Northwestern Technological Institute is committed to fostering an educational environment in which all students, staff, faculty and guests are safe and free from sexual misconduct of any form, including but not limited to sexual assault, dating violence, domestic violence, and stalking. As part of that commitment, all incoming students, staff and faculty will receive Primary Prevention and Awareness Training with the objective of preventing and ending sexual violence in and around our educational community. Northwestern Technological Institute strictly prohibits all offenses of sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking and attempts to protect members of the school community, including visitors, from such offenses. This policy applies to all students, staff, and faculty, regardless of sexual orientation or gender identity.

Northwestern Technological Institute has designated Lorne Gauthier; School Director with the responsibility of Title IX Coordinator. The Title IX Coordinator oversees the Institute's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of Northwestern Technological Institute, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

The U.S. Department of Education requires all schools provide information to their students, including definitions of sexual assault, domestic violence, dating violence, and stalking as defined by the State of Michigan:

What constitutes sexual assault, including same-sex assault under Northwestern Technological Institute's school policy:

The term "Sexual Assault" covers behavior from unwanted touching to rape. Each state has its own legal definition and criminal code, and thus definitions of acts that constitute sexual assault vary. These definitions are gender neutral because sexual assault happens to both females and males, although the vast majority of sexual assault victims are females.

The Campus SaVE Act defines Sexual Assault, as an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. The State of Michigan defines Sexual Assault (often known as rape) as forcing or coercing an individual to engage in any non-consensual sexual contact or sexual penetration. In Michigan, the law regarding sexual assault is called the Criminal Sexual Conduct Act. It is gender neutral and includes marital, stranger, date, acquaintance, and child sexual assault.

There are four degrees of criminal sexual conduct. First and third degrees involve forced or coerced penetration. This can involve vaginal, anal or oral intercourse, or putting a finger or object in another person's genital or anal opening. The second and fourth degrees involve forced or coerced sexual contact. This includes touching the groin, genital area, inner thighs, buttocks, breasts or the clothing covering these parts.

How serious the crime is considered by the prosecutor depends on a number of factors such as: more than one assailant, a weapon, a physical injury other than sexual assault, extortion or the element of surprise. The charges of criminal sexual assault are viewed as more serious if the victim is under 13 years of age, from 13-15 years of the age and the assailant is a member of the family or in a position of authority over the victim, such as a teacher, counselor, clergy or doctor. Criminal sexual conduct does not require a witness other than the victim. It is also a crime if the assailant is your dating partner or spouse (www.michigan.gov/ok2say/student-resources/topics-for-students/dating-violence).

Domestic Violence
Domestic Violence is defined by the State of Michigan as the occurrence of any of the following acts by a person that is not an act of self-defense: causing or attempting to cause physical or mental harm to a family or household member; placing a family or household member in fear of physical or mental harm; causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress; and/or engaging in activity toward a family or household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested (http://www.michigan.gov/mdhhs). Further, the act defines "family or household member" to include any of the following:

- A spouse or former spouse.
- An individual with whom the person has or has had a dating relationship.
- An individual with whom the person is or has engaged in a sexual relationship.
- An individual to whom the person is related or was formerly related by marriage.
- An individual with whom the person has a child in common.
- The minor child of an individual described in the above bullet points.

Dating Violence
Dating violence is a pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship. The abuser intentionally behaves in ways that cause fear, degradation and humiliation to control the other person. Forms of abuse can be physical, sexual, emotional and psychological. Victims and abusers come from all social and economic backgrounds, faith communities, and racial and ethnic backgrounds. Abuse also occurs in same-sex relationships. Both females and males can be victims of dating violence, but numerous studies reveal the reality that the majority of victims are females (usually more than 95 percent). Victims are often referred to as females and abusers as male. That reference does not change the fact that every survivor -- male or female -- deserves support, options, resources and safety.

Abusers attempt to control their partners in a variety of ways. The following is a list of common controlling behaviors:

- **Isolation**: Trying to cut off the victim's relationship with family and friends; using jealousy to justify behavior.
- **Emotional**: Humiliating the victim in front of friends or making the victim feel guilty when she confronts the abuser about the abuse.
- **Intimidation**: Making the victim fearful by using threatening behavior, abuse of animals, verbal aggression, or destruction of property.
- **Coercion**: Threatening to find someone else if the dating partner doesn't comply with the abuser's wishes or demands. Threats to harm self or others if the dating partner leaves.
- **Physical**: Using or threatening to use physically assaultive behaviors such as hitting, shoving, grabbing, slapping, beating, kicking, etc.
- **Sexual**: Touching or forcing the victim to engage in unwanted sexual activity.

At the beginning stages of the dating relationship, these behaviors may not be apparent or the use of them is so subtle that they may be mistaken for the abuser's caring and concern. For example, the abuser may suggest that the couple spend all their time together because when they are apart, they will miss each other. If the victim spends time with other friends, the abuser may appear to be sad or disappointed. As the relationship becomes more involved, the abuser may gradually escalate the use of these behaviors to include severe jealousy, which is not a sign of love as many in our society believe (www.michigan.gov/datingviolence).

Stalking
Stalking is defined as a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested (Michigan Penal Code MCLA750.411 h). In this definition, "willful course of conduct" refers to a pattern of behavior made up of a series of two or more separate non-continuous acts which share the same purpose. The term harassed is defined as repeated or continuing unconsented contact directed toward a victim resulting in emotional distress https://www.michigan.gov/mdcs/employee-service-prog/data/tabs--employee-service-prog/resources/data/domestic-violence.

Definition of consent applicable to sexual conduct and the role of alcohol and drugs:
Currently, the State of Michigan does not provide a specific definition for the term "consent". The standard used in the sexual assault statutes is whether the accused used "force or coercion to accomplish the sexual [act]." (https://apps.rainn.org/policy/policy-crime-definitions-export.cfm?state=Michigan&group=9).

Communicating Consent:

- Consent to sexual activity can be communicated in a variety of ways, but one should presume that consent has not been given in the absence of a clear, positive agreement.
- Consent must be clear and unambiguous for each participant at every stage of a sexual encounter. The absence of "no" should not be understood to mean there is consent.
- A prior relationship does not indicate consent to future activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Silence or an absence of resistance does not imply consent.
- Coercion, force, or threat of either invalidates consent.

Alcohol and Drugs:

- A person who is asleep or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, is not capable of giving valid consent.
- The use of alcohol or drugs may seriously interfere with the participants' judgment about whether consent has been sought and given.

In Michigan, the age of consent is 16, and people who engage in sexual activity with children who are underage may be convicted of statutory rape (also called criminal sexual conduct). Michigan's laws also prohibit teachers from engaging in sex with students 17 years of age and under. In statutory rape cases, the determinative fact is the age of the child. Even if the underage person pursues or agrees to the sexual relationship, the defendant can still face criminal conviction. Of course, people who commit sex acts against others without their consent can also be convicted of sexual assault or assault and battery.

How Northwestern Technological Institute analyzes whether conduct was unwelcome:

Northwestern Technological Institute has adopted The Centers for Disease Control and Prevention's (CDC) definition as its own of unwanted sexual contact as the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, or of a person who is unable to consent or refuse. Unwanted sexual contact can be perpetrated against a person or by making a person touch the perpetrator. Unwanted sexual contact could be referred to as "sexual harassment" in some contexts, such as a school or workplace. Northwestern Technological Institute strictly prohibits all offenses of sexual misconduct, including sexual assault, domestic violence, dating violence, and stalking and attempts to protect members of the school community, including visitors, from such offenses. This policy applies to all students, staff, and faculty, regardless of sexual orientation or gender identity. Northwestern Tech. offers any student, faculty or staff member who survives a sexual assault that occurs within the context of the school community the support necessary to enable them to continue to pursue their academic or career goals. In addition, Northwestern Technological Institute has support staff available to assist victims in notifying appropriate law enforcement authorities regarding such crimes, if so requested by the victim.

Sexual Assault Prevention Programs/Reporting Procedures

Northwestern Technological Institute has established an ongoing primary prevention program for incoming students and new employees, to help prevent as well as promote awareness of dating violence, domestic violence, sexual assault and stalking as well as offer procedures to follow if an offense has occurred. Northwestern Technological Institute requires all new employees to complete on-line VAWA training when first hired as an effective primary

prevention program and campaign. In addition, trained staff review VAWA training materials with incoming students during the time in which they complete their enrollment paperwork. Ongoing prevention and awareness campaigns for students and employees are programs sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary prevention programs are initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

In effort to provide a safe environment for our students, staff, and faculty, Northwestern Technological Institute provides prevention and awareness programs (referenced above) to enhance awareness of sexual assault and the condition that fosters this offense on school campuses. Northwestern Technological Institute undertakes efforts to safeguard the rights and interests of the survivor and pursues sanctions against the perpetrator(s) of sexual assault. Any individual who has been sexually assaulted, including date or acquaintance rape, is strongly encouraged to report the incident to the local police (if off-campus), the School Director (Title IX Coordinator) as well as any civil authorities that an individual deems appropriate. Furthermore, Northwestern Technological Institute prohibits any and all retaliation by its faculty and staff against a person who exercises his or her rights or responsibilities under any provision of the Campus SaVE Act.

Sex crimes, including but not limited to sexual assault, domestic violence, dating violence, and stalking, represent violations of criminal and civil law, and constitute a serious breach of student or employee conduct. All parties engaging in sexual activity must be based upon explicit consent among the parties. Verbal communications of non-consent, non-verbal acts of resistance or rejection, or mental impairment of the victim due to any cause including the victim's use of alcohol or drugs may constitute lack of consent. The use of alcohol or drugs will not be accepted as an explanation for the actions of any individual charged with a violation of this policy.

Educational Programs

In compliance with the SaVE act requirements for primary prevention and awareness of these offenses, Northwestern Technological Institute has implemented an educational program for students, staff, and faculty to prevent and promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention awareness programs for students and faculty, that includes, but is not limited to the following:

- Sexual Violence Prevention and Awareness Training (presented at time of student's enrollment with the School).
- Widespread distribution and publication of campus security information.
- Nationally recognized handouts available (School Library) on awareness and prevention of Sexual violence.
- Training for School Officials on Campus Sexual Violence.
- Distribution of Campus Sexual Misconduct Policy.

Bystander Strategies and skills to prevent possible sexual violence:

What is a bystander?

A bystander is a person or group of people who intervene in a safe and positive way to prevent harm or provide resources to a person in need.

Bystander Intervention Options

Bystander intervention is a primary prevention tool that encourages prevention before it has the potential of possibly happening. Bystander intervention programs teach potential witnesses safe and positive ways that they can act to prevent or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural

conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Why should bystanders be accountable?
In the past, people were comfortable in a passive role, only being responsible for themselves. The bystander approach acknowledges the fact that we are all interdependent and can all have a positive impact on each other. If we keep our eyes open to potentially dangerous situations, we can step in before something bad happens. As people feel empowered to become "active" bystanders, it will, in turn empower others surrounding them. The goal of this program is engaging members of our campus community to realize its true potential to influence others, and potentially save lives.

Risk Reduction:
Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction tips may include but are not limited to:

- Be aware of your surroundings.
- Establish a plan of action.
- Remain calm.
- Ask for help from other bystanders or friends.
- Intervene early and in a safe manner.
- Consider multiple options.
- Don't make assumptions about the people involved or the situation.
- Keep your eyes open for red flags.
- Don't be afraid to call for help.

Remember, that safely stepping into a situation may give the person you are concerned about a chance to get to a safe place or leave the situation. Take the steps to protect someone who may be at risk in a way that fits your comfort level, but that never puts your own safety at risk.

Reporting options, including formal reporting and confidential disclosure options and any timeframes set by the school for reporting:

Northwestern Technological Institute is committed to creating an environment that both promotes and assists in the prompt reporting of all criminal offenses including domestic violence, dating violence, sexual assault, and stalking to provide a compassionate supportive environment for survivors.

Students, faculty, or staff who wish to report criminal actions are encouraged to accurately and promptly report any and all crimes or emergencies occurring on campus directly to the School Director. Students, faculty, and staff are cautioned to never attempt to apprehend or pursue a suspected criminal. If you have any doubts about whether to report something that has occurred, report it. Victims of, or witnesses to, crimes may disclose them directly to the School Director (Title IX Coordinator). The Title IX Coordinator can then determine whether the event constitutes a crime that has to be collected and statistically reported. Filing a report with the Institute does *NOT* obligate the victim to prosecute. An incident of sexual misconduct may be reported at any time, regardless of how much time has elapsed since the incident occurred. Any information given by the victim will remain confidential (in accordance with the Confidential Reporting Procedures below) and will not be shared without the victim's consent or unless the victim has also reported the incident to law enforcement. Your cooperation in timely reporting assists the School in issuing equally timely warnings to the Northwestern Technological Institute campus if necessary. Always use your eyes, ears, and (cell) phone to keep campus officials advised of what you see and hear. Contact the School Director (Title IX Coordinator) immediately, in person or via telephone (248) 358-4006, if you see any of the following:

- Strangers loitering in office areas, hallways, classrooms, or student lounge areas, etc.
- Unsecured doors or windows in the building that should be locked.
- Anyone tampering with a motor vehicle or loitering in the school parking lot.

- Persons publicly displaying a weapon on school property.
- Suspicious persons carrying articles, equipment, luggage, or other packages out of the building.

Crimes or suspected criminal activity should be reported to the School Director or, if appropriate, to 911. Criminal actions should then be immediately reported by students, faculty, or staff to the local authorities. During this time, an Incident Report Form will be completed by Northwestern Technological Institute, along with the person reporting the crime. This report should be filed as soon as possible with the School Director (Title IX Coordinator), who will follow up on the report personally or assign responsibility to another appropriate administrator to follow up and report on the outcome as well as determine any preventative measures necessary to ensure the safety and security of all staff, faculty, and students. All alleged criminal incidents reported to the Institute, including those not related to the Clery Act, are required to be recorded in a crime log, by the date in which they are reported. The crime log is available for review during School business hours and can be viewed in the School Director's office. In addition, Northwestern Technological Institute must report in its Annual Security Report and disclose the number of crimes that were "unfounded" (determined by a sworn or commissioned law enforcement officer to be false or baseless) to the Department of Education. Additional copies of the Northwestern Technological Institute Incident Report Form may be requested from the School Director's Office.

Confidential Reporting Procedures
All incident reports received by the School Director (Title IX Coordinator), shall include the names of the alleged perpetrator and student/staff or faulty member involved in the sexual violence, as well as any relevant facts including the date, time, and location. If a victim discloses the incident directly to the Title IX Coordinator, but wishes to maintain confidentiality, or requests that no investigation into a particular incident be conducted or disciplinary action taken, the Title IX Coordinator will evaluate the request against the school's obligation to provide a safe environment for all students. If the school honors the request for confidentiality, a victim must understand that the school's ability to investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Reporting Policy Relative to Counselors
As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f) clarification was given to those considered to be campus security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors", when acting as such, are not considered to be a campus security authority and are not required to report crimes to the School Director (Title IX Coordinator) for inclusion into the annual disclosure of crime statistics without the victim's permission. As a matter of policy, they are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistic. Northwestern Technological Institute does not have an employee on staff who is a professional counselor, however, the Institute contracts with a licensed counselor in the event counseling services are needed.

The rulemaking committee defines counselors as:

Pastoral Counselor
An employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor
An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. Northwestern Tech. does not have an employee on staff who is a professional counselor, however, the Institute contracts with a licensed counselor in the event counseling services are needed.

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**
24800 Northwestern Highway
Southfield, MI 48075
Lgauthier@northwesterntech.edu
(248) 358-4006

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.

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, investitive 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 the 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.

Sexual Assault Prevention Programs/Reporting Procedures
Northwestern Technological Institute has established an ongoing primary prevention program for incoming students and new employees, to help prevent as well as promote awareness of dating violence, domestic violence, sexual assault and stalking as well as offer procedures to follow if an offense has occurred. Northwestern Technological Institute requires all new employees to complete on-line VAWA training when first hired as an effective primary prevention program and campaign. In addition, trained staff review VAWA training materials with incoming students during the time in which they complete their enrollment paperwork. Ongoing prevention and awareness campaigns for students and employees are programs sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary prevention programs are initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

In effort to provide a safe environment for our students, staff, and faculty, Northwestern Technological Institute provides prevention and awareness programs (referenced above) to enhance awareness of sexual assault and the condition that fosters this offense on school campuses. Northwestern Technological Institute undertakes efforts to safeguard the rights and interests of the survivor and pursues sanctions against the perpetrator(s) of sexual assault. Any individual who has been sexually assaulted, including date or acquaintance rape, is strongly encouraged to report the incident to the local police (if off-campus), the School Director (Title IX Coordinator) as well as any civil authorities that an individual deems appropriate. Furthermore, Northwestern Technological Institute prohibits any and all retaliation by its faculty and staff against a person who exercises his or her rights or responsibilities under any provision of the Campus SaVE Act.

Sex crimes, including but not limited to sexual assault, domestic violence, dating violence, and stalking, represent violations of criminal and civil law, and constitute a serious breach of student or employee conduct. All parties engaging in sexual activity must be based upon explicit consent among the parties. Verbal communications of non-consent, non-verbal acts of resistance or rejection, or mental impairment of the victim due to any cause including the victim's use of alcohol or drugs may constitute lack of consent. The use of alcohol or drugs will not be accepted as an explanation for the actions of any individual charged with a violation of this policy.

Educational Programs
In compliance with the SaVE act requirements for primary prevention and awareness of these offenses, Northwestern Technological Institute has implemented an educational program for students, staff, and faculty to prevent and promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention awareness programs for students and faculty, that includes, but is not limited to the following:

- Sexual Violence Prevention and Awareness Training (presented at time of student's enrollment with the School).
- Widespread distribution and publication of campus security information.
- Nationally recognized handouts available (School Library) on awareness and prevention of Sexual violence.
- Training for School Officials on Campus Sexual Violence.
- Distribution of Campus Sexual Misconduct Policy.

Sexual violence is a serious problem that can have lasting, harmful effects on victims and their family, friends, and communities.

The goal of sexual violence prevention is simple—to stop it from happening in the first place.

Northwestern Technological Institute - VAWA Contacts

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