

Northwest University
Nondiscrimination, Harassment, Sexual Harassment, and Sexual Violence Policy

1. General Policy Statements.

- 1.1 **Federal law and University policy.** To the extent required by federal law, it is the policy of Northwest University (the “*University*”) not to discriminate on the basis of race, color, national origin, sex, age, disability, or genetic information in its admissions, educational programs or activities, or employment. Consistent with federal law, the University will provide reasonable accommodations to persons with disabilities. As a religious educational organization, the University reserves the right to prefer employees and prospective employees on the basis of religion, and also reserves its right to prefer students and prospective students on the basis of religion. At this time, only traditional, undergraduate students are required to comply with the University’s faith requirements. The phrase “*educational programs or activities*” includes instruction, grading, financial aid, training programs, internships, externships, social and recreational activities, and other aspects of the educational programs or activities at the University. Discrimination in employment prohibited by this policy includes discrimination in hiring, compensation, promotion, transfer, retirement, evaluation, discipline, benefits, termination, and other employment practices. “*Discrimination*” is defined in *Section 10.1* below. “*Harassment*” is a form of discrimination, and is defined in *Section 10.2*. Harassment is also prohibited by this policy.
- 1.2 **Prohibition against sexual harassment, including sexual violence.** Title IX of the Education Amendments of 1972 (“*Title IX*”) prohibits the University from discriminating on the basis of sex in its programs and activities. Although covered above by the prohibition against sex discrimination, the University emphasizes that Title IX and this University policy prohibits sexual harassment, which is a form of sex discrimination. Sexual harassment also includes sexual violence and sexual misconduct, all of which are prohibited by this policy. These terms are defined below in *Sections 10.4, 10.5, and 10.6*. Dating violence, domestic violence, sexual assault, sexual exploitation, stalking, and other sexual misconduct, as defined in *Section 10.5*, are forms of sexual misconduct and are prohibited by Title IX and this policy. In the context of Title IX, the University violates federal law regarding student-on-student sexual violence when:
- A. the alleged conduct is sufficiently serious to limit or deny a student’s ability to participate in or benefit from the University’s educational program (meaning the alleged conduct creates a hostile environment); and
 - B. the University, after notice of the alleged conduct or hostile environment, fails to take prompt and effective steps reasonably calculated to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and, as appropriate, remedy its effects.

- 1.3 **No Retaliation.** The University not only prohibits discrimination and harassment (including sexual harassment), but it also prohibits retaliation against any person for making a complaint about discrimination or harassment; assisting, testifying, or otherwise participating in any discrimination or harassment investigation; or otherwise opposing discrimination or harassment prohibited by this policy. This includes any retaliation against any witness or bystander who reports or provides any information about alleged discrimination or harassment, or who intervenes to stop or attempt to stop any discrimination, harassment, sexual harassment, sexual violence, or sexual misconduct. “**Retaliation**” means any adverse action that might dissuade or deter a reasonable person from making or supporting a complaint of discrimination or harassment. Examples of retaliation include intimidation, threats, coercion, termination of employment, unjustified negative grades or evaluation, reduction in pay or demotion, denial of a promotion, physical assault, and any other conduct that constitutes prohibited discrimination or harassment under this policy. Retaliation against any person thought to have engaged in any activity protected by this *Section 1.3*, whether or not the person actually engaged in any protected activity, is also prohibited by this policy. For example, the policy prohibits retaliation against a student believed to have filed a sexual violence complaint or believed to have cooperated in a sexual violence investigation, even if the student did not actually file a complaint or cooperate with the investigation.
- 1.4 **Student protected.** Title IX protects all University students from sex discrimination, including sexual violence. Any student can experience sexual violence, whether undergraduate, graduate, part-time, full-time, male, female, gay, straight, lesbian, bisexual, transgender, disabled or not, or of a different race or national origin. The University will respond to sexual violence complaints regardless of whether the alleged perpetrator and complainant are of the same gender or different genders. Foreign students attending the University may need to be protected to maintain a certain credit load, and should be advised about the possible availability of U nonimmigrant status (regarding victims of certain crimes who suffer substantial mental or physical abuse as a result of the crime and are helpful to law enforcement) and T nonimmigrant status (for victims of severe forms of human trafficking who comply with a law enforcement agency’s investigation or prosecution, and who would suffer severe hardship if removed from the United States), if appropriate.
- 1.5 **Awareness and prevention.** In an effort to prevent sexual harassment, sexual violence, and sexual misconduct, University annually provides awareness and prevention training to employees and students. All of the University’s nondiscrimination policies and procedures are available online and in hard copy from the Title IX Coordinator or one of the University Equal Opportunity Grievance Officers (“**EO Grievance Officer**”).
- 1.6 **Take early action.** The University encourages its employees and students not to wait until concerning conduct becomes serious enough to constitute a hostile

environment. The University and its Title IX Coordinator and EO Grievance Officer or designees can take proactive steps to help prevent harassment from continuing and perhaps escalating, and to protect and assist the person harassed. For example, if appropriate, the University can arrange for no contact orders, counseling, and changes to class schedules, living arrangements, class requirements, and testing schedules. The Title IX Coordinator, EO Grievance Officer, or their designees can also provide advice to help identify conduct that might be a warning sign or constitute sexual harassment or a hostile environment prohibited by this policy. They can also address concerns or complaints.

2. **Reporting Violations.**

2.1 **Where to file a complaint.**

- A. Any student or employee who believes he or she has suffered discrimination, harassment (including sexual harassment or sexual violence), or retaliation in violation of this policy, should contact one of the following individuals to file a complaint. If one of the EO Grievance Officers receives the complaint first, a copy of the complaint will be given to the Title IX Coordinator when the complaint involves sex discrimination, sexual harassment, or sexual violence):

Title IX Coordinator (Victoria Clark)
(425) 889-7824
Victoria.clark@northwestu.edu
5520 108th Ave., NE
Kirkland, WA 98083

Equal Opportunity Grievance Officer (Teresa Gillespie)
(425) 889-5290
Teresa.gillespie@northwestu.edu
5520 108th Ave., NE
Kirkland, WA 98083

Equal Opportunity Grievance Officer (Rick Engstrom)
(425) 889-6397
Rick.engstrom@northwestu.edu
5520 108th Ave., NE
Kirkland, WA 98083

Equal Opportunity Grievance Officer (Matt Nelson)
(425) 889-5331
Matt.nelson@northwestu.edu
5520 108th Ave NE
Kirkland, WA 98083

Equal Opportunity Grievance Officer (Rowlanda Cawthon)
(425) 889-5352
Rowlanda.cawthon@northwestu.edu
5520 108th Ave., NE
Kirkland, WA 98083

Equal Opportunity Grievance Officer (Sarah Drivdahl)
(425) 889-7826
Sarah.drivdahl@northwestu.edu
5520 108th Ave., NE
Kirkland, WA 98083

Equal Opportunity Grievance Officer (Sarah Jobson)
(425) 889-5597
Sarah.jobson@northwestu.edu
5520 108th Ave., NE
Kirkland, WA 98083

- B. If the complaint or report involves the Title IX Coordinator and all EO Grievance Officers, then the complaint or report should be filed with the President of University (who may designate an individual to investigate the complaint or report):

President (currently Dr. Joseph Castleberry)
(425) 889 - 4202
Joseph.castleberry@northwestu.edu
5520 108th Ave., NE
Kirkland, WA 98083

- C. If the EO Grievance Officer reports directly or indirectly to an individual accused of violating this Policy, then the matter will be referred to the other EO Grievance Officer. If necessary, the President may designate another individual to serve as an EO Grievance Officer.
- D. Complaints and reports about sex discrimination, sexual harassment, and sexual misconduct (including sexual assault and other sexual violence) may also be made to any trusted employee of the University, for example, a professor, administrator, or advisor. All complaints about sex discrimination, sexual harassment, or sexual misconduct (including sexual violence) will be reported to the Title IX Coordinator.

- E. If the Respondent is the President, then the EO Grievance Officer will contact the Chair of the Board of Directors.

2.2 **How to file a complaint.**

- A. Complaints or reports may be made in person, by telephone, by voicemail message, by email, or by letter to the Title IX Coordinator, an EO Grievance Officer, an EO Grievance Officer designee, or any of the other individuals identified above (for example, a trusted professor, administrator, or staff member).
- B. EO Grievance Officers will accept anonymous and third-party reports. The person making an anonymous complaint or report is encouraged to provide as much detail as possible to allow the EO Grievance Officer to investigate the allegation and respond, as appropriate. The lack of sufficient information may limit the EO Grievance Officer's ability to conduct a meaningful and fair investigation.

2.3 **When to file a complaint.** Complaints and reports should be made as soon as possible after an incident or suspected incident of discrimination, harassment, or retaliation (including incidents of sexual harassment, sexual assault, or other sexual violence).

2.4 **Others informed that a complaint or report has been received.** When a complaint or report of discrimination, harassment, or retaliation has been received, the following individuals will be informed:

- A. If the complaint involves sex discrimination, including sexual harassment or sexual violence, the complaint or report will be provided to the Title IX Coordinator.
- B. If the complaint or report involves an employee as a victim or the person accused of discrimination, harassment, or retaliation is an employee, and the Director of Human Resources did not receive the initial report, then the EO Grievance Officer will inform the Director of Human Resources.
- C. If the complaint or report involves a student as a victim or the person accused of discrimination, harassment, or retaliation is a student, and the Dean of Student Development did not receive the initial report, then the EO Grievance Officer will inform the Dean of Student Development.

2.5 **Crimes or Medical Emergencies.**

- A. **Call 911 for emergencies.** Please immediately contact 911 if you or someone else is in immediate danger, if a crime has occurred, or if you or someone needs medical attention.

- B. **Reporting a crime.** A victim has the option to notify law enforcement, be assisted by an EO Grievance Officer in notifying law enforcement, or decline to notify law enforcement. However, nothing in this policy prevents or prohibits any employee or student from contacting the police to report a crime, including a sexual assault or other sexual violence.
 - C. **Law Enforcement Compliance.** If law enforcement becomes involved, University will comply with the criminal investigation to a reasonable extent. However, in the case of sexual violence, the University will continue with its investigation to the extent required by Title IX.
 - D. **Preservation of Evidence.** A victim should make reasonable efforts to preserve evidence that may be necessary for the internal investigation or for law enforcement investigation. That may include not washing clothes or body and having a medical examination to obtain and preserve evidence.
3. **Discrimination Grievance Procedures.** Violations of this policy will be addressed through the Discrimination Grievance Procedures, which can be found at <http://eagle.northwestu.edu/departments/employee-manual/Discrimination-Grievances-Procedures>. Hard copies of the Discrimination Grievance Procedures are also available from the Title IX Coordinator and EO Grievance Officers.
4. **Consequences of violating this policy.** The consequences for violating this policy will depend on the facts and circumstances of each particular situation.
- 4.1 **Sanctions and Corrective Action.** Sanctions and corrective action could include the following: a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct; a reprimand; a no-contact order; denial of a merit pay increase; reassignment; removal from class; suspension; termination or dismissal, or other appropriate sanction, remedy, or response.
 - A. The severity of the sanction or corrective action may depend on the frequency or severity of the offense and any history of past discriminatory, harassing, or retaliatory conduct.
 - B. A finding of discrimination or harassment that creates a hostile environment or resulted in any tangible action (either in the employment or educational setting), or sexual violence or sexual misconduct may be cause for disciplinary action, up to and including discharge in the case of an employee and dismissal in the case of a student. The University may also report any criminal conduct to a law enforcement agency.
 - 4.2 **Steps to protect complainant.** The University may take immediate steps to protect the complainant from further discrimination, harassment, or retaliation before completion of its investigation or the process outlined in the

Discrimination Grievance Procedures. These are interim measures, which are discussed in more detail in *Section 9*. For example, in the case of a sexual harassment or sexual violence or sexual misconduct complaint, the University may take steps to separate the accused harasser from the complainant.

- 4.3 **Other appropriate action.** The University may also take appropriate action even if it does not find discrimination or harassment that creates a hostile environment or results in a tangible action. For example, the University may find that the alleged perpetrator engaged in disruptive behavior or that action is necessary or appropriate to prevent the creation of a hostile environment or a situation that may result in a tangible action.
5. **Off-campus conduct.** Off-campus conduct can be the subject of a complaint or report and will be evaluated to determine whether it violates this policy. For example, if off-campus discrimination or harassment has continuing effects that create a hostile environment on campus, then the discrimination or harassment violates this policy. Allegations of off-campus sexual violence brought to the attention of University will be investigated to determine whether it violates this policy.
6. **Mandatory reporting by employees of any sex-based discrimination, sexual harassment, and sexual violence against students.** The University wants to stop and respond effectively to instances of sex-based discrimination, including sexual harassment and sexual violence against its students. Therefore, any employee and any resident hall advisor (“*RA*”) who receives any information about any alleged or possible sex-based discrimination, sexual harassment, or sexual violence involving students, must report that information to the Title IX Coordinator within 24 hours of receiving that information. An employee or RA receiving information about alleged sexual violence will provide the Title IX Coordinator with all relevant details about the allegation (including the name of the alleged perpetrator, if known, the student who experienced the alleged sexual violence, the identity of others involved in the alleged violence, the date, time, and location of the alleged sexual violence, and all other relevant facts). Employees who are statutorily prohibited from reporting that information are exempt from this reporting requirement, including any licensed counselor who receives the information in his or her professional capacity as a licensed counselor. If the Campus Pastor or any Associate Campus Pastor receives information while providing pastoral counseling and believes confidentiality is necessary for the counselee’s spiritual welfare or spiritual development, then the Campus Pastor or Associate Campus Pastor need not report information if it does not involve harm or potential harm that the counselee inflicted or might inflict on himself or herself, harm inflicted by another on the counselee, or harm inflicted by the counselee on others. After receiving a report of alleged or possible sex-based discrimination, sexual harassment, or sexual violence, the Title IX Coordinator or designee will evaluate the information received and determine what further actions should be taken. The Title IX Coordinator or designee will follow the procedures described in the Discrimination Grievance Procedures. The Title IX Coordinator or designee will take steps, either directly with the complainant or through a reporting employee, to provide information

about the Discrimination Grievance Procedures, as well as available health and advocacy resources and options for criminal reporting (if applicable).

7. **Voluntary reporting by students.** The University strongly encourages its students to report instances of sex-based discrimination, sexual harassment, sexual violence involving University students.

8. **Information about confidentiality regarding sexual violence; what happens when a student requests confidentiality.**

8.1 **What students need to know about confidentiality.** When a University employee or RA suspects that a student may report sexual violence (or is in the process of reporting sexual violence), then before a student reveals the information (or any more information), the University employee or RA should first make every reasonable effort to ensure that the student understands the following:

- A. It is the obligation of the University employee or RA to report to the Title IX Coordinator the names of the alleged perpetrator and student involved in the alleged sexual violence, as well as relevant facts regarding the alleged incident (including the date, time, and place);
- B. The student's option to request that the University maintain confidentiality, which the University's Title IX Coordinator (or designee) will consider;
- C. The fact that reporting the information to the Title IX Coordinator does not necessarily mean a formal complaint or investigation under the Discrimination Grievance Procedures must be initiated if the student requests confidentiality;
- D. The student's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual-assault-related services (for example, sexual assault resource centers, campus health center, pastoral counselors, and campus mental health center); and
- E. The student's right to file a Title IX complaint with the University or report a crime to University security or local law enforcement.

8.2 **When a student wants to keep his or her name confidential or does not want the University to pursue an investigation.** If a student asks that his or her name not be revealed to the alleged perpetrator or asks that the University not investigate or seek action against the alleged perpetrator, the University should tell the student that honoring the request may limit the University's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The University should also explain to the student that Title IX

includes protections against retaliation, and that the University will not only take steps to prevent retaliation, but will also take strong, responsive action if it occurs. This includes retaliatory actions by the University and University officials.

- 8.3 **University will make every effort to respect requests for confidentiality.** If a student still requests confidentiality, the Title IX Coordinator or other University designee should make every effort to respect the student's request and should evaluate the request for confidentiality in the context of the University's responsibility to provide a safe and nondiscriminatory environment for all its students.
- 8.4 **What the University considers when it receives a request for confidentiality.** There may be situations where the University cannot honor the student's request for confidentiality in order to meet its Title IX obligations. However, these situations are limited, and in any case, the information should be shared only with individuals responsible for handling the University's response to incidents of sexual violence. When deciding whether it should respect the student's request for confidentiality, the University should consider a range of factors, including the increased risk of the alleged perpetrator committing more acts of sexual violence or other violence, whether the sexual violence involved a weapon, the vulnerability of the student, and whether the University has other means to obtain the relevant evidence (for example, other witnesses or security cameras).
- 8.5 **Reports of sexual violence kept secure.** All reports of sexual violence will be maintained in a secure manner.
- 8.6 **What to do when respecting a request for confidentiality.**
- A. If the University determines it can respect the student's request not to disclose his or her identity to the alleged perpetrator, the University should take all reasonable steps to respond to the complaint consistent with the student's request. Even though the student's request may limit the University's ability to respond fully to the allegation, other means may be available to address the sexual violence. For example, the University should consider increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training or education materials to student and employees; changing or publicizing the University's sexual violence policies; or conducting climate surveys regarding sexual violence.
 - B. Even in those situations where the University complies with the student's request not to disclose his or her name to the alleged perpetrator, the University must also take immediate action as necessary to protect the student, while keeping confidential the identity of the student. These actions may include providing support services to the student or changing

living arrangements, class assignments, or test schedules, or other interim measures.

- 8.7 **What to do when proceeding with an investigation when the student does not want that.** If a student asks the University not to proceed with an investigation, but the University decides it must investigate, and the student asks the University to tell the alleged perpetrator that the student did not want the University to investigate or take action, then the University should honor that request.
- 8.8 **Disclosing information only as needed.** Even if the student does not specifically request confidentiality, the University, to the extent possible, should only disclose information regarding alleged incidents of sexual violence to individuals responsible for handling the University's response. To improve trust, the University should notify the student about the information that will be disclosed, to whom it will be disclosed, and why.
- 9 **Interim Measures.** Title IX requires the University to take steps to insure equal access to its educational programs and activities, and to protect a complainant of sexual violence, as necessary. This includes taking interim measures before the final outcome of an investigation. These steps should be taken promptly after the University receives notice of a sexual violence allegation. The University should also provide the complainant with periodic updates on the status of the investigation. The specific interim measures will depend on the facts of each case.
- 9.1 **Notify student of options.** The University should notify the complainant of his or her options to avoid contact with the alleged perpetrator and allow the complainant to change academic and extracurricular activities or his or her living, transportation, dining, or work situation, as appropriate.
- 9.2 **Factors to consider.** When considering what interim measures to take, the University should consider any specific need expressed by the complainant, the age of the students involved, the severity or pervasiveness of the alleged sexual violence, any continuing effects on the complainant, whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation, job location, and whether any judicial measures have been taken to protect the complainant (for example a no contact order or order of protection).
- 9.3 **Minimize burden on complainant.** In general, when taking interim measures, the University should minimize the burden on the complainant. For example, if the complainant and the alleged perpetrator share the same class, the University should not, as a matter of course, remove the complainant from class while allowing the alleged perpetrator to remain without carefully considering the facts of the case.

- 9.4 **Take steps to protect complainant.** If the University determines that sexual violence occurred, the University must continue to take steps to protect the complainant and insure his or her safety.
- 9.5 **Other things the student should know.** The University should also make sure the student is aware of:
- A. the student’s rights under Title IX;
 - B. the resources available to the student, including those described in *Section 11*; and
 - C. the student’s right to file a police report.
10. **Important Definitions.** The following definitions are important to understanding the University policies against discrimination and harassment, including sexual harassment and sexual violence. Some of the definitions include examples of the prohibited conduct.
- 10.1 **“Discrimination” or “discriminate”** means unfavorable treatment because of the person’s protected characteristic (see *Sections 1.1, 1.2, and 1.3*). Unfavorable treatment in employment includes unfavorable treatment regarding hiring, firing, pay, job assignments, benefits, promotion, training, and any other term or condition of employment. For example, discrimination in employment based on race includes not hiring a person, firing a person, or not giving a person raise or benefit because of that person’s race. Unfavorable treatment of students in the University’s educational programs and activities includes unfavorable treatment in admissions, grading, financial aid, instruction, training programs, internships, externships, and social or recreational activities. For example, unfavorable treatment of a student based on gender includes giving the student an unjustified lower grade or not granting the student an internship placement based on the student’s gender.
- 10.2 **Harassment** is a form of discrimination, and is unwelcome conduct based on a person’s protected characteristic. Harassment becomes unlawful when enduring the offensive conduct becomes a condition of the work or academic environment, or when the conduct is severe, persistent, or pervasive enough to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive. Offensive conduct may include offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults, offensive objects or pictures, interference with work or academic performance, or any other conduct that may be harmful or humiliating.
- A. The harasser may be anyone, including the victim’s supervisor, professor, co-worker, fellow student; a campus visitor; an employee of an outside vendor; or any other non-employee or non-student.

- B. The victim of harassment does not have to be the person harassed, but may be anyone affected by the offensive conduct. Harassment does not have to include an intent to harm.
- C. Harassment need not necessarily involve repeated incidents, depending on the severity of the harassment.
- D. Petty slights, annoyances, and isolated incidents (unless sufficiently severe) do not rise to the level of illegal conduct.
- E. University reserves the right to discipline its employees and students for offensive conduct when that conduct is based on a person's protected characteristic, even if that conduct does not meet the definition of unlawful discrimination or harassment. For example, the University may take action to prevent a situation from escalating into sexual harassment.

10.3 ***“Retaliation”*** is defined in *Section 1.3*, above.

10.4 ***“Sexual harassment”*** is a form of sex discrimination. Sexual harassment is unwelcome conduct of a sexual nature. It can include unwelcome sexual advances, a request for any sexual favor, or other verbal or physical conduct of a sexual nature. Sexual harassment includes sexual assault (defined below) or other acts of sexual violence (defined below) or other sexual misconduct (defined below). Sexual harassment can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment: the first is ***“tangible action,”*** and the second is ***“hostile environment.”*** The University reserves the right to discipline its employees and students for offensive conduct even if that conduct does not meet the definition of unlawful sexual harassment.

A. ***“Tangible action”***

- 1) This type of sexual harassment occurs when
 - a) submission to any unwelcome sexual advance or any request for any sexual favor is made an explicit or implicit term or condition of employment or instruction or participation in any educational programs or activities of the University; or
 - b) submission to or rejection of any unwelcome sexual advance or any request for any sexual favor by an individual is used as the basis of any employment or academic decision affecting that individual.

- 2) Generally, the perpetrator of this type of harassment has some authority from the University (for example, a supervisor, in the case of an employee, or a professor or academic administrator, in the case of a student).

B. *“Hostile environment”*

- 1) Hostile environment sexual harassment exists:
 - a) in the case of a student, when the harassment based on sex is sufficiently serious (in terms of severity, persistence, or pervasiveness) that it interferes with or limits the student’s ability to participate in or benefit from any of the University’s educational programs or activities; and
 - b) in the case of an employee, when unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature is sufficiently severe or pervasive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, hostile, or offensive working environment.
- 2) A hostile environment can be created by any employee or student of the University, and even campus guests.
- 3) A hostile environment can be created by a single incident or multiple incidents. The more severe the conduct, the less need to show multiple incidents.
- 4) In order to determine whether hostile environment sexual harassment exists, both subjective and objective factors must be considered. The conduct must be considered from the perspective of a “reasonable person” (based on a reasonable person of the same gender) and the individuals involved. The following factors must be considered:
 - a) the degree to which the conduct affected the education or employment of one or more persons;
 - b) the nature, scope, frequency, duration, and location of the incident or incidents;
 - c) the identity, number, and relationships of the persons involved; and

d) the nature of higher education.

C. **Examples.** Examples of the types of conduct that could violate this policy (if unwelcome and sufficiently severe, persistent, or pervasive) include the following:

- 1) sexual advances or propositions;
- 2) grabbing, groping, kissing, fondling, inappropriately long hugs;
- 3) sexually suggestive touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body;
- 4) leering, making sexual gestures, and displaying sexually suggestive objects, pictures, cartoons, or posters;
- 5) sexually explicit or suggestive e-mail, voice-mail, or social media message;
- 6) gossip about one's own or another person's sex life, body, sexual activities, deficiencies or prowess;
- 7) questions about another's sex life or experiences;
- 8) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of gender and that is placed on walls, bulletin boards, or elsewhere on the premises of University, or circulated in the workplace or educational setting (including by email, text messaging, social media, and voice mail);
- 9) epithets, slurs, negative stereotyping, threatening, intimidating, or hostile acts that relate to sex, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations; and
- 10) any other unwelcome or offensive words or conduct of a sexual nature.

10.5 “**Sexual misconduct**” is a form of sexual harassment, and includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, dating violence, domestic violence, stalking, and other sexual misconduct. As used below, “**consent**” is informed, freely given, and mutual. If coercion, intimidation, threats, or physical force is used, there is no consent. If a person is mentally or physically incapacitated or impaired so that the person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. This includes

impairment or incapacitation due to alcohol or drugs, or being asleep or unconscious. There is no consent if the alleged consent is gained by use of force, duress, or deception. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing or future consent. Whether a person has taken advantage of a position of influence or authority over an alleged victim may be a factor in determining whether consent was given. The phrase “*sexual contact*” means any touching of the intimate parts of a person for the purpose of gratifying the sexual desire of either party or a third party. The phrase “*intimate parts*” means a person’s genital area, groin, anus, inner thigh, buttock, and breast.

A. “*Sexual assault*” means an actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes:

- 1) any sexual contact when the victim is unable to consent or has not given consent;
- 2) intentional and unwelcome touching of a person’s intimate parts;
- 3) forcing or coercing a person to touch another person’s intimate parts; and
- 4) sexual intercourse without consent, including acts commonly referred to as rape. The term “*sexual intercourse*” (a) has its ordinary meaning and occurs on any penetration, however slight, (b) also means any penetration of the vagina or anus however slight by an object (except for medically recognized treatment or diagnostic purposes), and (c) includes any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another.

B. “*Sexual exploitation*” occurs when a person takes nonconsensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited (and the behavior is not sexual assault, as defined above). Examples of sexual exploitation include:

- 1) prostituting another person;
- 2) nonconsensual recording or broadcasting of sexual activity (whether a recording or broadcasting of images or sound);
- 3) nonconsensual distribution of photographs or other images of or information about another person’s sexual activity, nakedness, or intimate parts, with the intent or effect of embarrassing the subject of the images or information;
- 4) engaging in nonconsensual voyeurism;

- 5) knowingly transmitting a sexually transmitted disease without disclosing one's STD status; or
 - 6) exposing one's genitals in nonconsensual circumstances (for example, "flashing").
- C. "**Dating violence**" means any crime of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship is determined based the reporting person's statement and consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of the interaction between the persons involved in the relationship.
- D. "**Domestic violence**" means any crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Washington; or by any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of Washington. Domestic violence is further defined in RCW 26.50.010.
- E. "**Stalking**" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking is further defined in RCW 9A.46.110.
- F. "**Other sexual misconduct**" means any sexual offense under the laws of the State of Washington (Chapter 9A.44 Revised Code of Washington), any crime involving indecent exposure -- prostitution (Chapter 9A.88 RCW), any crime of obscenity and pornography (Chapter 9.68 RCW), and any crime involving the sexual exploitation of children (Chapter 9.68A RCW) that do not meet the definition of sexual assault or sexual exploitation, above.

10.6 "**Sexual violence**" is a form of sexual misconduct and sexual harassment.

- A. As defined by the U.S. Department of Education, Office of Civil Rights, sexual violence refers to

physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (*e.g.*, due to the student's [or other person's] age or use of drugs or alcohol, or because an

intellectual or other disability prevents the student [or other person] from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

- B. If sexual misconduct involves a physical sexual act against a person's will or where a person is incapable of giving consent, then the sexual misconduct is also sexual violence. Sexual violence also constitutes sexual harassment.

11. **Important Rights and Resources.**

11.1 **Filing a Police Report.** Students and employees who are victims of sexual violence have a right to report the crime to University security or local law enforcement. Making a complaint with the University does not limit the rights of a student or employee to report a crime.

11.2 **Other Resources.** Victims of sexual violence should be aware of the following resources:

A. On-Campus Support:

- 1) Kirkland campus: phone 911 and Campus Security at (425) 889-5500.

Wellness Center (Kirkland) – campus extension x 5282 or wellnesscenter@northwestu.edu.

- 2) Salem campus – phone 911 and Campus Security at (503) 304-0092.

B. Off-Campus Support:

- 1) Kirkland campus:

- King County Sexual Assault Resource Center 24 hour line at (888) 998-6243
- Harborview's Sexual Assault and Traumatic Stress - 24 Hour Community Care Line at (206) 744-1600
- National Sexual Assault Hotline at 1.800.656.HOPE (4673)

2) Salem campus:

- Center for Hope and Safety – domestic violence and sexual assault. 24-hour Crisis Line: (503) 399-7722 or (503) 378-1572
- Northwest Human Services – adult and children service, medical support shelter. 24 –hour Crisis Line: (503) 581-5535
- National Sexual Assault Hotline at 1(800) 656-HOPE (4673)