

## I. INTRODUCTION





to address at a high level how the allegation of Sexual Misconduct could potentially be addressed at both the College level and as a criminal matter with local law enforcement. Detailed information about sources of support and immediate interventions available to the complainant within the College.

The intake meeting may also involve a discussion of any interim measures that may be appropriate concerning the complainant's academic and/or College employment arrangements.

## **B. Formal or Informal Resolution**

At the initial intake meeting with the complainant, the Title IX Coordinator will: i) determine whether there is reasonable cause to believe that policy has been violated and if so, ii) determine how the complainant wishes to proceed (Formal Resolution, Informal Resolution or no resolution process of any kind). If the complainant wishes to proceed with either Formal or Informal Resolution, the Title IX Coordinator will determine the name of the respondent, and the date, location and nature of the alleged Sexual Misconduct, and will schedule an individual intake meeting with the respondent in order to: provide the respondent a general understanding of College Policy and these Complaint Procedures; to identify forms of support or immediate interventions available to the respondent; and to address at a high level how the allegation of Sexual Misconduct could potentially be addressed at both the College level and as a criminal matter with local law enforcement. Additional information about sources of support and immediate interventions available to the respondent within the College.

If the complainant wishes to proceed with Formal Resolution, the Title IX Coordinator will promptly prepare and forward a formal complaint to the Investigators for investigation, in accordance with Section IV, below. The formal complaint will set forth the name of the respondent, and the date, location and nature of the alleged Sexual Misconduct.

If the complainant wishes to proceed with Informal Resolution, the Title IX Coordinator will promptly initiate Informal Resolution proceedings, in accordance with Section V, below.

## **C. Complainant Does Not Wish to Pursue Resolution or Requests Confidentiality**

If complainant does not wish to pursue Formal or Informal Resolution and/or requests that his/her complaint remain confidential, **Title IX nevertheless requires the College to investigate and take reasonable action in response to the complainant's information.** The Title IX Coordinator will inform the complainant, however, that the College's ability to respond may be limited. The Title IX Coordinator may conduct a preliminary investigation into the alleged Sexual Misconduct and may weigh the complainant's request(s) against the following factors: the seriousness of the alleged Sexual Misconduct; whether there have been other complaints of Sexual Misconduct against the same respondent; and the respondent's right to receive information about the allegations if the information is maintained by the College as an "education record" under FERPA<sup>[1]</sup>. The Title IX Coordinator will inform the complainant if the College

cannot ensure confidentiality. Even if the College cannot take disciplinary action against the respondent because the complainant insists on confidentiality or that the complaint not be resolved, the Title IX Coordinator reserves the authority to undertake an appropriate inquiry, issue a “no-contact” order and take other reasonably necessary measures, including interim measures described in Section III.D.

#### **D. Interim Measures**

In *all* complaints of alleged Sexual Misconduct, *regardless of whether the complainant wishes to pursue Formal Resolution, Informal Resolution or no resolution of any kind*, the College will undertake an appropriate inquiry and take such prompt and effective action as is reasonably practicable under the circumstances to support and protect the complainant, including taking appropriate interim measures before the final outcome of complaint.

**B. Interim Student Record Holds** During the Investigation process, the Title IX Coordinator may, where the alleged Sexual Misconduct is sufficiently serious in his/her reasonable discretion, cause a disciplinary hold to be placed on the respondent's academic record pending final resolution of the complaint. A respondent whose transcripts are subject to a hold may appeal that decision to the Dean of Academics, whose decision will be final.

**C. Converting from Formal to Informal Resolution** At any time during the Formal Resolution process, the complainant may request to engage in Informal Resolution, by making such request to the Title IX Coordinator prior to the final determination. The Title IX Coordinator has the discretion to determine if converting to Informal Resolution is appropriate. Similarly, at any time prior to the final determination, the respondent may elect to acknowledge his/her actions and take responsibility for the alleged Sexual Misconduct. In such cases, the Title IX Coordinator will propose a resolution to the complaint and a sanction. If both the complainant and the respondent agree in writing to such proposed sanction, the complaint is resolved without final review and determination by the Title IX Coordinator and without any further rights of appeal by either party. If either the complainant or the respondent objects to such proposed sanction, a review by the Title IX Coordinator and a final determination will be issued for the exclusive purpose of determining a sanction, which final determination is subject to appeal pursuant to Section IV.D.9.

#### **D. Investigation Procedures**

**1. Submissions.** The parties will provide the Lead Investigator with a list of witnesses they propose to be interviewed, list of relevant documents to be obtained and a description of any other information they believe to be relevant to the Investigation on or before a date set by the Lead Investigator. Evidence of the complainant's past sexual history will not be considered unless it is relevant to the complaint. In the absence of good cause, as determined by the Lead Investigator in his/her sole discretion, the parties may not introduce witnesses, documents or other information after the deadline set by the Lead Investigator. Witnesses contacted by the Investigators but who are unwilling to participate in an interview may instead submit a written statement to the Lead Investigator, prior to the date set for submission of the Investigative Report to the Title IX Coordinator.

**2. Pre-Investigation Meeting and Determination of Complaint and Witnesses.** The Lead Investigator will schedule a pre-Investigation meeting with each party prior to the first witness interviews. At the meeting, the Lead Investigator will review Investigation procedures with the parties. The respondent must be notified in writing of the official investigation. The letter shall include the policy alleged to be violated, date and time of occurrence as well as witnesses. It will also include a notice of presumed innocence, the entitlement to an advisor of their choice, availability of evidence collected for inspection upon request, information regarding false statements made during the grievance process.

**3. Investigation.** During the ongoing Investigation, and prior to the Investigative Report, each party may submit a written statement to the Investigators, with any documentation deemed relevant. If prior to the issuance of the Investigative Report, the Investigators determine that unresolved issues exist that would be clarified by the submission of additional information, the Lead Investigator may request such additional information be

**7. Sanction.** Any student found responsible for Sexual Misconduct is subject to discipline in accordance with the Student Disciplinary Action Policy, including, but not limited to a verbal or written warning, “no contact” order, alteration of the parties’ academic or employment arrangements at Northwest Tech, probation, suspension and/or expulsion. In determining an appropriate disciplinary action, any record of past violations of the Code of Conduct, as well as the nature and severity of such past violation(s) may be taken into consideration. The purpose of the discipline will be to: a) bring an end to the violation in question, b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the complainant and the College community. The disciplinary decision will be made by the Dean (and/or the Title IX Coordinator if different from the Dean) and any discipline imposed will be explained or supported in the Final Outcome Letter. When the Title IX Coordinator overseeing the investigation is not the Dean, the Title IX Coordinator may consult with the Dean regarding appropriate discipline.

**8. Decision.** The decision of the Title IX Coordinator, and any discipline imposed, if applicable, will be provided to both parties via the Final Outcome Letter described in Section IV.D.11, below, within ten (10) calendar days following the conclusion of this Investigation (or such longer time as the Title IX Coordinator may for good cause determine).





Informal Resolution provides an opportunity for the complainant to confront the respondent, in the presence of, and facilitated by, a presiding officer, as described in Section V.B, below, and to communicate his/her feelings and perceptions regarding the incident, the impact of the incident and his/her wishes and expectations regarding protection in the future. The respondent will have an opportunity to respond.

### **B. Third Parties; Presiding Officer**

The complainant and the respondent each may bring a third party to the Informal Resolution; however, third parties may not participate verbally in the meeting. The Title IX Coordinator or a designee will preside over the Informal Resolution, and may elect to be assisted by another member of the Investigation team.

### **C. Informal, Resolution Where Respondent Acknowledges Responsibility**

If, during the course of the Informal Resolution, the respondent elects to acknowledge his/her actions and take responsibility for the alleged Sexual Misconduct, the Informal Resolution will be concluded and the Title IX Coordinator will propose a sanction. If both the parties agree to such proposed sanction, the complaint will be resolved without any further rights of appeal by either party. If either the complainant or the respondent objects to such proposed sanction, the Dean (and/or the Title IX Coordinator if different from the Dean) shall make a determination of an appropriate sanction, which determination is subject to appeal pursuant to Section IV.D.9. For purposes of this sanction determination, all of the other provisions of these Complaint Procedures relating to the imposition of a sanction for Sexual Misconduct shall apply including, for example, the provisions governing the effective date of the sanction.

### **D. Privacy of Informal Resolution**

In order to promote honest, direct communication, information disclosed during Informal Resolution will remain private while the Informal Resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.

[2] Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act,  
20 U.S.C., Section 1092(f); 34 C.F.R. Part 668.46