



**Approving University Official(s):** Provost, Vice President and Chief Financial Officer; Vice President for Operations and Chief Operating Officer

**Responsible Office:** Provost; Human Resources; Student Affairs; Office of Civil Rights and Title IX Compliance

**Effective date:** August 12, 2024

**Next review date:** September 1, 2025

## **REPORTING BY UNIVERSITY EMPLOYEES OF DISCLOSURES RELATED TO DISCRIMINATION AND HARASSMENT**

### **Policy Statement**

Northwestern prohibits discrimination and harassment on the basis of race, color, religion, creed, national origin, ethnicity, caste, sex, pregnancy, sexual orientation, gender identity, gender expression, parental status, marital status, age, disability, citizenship status, veteran status, genetic information, reproductive health decision making, height, weight, or any other classification protected by law (referred to as protected statuses or protected characteristics) and sexual misconduct (collectively, Prohibited Conduct) in the educational programs or activities Northwestern operates, including but not limited to matters of admissions, employment, housing, or services. University employees who have witnessed or may otherwise have knowledge of prohibited conduct must report such conduct to the University unless such employees qualify as Confidential Employees. All students are strongly encouraged to report instances of prohibited conduct that they have experienced, witnessed, or may otherwise have knowledge of to the University.

### **Purpose**

Consistent with Title IX of the Education Amendments of 1972 (Title IX) and other applicable federal law, this Reporting Policy outlines (1) options available to students and Employees to report Prohibited Conduct as defined in the University's Policy on Discrimination, Harassment, and Sexual Misconduct and Interim Policy on Title IX Sexual Harassment to University employees, and (2) the obligations of University employees to respond to such disclosures, including the responsibilities of Responsible Employees and Confidential Employees.

The University strongly encourages students who have experienced, witnessed, or may otherwise have knowledge of conduct that may constitute Prohibited Conduct under the University's Policy on Discrimination, Harassment, and Sexual Misconduct and Interim Policy on Title IX Sexual Harassment to report such conduct to the University or to seek assistance from confidential resources at the University or in the local community. University employees bear different responsibilities with respect to information that may be disclosed to them about alleged Prohibited Conduct.

This Policy defines the roles and responsibilities of Responsible Employees, Confidential Employees and other community members when they witness or may otherwise have knowledge of Prohibited Conduct.

Employees who are uncertain as to whether they are required to report information disclosed to them about an incident of alleged prohibited conduct should consult with the Office of Civil Rights and Title IX Compliance.

## **Audience**

This policy applies to all employees, including faculty and staff as defined below.

## **Definitions**

*Complainant* means (1) a student or Employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct under the University's Policy on Discrimination, Harassment, and Sexual Misconduct and Interim Policy on Title IX Sexual Harassment or (2) a person other than a student or Employee who is alleged to have been subjected to Prohibited Conduct and who was participating or attempting to participate in the University's education program or activity at the time of the Prohibited Conduct.

*Complaint* means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged Prohibited Conduct.

*Confidential Employee* means any Employee whose communications are privileged or confidential under Federal or State law or that has been designated as confidential by the University. For purposes of this policy, Confidential Employees include

- (1) any University Employee who is a licensed medical, clinical, or mental health or healthcare professional (e.g., physicians, nurses, physicians' assistants, psychologists, psychiatrists, athletic trainers, professional counselors and social workers, and those performing under their supervision (collectively, Health Care Providers)), when performing the duties of that professional role;
- (2) any University Employee when performing administrative, operational, and/or related support for such healthcare providers;
- (3) any Employee providing confidential advocacy services (e.g., Center for Awareness, Response, and Education) or pastoral care (e.g., Office of Religious and Spiritual Life) when performing the duties of that professional role;
- (4) the University ombudsperson(s) when performing the duties of that professional role; and
- (5) any University Employee when performing administrative, operations, and or/related support for the University ombudsperson(s).

*Education Program or Activity* means all of the operations of the University, including conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the University and conduct that is subject to the University's disciplinary authority.

*Employee* means all full-time and part-time faculty, staff, student employees, wage employees (including temporary employees), professional research staff, and post-doctoral fellows employed by the University. "Employees" include Teaching Assistants (TAs), Graduate Assistants (GAs), Graduate Research Assistants (GRAs), and all other student employees when disclosures are made to any of them when performing the duties of their employment/professional role. For purposes of this policy, Resident

Assistants (RAs) are also considered Responsible Employees, although they may not be considered employees of the University for other purposes.

*Office of Civil Rights and Title IX Compliance* means the Office of Civil Rights and Title IX Compliance, which is an administrative office within the Office of the President that includes staff responsible for administering the University's Policy on Discrimination, Harassment, and Sexual Misconduct and Interim Policy on Title IX Sexual Harassment.

*Party* means a Complainant or Respondent. *Parties* means two or more Complainants or Respondents collectively.

*Prohibited Conduct* means any conduct prohibited under the University's Policy on Discrimination, Harassment, and Sexual Misconduct and Interim Policy on Title IX Sexual Harassment.

*Reporter* means any person, including students, faculty, staff, and third parties, who discloses an incident of alleged prohibited conduct to the Office of Civil Rights and Title IX Compliance, Title IX Coordinator, Deputy Title IX Coordinator, or a Responsible Employee. Reporters include any individuals who disclose such information, whether as Complainants, Respondents, or witnesses.

*Respondent* means a person who is alleged to have violated the University's Policy on Discrimination, Harassment, and Sexual Misconduct and Interim Policy on Title IX Sexual Harassment.

*Responsible Employee* means any employee of the University who is not a Confidential Employee.

*Supportive Measures* are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to Complainant or Respondent to (1) restore or preserve that party's access to the University's Education Program or Activity, including measures that are designed to protect the safety of the parties or the University's education environment or (2) provide support during the University's Complaint Resolution Process.

## **Policy Implementation**

### **I. Employee Responsibilities by Designation**

#### **A. Confidential Employees**

A Confidential Employee will not disclose information about alleged prohibited conduct to the University's Office of Civil Rights and Title IX Compliance, or to anyone else without the Reporter's written permission, subject to certain limited exceptions set forth below. The University has published a list specifying where students and employees may access the services of Confidential Employees in the [Resource Guide](#).

#### **1. Limits of Confidentiality**

Confidential Employees must maintain the confidentiality of information shared with them about alleged Prohibited Conduct and will not disclose such information to the Office of Civil Rights

and Title IX Compliance or to anyone else, except with written permission of the Reporter/Complainant or when such disclosures are permitted or required by applicable law (e.g., mandatory reporting of abuse of minors or elder abuse, Clery Act) or court order. For example, Confidential Employees may be required to disclose such information where there is a concern that the individual will likely cause serious physical harm to self or others.

Employees who have questions regarding the validity of any permission given or the applicability or scope of any law or court order requiring disclosure should contact or be directed to contact the Office of General Counsel.

## 2. Responsibilities

Confidential Employees must:

- a. Communicate to Reporters or Complainants who are considering disclosing or have disclosed information about alleged prohibited conduct that, except as provided in the limited circumstances set forth in this policy, the information they disclose to a Confidential Employee will not be shared with the Office of Civil Rights and Title IX Compliance and the University will therefore be unable to use such information to respond to the report or provide supportive measures.
- b. Provide Reporters who are considering disclosing or have disclosed information about alleged Prohibited Conduct to them the contact information of the Associate Vice President for Civil Rights and Title IX Compliance/Title IX Coordinator:

Emily Babb  
Associate Vice President for Civil Rights and Title IX Compliance  
Title IX Coordinator  
1800 Sherman Ave., Suite 4500  
Evanston, IL 60201  
(847) 467-6165  
[OCR@northwestern.edu](mailto:OCR@northwestern.edu)  
[titleixcoordinator@northwestern.edu](mailto:titleixcoordinator@northwestern.edu)

- c. Provide Reporters who are considering disclosing or have disclosed information about alleged prohibited conduct to them information about how to make a complaint. Reports may be made to the Office of Civil Rights and Title IX Compliance through the following methods:

**Online Reporting Forms:**  
[www.northwestern.edu/NUReportDiscrimination](http://www.northwestern.edu/NUReportDiscrimination)  
[www.northwestern.edu/NUReportSexualMisconduct](http://www.northwestern.edu/NUReportSexualMisconduct)

**Phone:**  
(847) 467-6165

**Email:**  
[OCR@northwestern.edu](mailto:OCR@northwestern.edu)

**In-person during normal business hours:**  
1800 Sherman Ave., Suite 4500  
Evanston, IL 60201

- d. Inform Reporters who are considering disclosing or have disclosed information about alleged prohibited conduct that the Office of Civil Rights and Title IX Compliance may be able to offer supportive measures, as well as initiate an informal resolution process or an investigation under the University's Complaint Resolution Process.

### 3. Making a Report

A Reporter who first seeks the assistance of a Confidential Employee always has the right to report an incident of alleged Prohibited Conduct to the University and/or to local law enforcement. In such cases, if the Reporter communicates to a Confidential Employee a desire to report an incident, the Confidential Employee should support this decision and direct the Reporter to the Office of Civil Rights and Title IX Compliance reporting forms or to the Office of Civil Rights and Title IX Compliance to make a report.

There is no time limit for reporting an incident of discrimination, harassment or sexual misconduct. However, the University encourages reports be made as soon as possible after the incident. The passing of time makes reviewing the evidence more difficult and the memories of involved Parties may become less reliable. The Office of Civil Rights and Title IX Compliance reserves the right to investigate or otherwise address any report, regardless of when it is made, based on concern for the safety or well-being of the University community.

#### B. Responsible Employees

A Responsible Employee must promptly report to the Office of Civil Rights and Title IX Compliance all relevant details disclosed by a Reporter about an incident of alleged Prohibited Conduct, including the names and all other information that personally identifies the Complainant(s), Respondent(s), any witnesses, and any other relevant information (e.g., the date, time, and specific location of the alleged incident).

Responsible Employees must:

- Communicate to Reporters and/or Complainants who are considering or have disclosed information about alleged prohibited conduct that, as a Responsible Employee, they must report such information to the University;
- Report information they receive about alleged prohibited conduct promptly (within 24 hours) through the Office of Civil Rights and Title IX Compliance reporting forms ([www.northwestern.edu/NUReportDiscrimination](http://www.northwestern.edu/NUReportDiscrimination) or [www.northwestern.edu/NUReportSexualMisconduct](http://www.northwestern.edu/NUReportSexualMisconduct)) or as described above;
- Complete all applicable University training on reporting requirements.

If Responsible Employees have questions or concerns regarding this policy, they should contact the Associate Vice President for Civil Rights and Title IX Compliance or designee.

Employees who have personally been subject to conduct that may constitute Prohibited Conduct are not required to report conduct that they personally experienced; however, the University encourages to report such conduct.

#### 1. Disclosures

Where practicable, before a Reporter discloses any information to a Responsible Employee, the Responsible Employee should explain their reporting obligations under this policy. If the Reporter indicates a desire to maintain confidentiality and has not yet disclosed information regarding alleged

prohibited conduct, the Responsible Employee should instead refer the Reporter to a Confidential Employee or provide them with a Confidential Employee's contact information.

Disclosures made under the following circumstances are not subject to these reporting requirements:

- (1) In the context of "Public Awareness Events" (e.g. "Take Back the Night," candlelight vigils, protests, "survivor speak outs," or other public fora in which individuals may disclose incidents of prohibited conduct) that was held on the University's campus or through an online platform sponsored by the University;
- (2) During an individual's participation as a subject in an Institutional Review Board-approved human subjects research study designed to gather information about conduct that could constitute Prohibited Conduct.

## **2. University Actions Following Receipt of Report**

Upon receipt of a report of alleged Prohibited Conduct, the Office of Civil Rights and Title IX Compliance must promptly contact the Complainant, if known, to discuss the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures, offer and coordinate supportive measures as appropriate for the Complainant, notify the Complainant (or Reporter if Complainant is unknown) of the resolution options and applicable process of resolution, including the availability of alternative resolution.

## **3. External Reporting of Prohibited Conduct**

A Responsible Employee should not disclose information to law enforcement without the Complainant's consent except: (1) where there is an immediate risk to the safety, health, or well-being of members of the University community; (2) where an incident has already been reported to law enforcement; or (3) as otherwise required by law. If law enforcement contacts a Responsible Employee requesting information, the Responsible Employee should refer law enforcements directly to the Associate Vice President for Civil Rights and Title IX Compliance and the Senior Associate Vice President & Chief of Police, Safety, & Security.

## **II. Anonymous Reporting**

Responsible Employees are not permitted to submit an anonymous report to discharge their responsibilities.

Although the University encourages individuals to report prohibited conduct, any individual (except a Responsible Employee discharging their reporting obligations) may make an anonymous report by:

- Submitting a report through the Office of Civil Rights and Title IX Compliance reporting forms  
[www.northwestern.edu/NUReportDiscrimination](http://www.northwestern.edu/NUReportDiscrimination)  
[www.northwestern.edu/NUReportSexualMisconduct](http://www.northwestern.edu/NUReportSexualMisconduct)
- Submitting a report through the University's third-party service for reporting complaints, including anonymous complaints  
EthicsPoint  
Phone: (866) 294-3545  
Website: <https://www.northwestern.edu/risk/compliance/report-a-concern/ethicspoint.html>
- Mailing or delivering a letter to the Office of Civil Rights and Title IX Compliance without including identifying information;

- Calling the Office of Civil Rights and Title IX Compliance using a blocked number; or
- Emailing the Office of Civil Rights and Title IX Compliance at [OCR@northwestern.edu](mailto:OCR@northwestern.edu) from an anonymous email address.

While anonymous reports will be reviewed by the Office of Civil Rights and Title IX Compliance, the University's ability address Prohibited Conduct reported by anonymous sources may be significantly limited

## **Consequences of Violating this Policy**

Failure by a Responsible Employee to fulfill the reporting obligations set forth in this policy will be referred to the appropriate office and may lead to corrective action up to and including termination of employment consistent.

## **Related Information**

[Policy on Discrimination, Harassment and Sexual Misconduct](#)  
[Interim Policy on Title IX Sexual Harassment](#)  
[Resource Guide](#)

## **Contacts**

The following office can address questions regarding this Policy:

Office of Civil Rights and Title IX Compliance  
1800 Sherman Ave., Suite 4500  
Evanston, IL 60201  
(847) 467-6165  
[OCR@northwestern.edu](mailto:OCR@northwestern.edu)  
[titleixcoordinator@northwestern.edu](mailto:titleixcoordinator@northwestern.edu)

## **History**

This policy is new.

## **Policy URL:**

<https://www.northwestern.edu/civil-rights-office/policies-procedures/policies/policy-on-discrimination-harassment-and-sexual-misconduct.pdf>