action. Collecting evidence can assist authorities in pursuing criminal charges, should the victim later decide to pursue it.

For the victim: the hospital staff will collect evidence, check for injuries, address pregnancy concerns and the possibility of sexually transmitted diseases. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless). If you have not changed clothes since the assault, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes as evidence. Do not disturb the crime scene – leave all towels, sheets, etc. that may bear evidence for the police to collect.

- *Will a victim be sanctioned when reporting a sexual misconduct policy violation if s/he has illegally used drugs and/or alcohol?*

No. The severity of the infraction will determine the nature of the university's response, but whenever possible the university will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. The seriousness of the sexual misconduct is a major concern and the university does not want any of the circumstances to inhibit the reporting of sexual misconduct.

- *Will the use of drugs or alcohol affect the outcome of a sexual misconduct complaint?*

The use of alcohol or drugs by either party will not diminish the alleged student's responsibility. On the other hand, alcohol or drug use is likely to affect the complainant's memory, and, therefore, may affect the outcome of the complaint. A person bringing a complaint of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence, and/or witnesses to prove his/her complaint. If the complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the alleged without further corroborating information. Use of alcohol and/or drugs will never excuse a violation by an alleged student.

- *What if I am uncertain about what happened?*

If you believe that you have experienced sexual misconduct, but are unsure whether it was a violation of NSU's sexual misconduct policy, you should contact the Title IX Coordinator or the Counseling Center.

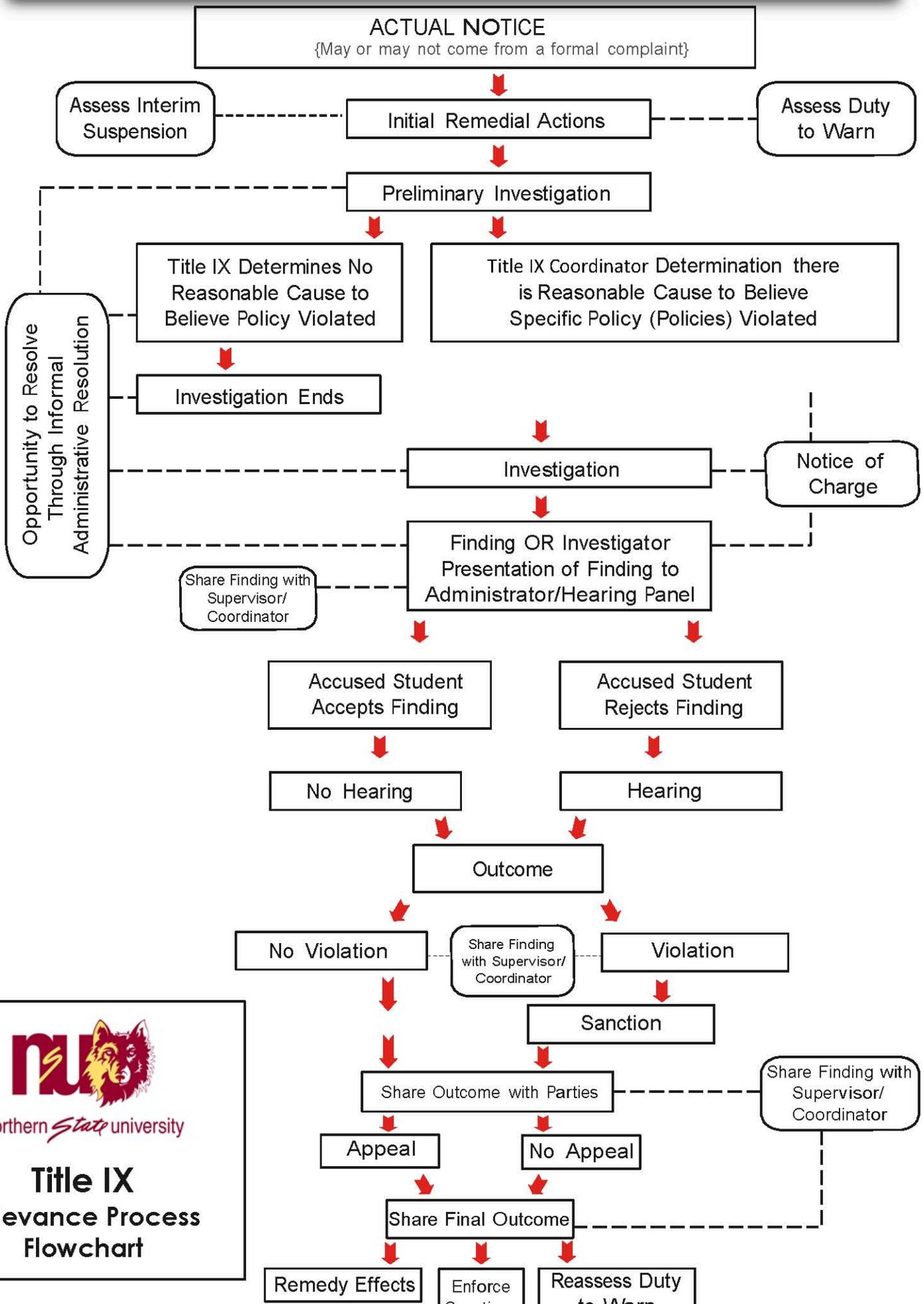
### **Northern State University Procedure for Handling Sexual Misconduct Complaints:**

1. Upon receiving notification from a faculty, staff or directly from a student any NSU employee will contact:
  - a. Title IX Coordinator – Checka Leinwall, 626-2530, [checka.leinwall@northern.edu](mailto:checka.leinwall@northern.edu), SC222
  - b. Title IX Deputy Coordinator/Investigator – Vacant 626-3007, NSU Vice President for Student Affairs – JoEllen Lindner, 626-2530, [joellen.lindner@northern.edu](mailto:joellen.lindner@northern.edu), SC 222
  - c. Title IX Training Coordinator - Susan Bostian, [susan.bostian@northern.edu](mailto:susan.bostian@northern.edu), 626-2520. AB 213
  - d. NSU Counseling Center – 626-2571, SC 240
2. Initial intake of a sexual misconduct complaint will be assigned to the Title IX Coordinator, Checka Leinwall or the Title IX Deputy Coordinator. Here the determination will be made as to who else will be interviewed for the case. All interested parties will be interviewed by the Title IX Coordinator or Deputy Coordinator.

3. The Title IX Coordinator will coordinate all efforts of the investigation and will ensure the investigation is completed in a timely manner (within 60 days).
4. Depending on the severity and details of the case, the alleged may be required to move out of a residence hall or may be required to change classes if they are in too close proximity to the victim,
5. The Aberdeen Police Department will be notified, depending on the severity of the case. While some details may be off limits until the police investigation is complete, the case on campus can and will proceed as allowable.
6. The Title IX Coordinator and the Deputy Coordinator will provide notes from the investigation to the Office of Student Rights and Responsibilities.
7. A hearing involving both parties will be conducted if sexual misconduct has been determined. Mediation is never appropriate in the case of sexual misconduct. The University uses the 'preponderance of evidence' to determine whether a student has violated the code of conduct standards. This is translated into whether the conduct is "more likely than not" to have occurred. The rules regarding the student hearings can be found on the NSU website at the following link:  
<http://www.northern.edu/studentlife/Pages/rightsresponsibilities.aspx>
8. Both parties are allowed to have an advisor and/or legal counsel accompany them to the student conduct hearing. All advisors and/or legal counsel accompanying a student to a conduct hearing are not permitted to speak on behalf of the student. No representation is required, it is, however, allowed.
9. Following the student conduct hearing, a determination will be made as to what sanctions, if any, will be imposed on the alleged. Both parties, the alleged and the victim, will simultaneously be apprised, in writing, as to the outcome of the hearing as well as rights to appeal the outcome. Both parties will have the rights to appeal the outcome of the hearing.
10. Retaliation of any sort by either party is unacceptable.

# TRADITIONAL STUDENT CONDUCT/HEARING PANEL MODEL

APPLY PREPONDERANCE OF THE EVIDENCE STANDARD



northern State university

## Title IX Grievance Process Flowchart

