

Northwestern Technological Institute: Title IX Policy **Effective August 14, 2020**

Title IX

Title IX is a federal civil rights law passed as part of the Education Amendments of 1972, designed to protect those from discrimination on the basis of sex in an education program or the activity that it operates. The U.S. Department of Education's [Office for Civil Rights](#) (OCR) enforces, among other statutes, Title IX of the Education Amendments of 1972. Title IX states that "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." Effective August 14, 2020, revised federal regulations now "require schools to act in meaningful ways to support survivors of sexual misconduct, without sacrificing important safeguards to ensure a fair and transparent process. We can and must continue to fight sexual misconduct in our nation's schools, and this rule makes certain that fight continues." -U.S. Secretary of Education Betsy DeVos, Press release May 6, 2020

Title IX applies to any institution receiving federal financial assistance from the Department of Education, including state and local educational agencies. Educational programs and activities that receive federal funds from the Department of Education must operate in a nondiscriminatory manner. Also, a recipient may not retaliate against any person for opposing an unlawful educational practice or policy, or because a person made charges, testified, or participated in any complaint action under Title IX.

Title IX at Northwestern Technological Institute

Consistent with Title IX of the Education Amendments of 1972, Northwestern Technological Institute does not discriminate against students, faculty or staff based on sex within its program or activities it operates, including but not limited to, educational programs, employment, and admission. "Education program or activity" includes location, events, or circumstances over which the Institute exercises substantial control over both the respondent (an individual who has been reported to be the perpetrator of conduct) and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution. Sexual harassment, including sexual assault and sexual violence, is a kind of sex discrimination and is prohibited by Title IX and by the Institute. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee of the Institute conditioning the provision of an aid, benefit, or service of the Institute on an individual's participation in unwelcome sexual conduct
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute's education program or activity; or
- "sexual assault", "dating violence," "domestic violence," or "stalking" as defined for VAWA (Violence Against Women Act)

Northwestern Technological Institute is committed to ensuring a safe campus climate for all our students, staff, and faculty. Any student who believes he/she has, or is being subjected to discrimination or sexual harassment, or has questions or concerns regarding possible sexual harassment, should contact our Title IX Coordinator immediately at:

Northwestern Technological Institute
School Director/Title IX Coordinator: **Lorne Gauthier**
24567 Northwestern Highway, Suite 200
Southfield, MI 48075
Lgauthier@northwesterntech.edu
(248) 358-9000

It is the goal of Northwestern Technological Institute to respond promptly and with supportive measures, to any student, staff, or faculty member believed to be a victim of sexual harassment, and to resolve allegations of sexual harassment promptly and accurately under a fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement outcomes for the victim(s). Once actual knowledge of sexual harassment within our education program or activities of the Institution has been made aware to our School Director (Title IX Coordinator), Northwestern Technological Institute will respond in a manner that treats all parties equitable and is not deliberately indifferent (we are deliberately indifferent only if our response to sexual harassment is clearly unreasonable in light of known circumstances). From there, our School Director (Title IX Coordinator) will promptly contact the complainant 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 with or without filing a formal complaint, and explain to the complainant the process for filing a formal complaint. It is important to note that Northwestern Technological Institute's Student and Staff/Faculty Conduct Policies still apply to all students, staff, and faculty and will be strictly adhered to regardless of the sexual harassment outcome.

Procedures to Follow if a Sexual Offense has Occurred/How to File a Disciplinary Complaint

If you are a victim of a sexual offense, domestic violence, dating violence, sexual assault, or stalking at Northwestern Technological Institute, your first priority should be to get to a place of safety. Medical attention and/or treatment should then be obtained as quickly as possible following the incident. Any individual, student, staff, or faculty member, who wishes to file a Disciplinary Complaint of sexual harassment, sexual violence or other gender-based harassment, must fill out a Title IX Complaint Form directly with the School Director (Title IX Coordinator) at (248) 358-4006, and/or contact local law enforcement authorities. If a student chooses, our School Director (Title IX Coordinator) will assist the student in notifying the proper law enforcement authorities. Because of the importance of preserving evidence in order to provide proof of criminal domestic violence, dating violence, sexual assault, or stalking, or for obtaining a protection order, students should contact either our School Director (Title IX Coordinator) or the proper law enforcement as soon as possible after the incident (Please see page 19 for more information on Preserving Evidence after a Sexual Assault.).

If the assailant is identified as a Northwestern Technological Institute student, the President/CEO will determine the appropriate course of action in accordance with Title IX regulations and the Student Conduct Policy and Procedures. Potential school sanctions may include emergency removal from the CCT program and/or permanent termination from the program.

If the assailant is a Northwestern Technological Institute employee, the President/CEO will determine the appropriate course of action in accordance with Title IX regulations. Potential school sanctions may include administrative leave and/or termination of employment.

The Federal Campus Sexual Assault Victims' Bill of Rights

Grievance Process; Implementation and Disclosure of Procedures for Institutional Disciplinary Action in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking (The Federal Campus Sexual Assault Victims' Bill of Rights)

Northwestern Technological Institute will do its best to provide a prompt, fair, and impartial investigation and resolution on all possible known violations of school policies, including but not limited to, Disciplinary Proceedings, on all cases of alleged domestic violence, dating violence, sexual assault, and stalking. The Institution will decide the case based on a preponderance of the standard of evidence (whether it is more likely than not that the incident occurred). Based on the standard of evidence, the Institute or accuser, may wish to begin the process of either an Informal or Formal Complaint Resolution Proceeding. The process of Disciplinary proceedings is available to all Northwestern Technological Institute students, staff and faculty. Any individual who wishes to file a Disciplinary Complaint of sexual harassment, sexual violence or other gender-based harassment must fill out a Title IX Complaint Form directly with the School Director (Title IX Coordinator) at (248) 358-4006, and/or contact local law enforcement authorities. Those specifically involved in the grievance process include Northwestern Technological Institute's Title IX Coordinator, Investigator, and Decision Maker. Title IX training is provided on an annual basis to those individuals and they must act with impartiality and be free of any conflict or bias. Unless otherwise specified, the Title IX Coordinator will also act as the Investigator during the process and the President/CEO of Northwestern Technological Institute will act as the Decision Maker.

Conflict of Interest

The Disciplinary Proceedings will be administered in a manner that is free from bias and or conflict of interest (real or perceived) by those individuals presiding over the procedures. Anyone who feels there is a conflict of interest related to the Title IX Coordinator or Investigator, should immediately report their concerns to the School President/CEO. Any decision to possibly remove the Title IX Coordinator or Investigator from the process is at the discretion of the School President/CEO.

Types of Institutional Disciplinary Proceedings

- **Informal Disciplinary Complaint Proceeding**

An Informal Disciplinary Complaint Proceeding is not an option in cases of VAWA (alleged domestic violence, dating violence, sexual assault and stalking) violations. For cases where it is unclear if the Institute's rules and regulations policy was violated, an informal review may be requested by either the accuser or the Institute.

- **Formal Disciplinary Complaint Proceeding**

For known cases of Institutional rules and regulations policy violations, including all cases of alleged dating violence, domestic violence, sexual assault or stalking, a Formal Disciplinary Complaint Proceeding will be initiated.

Investigation of an Informal Disciplinary Complaint

For Informal Disciplinary Complaint Proceedings, the School Director (Title IX Coordinator) will obtain information from the accuser concerning the objectionable behavior and will discuss the accuser's desired resolution. The School Director (Title IX Coordinator) will then meet with the accused and document the meeting. During this meeting the School Director (Title IX Coordinator) will listen to the accused's understanding of what transpired and will present the accused with the accuser's complaint and desired resolution. The School Director (Title IX Coordinator) will explain the Institute's policy and the prohibition of retaliation. At any point, either side may opt out of this proceeding.

At any point, the School Director (Title IX Coordinator) may obtain a signed agreement from the accused agreeing to comply with the Institute's rules and regulations policy and may outline appropriate future conduct and behavior necessary to continue their program/job at the Institute during the proceeding. The School Director (Title IX Coordinator) will maintain a written record that will be kept on file. If any party, including the School Director (Title IX Coordinator), is not satisfied with the progress or result of the Informal Disciplinary Complaint Proceedings, the party may ask to begin the Formal Disciplinary Complaint Proceedings. Use of the informal proceedings set forth in this section is not a prerequisite to initiating a formal complaint. Upon completion of the Informal Disciplinary Complaint Proceeding, the School President/CEO will impose sanctions, if applicable, and the proceeding will then be considered resolved. The Institute will endeavor to resolve all informal complaints within sixty (60) days of the initial report, absent any extenuating circumstances (such as School breaks). The Institution will keep both parties informed regarding the need for any extensions of this period.

Investigation of a Formal Disciplinary Complaint

For known cases of Institutional rules and regulations policy violations, including all cases of alleged dating violence, domestic violence, sexual assault or stalking, a Formal Disciplinary Complaint Proceeding will be initiated. This investigation will involve interviews with the accuser and accused, and as well as any known or possible witnesses. The entire process will be overseen by the School Director (Title IX Coordinator) and decided on a preponderance of the evidence standard, on whether or not the School policy was violated, and will include a final decision and recommendation of sanctions, if necessary, by the School President/CEO. During a Formal Disciplinary Complaint Proceeding, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Northwestern Technological Institute, and not on other parties. Written statements will be collected from all parties, including any pertinent information regarding the date and time of the alleged sexual harassment, sexual misconduct, dating violence, domestic violence or stalking, the name of the accused, the circumstances of the alleged misconduct, and the identity of any persons who may have knowledge or information regarding the circumstances. At this point, both parties involved will be reminded that they may opt out of the Formal Disciplinary Complaint Proceedings at any point. However, the investigation will proceed even if the accused opts out of the Formal Disciplinary Complaint Proceedings. While the accuser may opt out of the Formal Disciplinary Complaint Proceedings, the accuser should be aware that in instances where there is an ongoing threat to the Institute's ability to maintain a safe, nondiscriminatory campus, the Institute may decide to investigate and take action, despite an accuser's decision to opt out of or terminate the Formal Disciplinary Complaint Proceedings.

The School Director (Title IX Coordinator) may provide on-going information and guidance to all parties regarding the

proceeding. The accuser and the accused are entitled to the same opportunities to have others present during a Disciplinary Proceeding, including, but not limited to, the opportunity to be accompanied to any related meeting or proceeding by advisors of their choice. To the extent permitted by law, the accuser and accused will be afforded the same rights and opportunities throughout the investigation, including an equal opportunity for both parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Northwestern Technological Institute will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However, the decision to interview specific witnesses or consider evidence offered by the parties is within the sole discretion of the School Director (Title IX Coordinator). The Institute's investigation does not require or permit the accuser and accused to interact/communicate directly or indirectly, at any point during the proceeding.

The accuser and accused will be asked to identify all relevant evidence they would like the School Director (Title IX Coordinator) to review, as well as witnesses they would like the School Director (Title IX Coordinator) to interview. The School Director (Title IX Coordinator) is not required to consider the evidence submitted or interview any particular witness(es), even if identified by one of the parties, nor to ask questions provided by either party. Both parties will be given an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Disciplinary Complaint. However, in determining whether to interview witnesses or review evidence, the School Director will consider such factors as fairness, thoroughness, and the impartial treatment of both parties.

All participants in the investigation are expected to cooperate fully by providing complete, accurate, and truthful information. They may also be expected to sign statements or other documents verifying the information they have provided is truthful and may be asked to keep the context of the interview confidential. Failure to cooperate fully with the School Director (Title IX Coordinator) or the proceeding may result the individual to the full range of disciplinary sanctions, as applicable. The School Director (Title IX Coordinator) will provide, to all parties whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. In addition, the School Director (Title IX Coordinator) will create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report, for their review and written response.

If the School Director (Title IX Coordinator) finds that there is insufficient evidence that a violation of the school policy occurred, the School President/CEO will inform the accuser and the accused, simultaneously, in writing, and the proceeding will then be considered resolved. If the School Director (Title IX Coordinator) finds that the accused has engaged in conduct that violates the school policy, the School Director (Title IX Coordinator) will inform the accuser and the accused of that, simultaneously, in writing, and invite each party to formally submit any information they would like the School President/CEO to consider when deciding remedies and/or sanctions. The School President/CEO will take into consideration any such statements; its findings regarding the case; and any relevant prior misconduct. In explaining the rationale for the result and sanctions, the School President/CEO will explain how she weighed the evidence and information presented during the proceeding and explain how the evidence and information support the result and sanctions. Once the School President/CEO has defined and imposed any necessary remedies and/or sanction(s), the proceeding will then be considered resolved. The Institute will endeavor to complete its investigation and hearing process within sixty (60) days of the initial report to the Institute, excluding any extenuating circumstances (such as School breaks). The Institute will keep both parties informed regarding the need for any extensions of this period.

Disciplinary Complaint Proceedings (Hearings)

The Formal Institutional Disciplinary Complaint Proceeding shall be conducted live, and by The School Director (Title IX Coordinator), who receives training on an annual basis on issues related to domestic violence, dating violence, sexual assault, and stalking, with respect on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. However, any outcome regarding the disciplinary hearings will be determined by the President/CEO of Northwestern Technological Institute, who will also be in attendance during the proceedings. In most cases, the Institution will not wait until a criminal case is formally resolved before proceeding with the institutional process. In addition, if the School Director (Title IX Coordinator) has a reasonable belief that a reportable crime has been committed, she or he may be obligated to report that to law enforcement if police have not already been notified. In general, most cases of alleged domestic violence, dating violence, sexual assault, and stalking investigations within the Institute may take up to 60 days to be resolved, depending on the complexity of the case. Live hearings may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion. Any or all parties, witnesses, and other

participants may appear at the live hearing virtually. At request of the party, the Institution must provide for the live hearing to occur with the parties located in separate rooms, with technology enabling the School Director (Title IX Coordinator), School President/CEO, and all parties to simultaneously see and hear the party or the witness answering questions (ex. Zoom, Skype). However, all parties must create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Throughout the live Proceedings, the School Director (Title IX Coordinator) will allow each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility. If a party does not have an advisor present at the live hearing, the Institution must provide, without fee or charge, an advisor of the recipient's choice, who may be, but is not required to be, an attorney. Cross-examination at the live hearing must be conducted orally, and in real time by the party's advisor of choice, and never by a party personally. Before a complainant, responder, or witness is permitted to answer a cross-examination, the School Director (Title IX Coordinator) must first determine whether the question(s) are relevant and explain any decisions to exclude a question as not relevant. Questions and evidence pertaining to the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. If a party or witness does not submit to cross-examination at the live hearing, the President/CEO must rely on any statement of that party or witness in reaching a determination regarding responsibility.

Dismissal of a Formal Complaint

Northwestern Technological Institute must dismiss a Formal Complaint if:

- The conduct alleged in the Formal Complaint would not constitute sexual harassment under Title IX even if proved,
- Did not occur on the Institution's education program or activity, or
- Did not occur against a person in the United States

Northwestern Technological Institute may dismiss a Formal Complaint if:

- A complainant notifies the School Director (Title IX Coordinator) in writing that the complainant would like to withdraw the formal complaint,
- The respondent is no longer enrolled or employed by the Institution, or
- Specific circumstances prevent the Institution from gathering sufficient evidence to reach a determination as to the Formal Complaint or allegations therein
- Such a dismissal does NOT preclude action under another provision of the Institution's Student and Staff/Faculty Code of Conduct Policies.

Determination of Responsibility from Disciplinary Proceedings (Hearings)

Upon completion of the disciplinary proceeding, the Institute's President/CEO will determine the final outcome regarding responsibility, and inform all parties simultaneously, in writing, of:

- The identification of the allegations potentially constituting sexual harassment
- Step by step account from the receipt of the formal complaint through the determination
- Findings of facts supporting the determination
- Conclusions regarding the application of the Institution's Student and Staff/Faculty Code of Conduct Policies to the facts
- A statement of, and rational for, the result as to each allegation
- Any change in the results that occurs prior to the time the results become final
- The Institution's procedures and permissible bases for an appeal

The School Director (Title IX Coordinator) is responsible for effectively implementing any remedies set forth by the President/CEO regarding responsibility from any disciplinary proceedings (hearings).

Informal Resolution Process

At any time prior to reaching a determination regarding responsibility, the Institution may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and decision, provided the Institution:

- Provides to the parties a written notice disclosing the allegations and the requirements of the informal resolution process
- Notifies all parties that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint
- Obtains the parties' voluntary, written consent to the informal resolution process
- Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student

Appeals

Northwestern Technological Institute will consider an appeal from either party regarding determination of responsibility, and/or from the Institution's dismissal of a formal complaint or allegations therein, on the following basis:

- Procedural irregularity that affected the outcome of the matter
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter
- The School Director (Title IX Coordinator), or President/CEO had a conflict of interest or bias that affected the outcome

Remedies/Sanctions

Northwestern Technological Institute will utilize sanctions as the penalty for those individuals found to have violated school rules and regulations policies, including all VAWA policies (alleged dating violence, domestic violence, sexual assault or stalking). The severity of the Sanctions imposed will be decided at the discretion of the School Director.

Possible Student Sanctions for Informal/Formal Complaint Proceedings

- Verbal or written warning
- Leave of absence (length to be determined at the end of the proceeding)
- Reassignment or transfer of school schedule
- Dismissal from school

Possible Employee Sanctions for Informal/Formal Complaint Proceedings

- Verbal or written warning
- Temporary or permanent transfer to a different position
- Probation
- Termination from employment

Protections against Retaliation

Retaliation against an individual for reporting discrimination or harassment or assisting in providing information relevant to a claim of discrimination or harassment is a serious violation of Northwestern Technological Institute's policy and is strictly prohibited. No person or the Institution may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. The Institution must keep confidential (except as otherwise noted in Title IX regulations), the identity of any individual who has made a report or complaint of sex discrimination, including any complaint, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and/or any witness. If an individual makes a false statement in bad faith, during the course of a grievance proceeding, it does not constitute retaliation, provided that a determination regarding responsibility, alone, is sufficient to conclude that any party made a materially false statement in bad faith.

If the Institute concludes that any individual has attempted to intimidate, threaten, or take adverse actions against someone for bringing forward a good faith complaint of discrimination or harassment, the person found to have engaged in retaliatory conduct will be subject to appropriate disciplinary action, including but not limited to change in work assignment, disciplinary probation, mandatory training, suspension, and/or dismissal/termination from the Institute or program. Any concern of retaliation should be reported immediately to the School Director (Title IX Coordinator) and the Institute will promptly investigate.

Recordkeeping

In response to receipt of actual knowledge of sexual harassment, Northwestern Technological Institute must create, and maintain for a period of seven years, records of any actions including any supportive measures, taken in response to a report or formal complaint of sexual harassment. Furthermore, Northwestern Technological Institute must maintain, for a period of seven years, records of:

- Each sexual harassment investigation, including any determination regarding responsibility, and any audio or audiovisual recording or transcript required, any disciplinary sanctions imposed, and any remedies provided
- Any appeal and the result thereof
- Any informal resolution process and the result thereof
- All materials used to train the Title IX Coordinator

Additional Information

The Institute will illustrate how it will protect the confidentiality of victims and other necessary parties, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law. In addition, Northwestern Technological Institute will maintain as confidential, any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. Northwestern Technological Institute will provide information on how to obtain orders of protection, no-contact orders, restraining orders, or similar orders issued by a criminal, civil, or tribal court.

- All parties involved will be provided, in writing, of existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and around the community.
- Northwestern Technological Institute will provide written notification (if reasonably available), to victims regarding options for available assistance in, and how to request changes to academic, living, working, or transportation situations, regardless of whether the victim chooses to report the crime to the Institute or local law enforcement. Accommodations or protective measures are provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Institute or local law enforcement.
- Following the final determination of an Institute Disciplinary Proceeding (Hearings), for those found to have violated VAWA related offenses such as domestic violence, dating violence, sexual assault or stalking, the Institute will impose sanctions such as termination from the program in the case of a student, and termination of employment in the case of an employee. If the alleged victim is deceased as a result of the crime or offense, the school must provide the results of the disciplinary hearing to the victim's next of kin, if so requested. Please note; nothing in the law shall be construed to permit a school to take retaliatory action against anyone with respect to the implementation of the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act".
- Any student or employee who reports to the Institute that they have been a victim of one of the aforementioned crimes shall be provided with a written explanation of their rights and options, regardless of whether the crime took place on or off campus.
- All current students and employees will be made aware of incidents of sexual assault and other crimes via this Campus Crime Report publication, which is distributed to all employees in their employment packet and to students on their first day of classes. This report is updated annually and is distributed to both new and current students and employees.

Title IX Training

The Title IX Coordinator, Investigator and Decision Maker at Northwestern Technological Institute receive annual Training to appropriately respond to, investigate and adjudicate Title IX violations. For the year 2020, the following training was received:

Title IX Coordinator Training Course (<https://www.nacua.org/home>):

- Jurisdiction and Other Threshold Topics
- Formal Complaints, Investigations and Grievance Procedures
- Policy and Training Objectives

Conducting Effective Internal Investigations Course (<https://www.nacua.org/home>):

- Introduction and Pre-Investigation Considerations
- General Considerations, Interviewing, and Information Gathering
- Reaching a Conclusion and Credibility Determinations
- Writing an Investigation Report
- Post-Investigation and Appeals

Title IX Decision Maker Training Course (<https://t9now.com>):

- Title IX Decision Maker Training