

Northern New Mexico College Title IX Policy (Interim)

If you have experienced sexual harassment, including sexual assault as defined in this policy, you have a variety of options available to you. You may report this crime to the police, pursue administrative investigative options, seek supportive measures and seek confidential resources.

You have the choice of submitting an informal complaint or a formal complaint at the College. Both choices include tailored supportive measures to assist in providing you with the support needed to continue learning or working at Northern. A formal complaint initiates an investigation while an informal complaint does not. You can also speak with a confidential resource described in Section 3 and identified in Appendix B to explore your options before making your decision.

Section 1 of this policy provides additional information on what to do if you experience sexual harassment, including sexual assault.

General

Northern New Mexico College prohibits discrimination on the basis of sex (including gender, sex stereotyping, gender expression, and gender identity). Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination. Sex discrimination is a violation of Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the New Mexico Human Rights Act, NMSA 1978, Sections 28-1-1 to 28-1-7, 28-1-7.2, 28-1-9 to 28-1-14; and Northern New Mexico College policy.

Northern is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, Northern has developed policies and procedures that provide a fair, prompt, and impartial process for those involved in allegations of harassment or discrimination on the basis of protected class status. Northern values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in what is often a difficult time for all involved.

For the purposes of this policy, sexual harassment, dating violence, domestic violence, and stalking are collectively referred to as “sexual harassment.” Sexual harassment subverts the mission of the College and threatens the careers of students and employees.

As more fully described, this policy applies to allegations of sexual harassment made by or against a student, staff, or faculty member that occur within the course of a Northern program or

activity or have continuing adverse effects on campus. If the circumstances giving rise to the allegations are related to Northern's educational programs or activities, this policy may apply regardless of the affiliation of the parties to the College. The College is committed to responding promptly and fairly to every allegation of sexual misconduct. This policy addresses conduct that may be covered by Title IX, Title VII, the Faculty Handbook, College policy and the Student Code of Conduct. Allegations may be covered by one or more of the aforementioned laws/policies.

Sexual harassment may be committed by anyone, including a stranger, an acquaintance, a friend, or someone with whom the reporting party (Complainant) is involved in an intimate or sexual relationship. Individuals who have experienced sexual misconduct are encouraged to report what happened to law enforcement and to seek assistance from any of the campus resource offices or community resources referenced in this policy. A report of sexual harassment will be taken seriously and addressed in accordance with Northern policies and procedures.

Title IX Coordinator

The College's Title IX Coordinator, who oversees institutional compliance with Northern policy related to sex discrimination (including sexual harassment and misconduct), has the primary responsibility for coordinating Northern's efforts related to investigation, resolution, and implementation of remedies and supportive measures to stop, remediate, and prevent discrimination under this policy.

The Title IX Coordinator, designees, and individuals within the Title IX team act with independence and authority free from bias and conflicts of interest.

To raise concerns involving bias or conflict of interest of the Title IX Coordinator, contact the Northern Chief Compliance Officer or the President. Concerns of bias on any other team member should be raised with the Title IX Coordinator, whose contact information is located at nmmc.edu/titleix.

This policy includes information for students, staff, and faculty on resources available following an act of sexual misconduct, including Northern responses, supportive measures, education and prevention programs, and possible disciplinary sanctions.

1. Procedures to Follow if You Experience Sexual Harassment Including Sexual Assault

If you are in immediate danger, dial 911 for assistance.

If you are the victim of a sexual assault but not in immediate danger, you may report this to Campus Security. You may also want to call a trusted family member or a friend.

For the reasons set forth below, it is important for victims of sexual assault to seek medical attention. Please contact the Counseling and Student Support Center, who can provide information about where to receive such medical attention. If you have serious injuries, seek emergency medical attention at a hospital.

It is important for individuals who have experienced sexual harassment, in particular sexual assault, to understand the steps to take to preserve evidence for possible use later to support a criminal case. The sooner you file a report of sexual assault, the better the chances that helpful evidence can be collected to support a criminal case, that you will be able to convey a clear account of what happened, and that police will be able to identify and speak with witnesses. You may file a report of sexual assault and/or receive a sexual assault medical examination immediately and then decide at a later date if you want to pursue filing criminal charges.

2. Resources Following an Act of Sexual Harassment

There are several resource options for students, staff, and faculty at Northern. Specific resources, either on or off campus for medical treatment, legal evidence collection, obtaining information, support and counseling, and officially reporting an incident can be provided by the Counseling and Student Support Center. Each resource can assist a person to access the full range of services available.

3. Retaliation

It is a violation of College policy to retaliate against any person who engages in protected activity. Protected activity includes complaining of or reporting sexual misconduct, testifying, assisting, or participating in an investigation or proceeding regarding an allegation of sexual misconduct. Concerns that a student, staff, or faculty member has threatened to retaliate or has retaliated against another student, staff, or faculty member should be reported promptly to the Title IX Coordinator. A staff, faculty member, or student who retaliates against a person who makes a complaint of sexual misconduct, reports, testifies, assists, or participates in an investigation or proceeding regarding an allegation of sexual misconduct, or seeks assistance from OEO, may be subject to disciplinary action.

Protected activity under this policy also includes reporting an incident that may implicate this policy, participating or declining to participate in the grievance process, supporting a Complainant and Respondent, or assisting in providing information relevant to an investigation.

4. Supportive Measures and Remedies

Northern offers and implements appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are confidential, non-disciplinary, non-punitive, individualized services offered as appropriate and without fee or charge to the parties to restore or preserve access to Northern's educational program or activity, including measures designed to protect the safety of the parties or the educational or work environment, and/or to deter harassment or retaliation.

The Title IX Coordinator promptly provides supportive measures or details on seeking or receiving supportive measures to the parties upon receiving a notice of complaint. See the Discrimination Grievance Procedure.

Upon a Respondent's finding of responsibility, the Complainant may also be provided with remedies to maintain their equal access to the working and learning environment. Upon the finding of responsibility, remedies include disciplinary measures for Respondent.

4.1 Emergency Removal

The College can act to remove a Respondent entirely or partially from its education programs or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or employee or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the Threat Assessment Team (TAT) using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action and the option to request to meet with the Title IX Coordinator or their designee prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested within 2 business days of the Respondent receiving notice, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place

on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the emergency removal meeting.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

Northern will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

5. Definitions of Sexual Harassment

Sexual harassment is the umbrella category used by Northern for sexual misconduct, including sexual harassment, sexual assault, stalking, and dating and domestic violence, each of which is defined below. Acts of sexual harassment may be committed by any person upon another person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

5.1 Sexual Harassment Generally

Sexual harassment as an umbrella category includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- The provision of an aid, benefit, or service contingent upon an individual's participation in unwelcome sexual conduct (quid pro quo sexual harassment);
- Unwelcome conduct that a reasonable person would consider to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education or activity (hostile environment sexual harassment).

In determining whether a reasonable person would consider the behavior to be objectively offensive, consideration will be made not only as to whether the conduct was unwelcomed to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive.

Mere offensiveness alone is not enough to create a hostile environment. Whether a hostile environment exists is determined by considering all the circumstances, including the following:

- The degree to which the conduct affected one or more student's education, individual's employment, or their attempt to participate in Northern's program or activity.
- The nature, scope, frequency, duration, and location of incident or incidents.
- The identity, number, and relationships of persons involved.
- The inherent nature of the higher education environment, such as inherent power differentials.

While sexual harassment often takes place under circumstances where a power differential between the persons involved exists, this policy recognizes that sexual harassment also may occur between persons who are considered peers. Additionally, the prohibition against sexual harassment applies regardless of the genders of the parties. Sometimes harassers target a person who has authority over them. Harassers can also be persons who are not members of the College community, such as contractors or visitors. Regardless of the source, the College does not tolerate this kind of behavior and is committed to maintaining an environment free from sexual harassment.

Sexual harassment is especially serious when it threatens relationships between students and faculty, or relationships between supervisors and their subordinates. Through grades, wage increases, recommendations for graduate study, promotion, and the like, a faculty member or supervisor can have a decisive influence on a student's or employee's success and future career at the College and beyond.

5.2 Sexual Assault

Sexual Assault falls under the following categories and definitions:

5.2.1 Sex Offenses, Forcible

Any sexual act directed against the Complainant without the Complainant's consent, including instances where the Complainant is incapable of giving consent.

- Forcible Rape. Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- Forcible Sodomy. Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually), or non-forcibly against the person's will in instances where the Complainant is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.
- Sexual Assault with an Object. To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against the person's will (non-consensually) or non-forcibly against the person's will in instances where the Complainant is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.
- Forcible Fondling. The touching of the private body parts of another person (genitals, buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or non-forcibly against the person's will in instances where the Complainant is incapable of giving consent because of age or temporary or permanent mental or physical incapacity.

5.2.2 Sexual Offense, Non-Forcible Sexual Intercourse

- Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape. Sexual Intercourse with a person who is under the statutory age of consent.

5.3 Dating Violence

- 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 such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

5.4 Domestic Violence

- A felony or misdemeanor crime of violence committed by:
 - A current or former spouse or intimate partner of the victim;
 - A person with whom the victim shares a child in common;

- A person who is cohabitating with, or has cohabited with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- To categorize an incident as domestic violence, the relationship between the responding party (Respondent) and the Complainant must be more than both parties living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

5.5 Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for the person's safety or the safety of others; or
 - Suffer substantial emotional distress.
- Course of conduct means two or more acts, including but not limited to: acts in which the stalker directly, indirectly, or through third parties by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to threaten a person or interferes with a person's property.

5.6 Other Civil Rights Offenses Related to Sexual Misconduct

In addition to the forms of sexual harassment described above, Northern prohibits all forms of discrimination when the act is based upon the Complainant's perceived or actual membership in a protected class, including sex.

6. Jurisdiction

This policy applies to the education or work programs and activities of Northern, to conduct that takes place on the campus or on property owned or controlled by Northern, at Northern-sponsored events, or in buildings owned or controlled by Northern or Northern's recognized student organizations. The Respondent must be a member of Northern's community in order for this policy to apply.

If the Respondent is unknown or is not a member of the Northern community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources

and support options and, when criminal conduct is alleged, in contacting local law enforcement or Campus Security if the individual would like to file a police report.

Even if the Respondent is not a member of the Northern community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or the Counseling and Student Support Center. In addition, Northern may take other actions as appropriate to protect the Complainant against third-parties, such as barring individuals from Northern property or events.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, educational program, or other environment external to the College where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Please see Northern's Discrimination Grievance Procedure for more information regarding Northern's process for accepting jurisdiction and notifying the parties involved.

6.1. Off-Campus and Online Conduct

Conduct that occurs in the United States but off-campus can be the subject of a complaint or report and will be evaluated to determine whether it implicates this policy or another Northern policy. If off-campus sexual harassment occurs within the context of a Northern program or activity or has continuing adverse effects that create a hostile environment on campus or within a Northern education program or activity, the College shall take other supportive measures and may investigate the conduct.

6.2 Online Conduct

This policy is written and interpreted broadly to include online and cyber manifestations of any other of the behaviors prohibited in this policy when those behaviors occur in or have an effect on Northern's education program and activities, or use Northern networks, technology, or equipment.

While Northern may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported, the College will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of

transmission and/or anonymity of the internet or other technology to harm another member of the College community.

Any online postings or other electronic communications by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of Northern's control (e.g., not on Northern networks, websites, or between Northern email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the College only when such speech is made in an employee's official or work-related capacity.

7. Consent

Northern has adopted a definition of consent, as follows:

Consent is an affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity. Consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Consent demonstrates that the conduct in question is welcome or wanted. Relying solely on non-verbal communication can lead to miscommunication about one's intent. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant makes clear their willingness to continue at each progression of the sexual interaction. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Northern to determine if its policy has been violated.

Sexual activity will be considered to have occurred "without consent" if no clear act or statement is given. Consent may not be inferred from silence, passivity, or lack of active response alone. A person who is asleep, unconscious, or otherwise unaware of what is happening is unable to give consent. Furthermore, a current or past dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. It is the responsibility of the person initiating the sexual activity to obtain consent from their partner. Being intoxicated or under the influence of other drugs does not diminish one's responsibility to obtain consent.

7.1 Incapacitation

The use of alcohol or drugs can limit or prevent a person's ability to freely and clearly give consent. If a person is under the influence of alcohol or drugs such that they are unable to give meaningful consent or understand the fact, nature or extent of the sexual situation, there is no consent. Intoxication alone, however, does not mean a person is incapable of consenting to

sexual activity. Northern examines the record for other behavior like stumbling or otherwise exhibiting loss of equilibrium; slurred speech or word confusion; bloodshot, glassy or unfocused eyes; vomiting, especially repeatedly; being disoriented or confused as to time or place; or loss of consciousness, when determining whether meaningful consent to sexual activity was or could have been given. Should the preponderance of the evidence in the record demonstrate that one or more such behaviors were objectively apparent at the time the alleged unconsented-to or unwelcomed sexual activity occurred, that evidence may demonstrate that the Respondent knew or should have known that the Complainant was incapable of giving meaningful consent to sexual activity due to intoxication. If the person initiating the sexual activity is also under the influence of alcohol or drugs, that does not diminish their responsibility to obtain consent, and is not a defense to charges of violation of this policy. Because it may be difficult to discern whether a sexual partner is incapacitated, it is better to err on the side of caution and assume that your partner is incapacitated and unable to give consent to the sexual activity.

In addition to alcohol or drugs, if a person's mental, physical, or psychological disability (temporary or permanent) or age impairs their ability to make an informed decision to willingly engage in sexual activity, there is no consent. Examples include, but are not limited to: when an individual is incapacitated, scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, threatened, isolated, or confined.

It is a defense to violation of this policy if the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent.

8. Reporting Suspected Sexual Harassment

All Northern employees are considered Responsible Employees under this policy. In order for the College to respond effectively to individuals who have experienced sexual misconduct, all Northern staff and faculty, except as noted in Section 3, who receive information about a person who has experienced sexual misconduct must report the information to the Title IX Coordinator within 24 hours, or as soon as reasonably practicable. This includes information obtained via third-party and rumors, as well as directly from the affected individual. Having knowledge of someone else reporting an incident of sexual misconduct or harassment does not fulfill reporting obligations. When a Responsible Employee becomes aware of sexual harassment or discrimination, they are required to report the incident to Title IX within 24 hours.

It is important to recognize that the person(s) disclosing to you might be discussing an incident or occurrence that is traumatic, sensitive, and/or difficult for them to discuss. Your job is to listen

without judgment; respond with respect and kindness; and listen to the person(s). If someone is in imminent harm, you should contact law enforcement immediately by calling 911.

Responsible Employees should also notify the disclosing party that they are required to report the incident to the Title IX Coordinator, but that they are not required to participate in any subsequent process.

8.1 Failure to Report

Responsible Employees must share all details of behaviors listed in this policy with the Title IX Coordinator. Failure to Report is a violation of this policy and can result in disciplinary action for failure to comply.

9. Amnesty from Disciplinary Action

Northern encourages reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Northern officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to report misconduct to Northern officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the grievance process.

To encourage reporting and participation, Northern maintains a policy of offering parties and witnesses amnesty from minor policy violations, such as underage consumption of alcohol or the use of other illicit drugs, related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to the Respondent with respect to a Complainant. Northern cannot grant amnesty from proceedings in the criminal justice system. Decisions about prosecution are made by the District Attorney's Office in the state criminal justice system and by the U.S. Attorney's Office in the federal criminal justice system.

10. Rights of the Parties

During Northern's Discrimination Grievance Procedure following a report of sexual harassment, and prior to a final determination being made through an impartial hearing, the Complainant and Respondent have equal rights to be treated with respect, dignity, and sensitivity throughout the process; to information on how the College will protect their confidentiality; and to present evidence or other information they feel relevant to the matter.

Following Northern's investigation, the impartial hearing determination, and the imposition of sanction if applicable, the Complainant and Respondent have equal rights to seek a discretionary review through an established appellate process. Please see the Discrimination Grievance Procedure for an overview of the appeal process.

11. Grievance Procedure

Northern has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Northern investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
 - a student or employee of Northern who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of Northern who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Northern's education program or activity;
 - A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
 - Northern's Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of Northern; or
- Any person other than a student or employee who was participating or attempting to participate in Northern's education program or activity at the time of the alleged sex discrimination.

Northern may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Northern's Title IX Grievance Procedures:

Northern will treat complainants and respondents equitably.

Northern requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

Northern presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Northern has established the following timeframes for the major stages of the grievance Procedures:

- Employees should report any incident in which they believe they have been a victim of sexual harassment or discrimination to the Title IX Coordinator no later than fifteen (15) working days after the alleged incident;
- The Title IX Coordinator shall conduct a thorough, reliable, and impartial investigation of the complaint and will provide all parties with written notification of the findings of the investigation no later than forty (40) working days after receiving the initial complaint;
- If either of the parties to the investigation is unsatisfied with the decision made by the Title IX Coordinator, the party shall have the right to appeal the decision, in writing, to the President, or designee, no later than fifteen (15) working days after issuance of the written notification of the outcome of the investigation from the Title IX Coordinator; and

- The President, or designee, will provide the parties with written notification of the outcome of the appeal no later than ten (10) working days after receiving the written appeal from the appealing party. The decision of the President, or designee, is final.

Northern will also allow for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

Northern will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Northern will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Northern to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Northern obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of Northern's Title IX grievance procedures, Northern will notify the parties of the following:

- Northern's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. [If Northern provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]

If, in the course of an investigation, Northern decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, Northern will notify the parties of the additional allegations.

Dismissal of a Complaint:

Northern may dismiss a complaint of sex discrimination if:

- Northern is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Northern's education program or activity and is not employed by Northern;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the
- Title IX Coordinator declines to initiate a complaint, and Northern determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Northern determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Northern will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Northern will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Northern will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Northern will notify the parties that a dismissal may be appealed and will provide the parties with an opportunity to appeal the dismissal of a complaint to the President within 15 days. If the dismissal occurs after the respondent has been notified of the allegations, then Northern will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, Northern will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, Northern will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Northern's education program or activity.

Investigation:

Northern will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on Northern—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Northern will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Northern will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Northern will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Northern will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. [If Northern provides a description of the evidence, Northern will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.];
- Northern will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- Northern will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

Northern will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination, including taking statements from witnesses, and will permit the parties equal opportunity to submit statements, witnesses, or evidence to be considered in the investigation process.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Northern will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred;

- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people Northern identifies as having had equal access to Northern's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Northern's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

Northern offers the same appeals process from a determination whether sex discrimination occurred as it does if a complaint is dismissed under this policy.

Informal Resolution

In lieu of resolving a complaint through Northern's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Northern does not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law

Supportive Measures

Northern will offer and coordinate supportive measures as appropriate for the complainant or respondent to restore or preserve that person's access to Northern's education program or activity or provide support during Northern's Title IX grievance procedures or during the informal resolution process.

12.1 Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Postsecondary Institutions

Northern has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that Northern investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
 - a student or employee of Northern who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of Northern who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Northern’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Northern’s Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

Northern may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Northern's Title IX Grievance Procedures:

Northern will treat complainants and respondents equitably.

Northern requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

Northern presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Northern has established the following timeframes for the major stages of the grievance Procedures:

- Employees should report any incident in which they believe they have been a victim of sexual harassment or discrimination to the Title IX Coordinator no later than fifteen (15) working days after the alleged incident;
- The Title IX Coordinator shall conduct a thorough, reliable, and impartial investigation of the complaint and will provide all parties with written notification of the findings of the investigation no later than forty (40) working days after receiving the initial complaint;
- If either of the parties to the investigation is unsatisfied with the decision made by the Title IX Coordinator, the party shall have the right to appeal the decision, in writing, to the President, or designee, no later than fifteen (15) working days after issuance of the written notification of the outcome of the investigation from the Title IX Coordinator; and
- The President, or designee, will provide the parties with written notification of the outcome of the appeal no later than ten (10) working days after receiving the written appeal from the appealing party. The decision of the President, or designee, is final.

Northern will also allow for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay.

Northern will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Northern will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Northern to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Northern obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations:

Upon initiation of Northern's Title IX grievance procedures, Northern will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Northern's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;

- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. [If Northern provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.]; and
- Pursuant to this policy, Northern prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, Northern decides to investigate additional allegations of Sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

Northern may dismiss a complaint if:

- Northern is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Northern's education program or activity and is not employed by Northern;
- Northern obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and Northern determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Northern determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Northern will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Northern will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then Northern will notify the parties simultaneously in writing.

Northern will notify the parties that a dismissal may be appealed and will provide the parties with an opportunity to appeal the dismissal of a complaint to the President within 15 days. If the dismissal occurs after the respondent has been notified of the allegations, then Northern will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;

- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, Northern will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, Northern will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Northern's education program or activity.

Investigation:

Northern will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on Northern—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Northern will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Northern will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Northern will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- Northern may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

Northern will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

Northern will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible

Northern will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Northern will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Northern will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If Northern provides access to an investigative report, Northern will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- Northern will provide a reasonable opportunity to review and respond to the evidence or the investigative report; and
- Northern will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses:

Northern will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex based harassment.

When Northern chooses not to conduct a live hearing, Northern's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

When Northern chooses to conduct a live hearing, Northern's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:

- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
- Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. If Northern permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, Northern will provide the party with an advisor of Northern's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, Northern will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

Procedures for the decisionmaker to evaluate the questions and limitations on questions:

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions:

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Procedures for a Live Hearing, if offered:

Northern will conduct the live hearing with the parties physically present in the same geographic location or, at Northern's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

Northern will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Northern will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that Northern used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions Northern will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by Northern to the complainant, and, to the extent appropriate, other students identified by Northern to be experiencing the effects of the sex-based harassment; and
 - Northern's procedures and permissible bases for the complainant and respondent to appeal.
- Northern will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:

- Coordinate the provision and implementation of remedies to a complainant and other people Northern identifies as having had equal access to Northern's education program or activity limited or denied by sex discrimination
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Northern's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that Northern provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals:

Northern will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, Northern will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that Northern will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

- Notify the parties in writing of the result of the appeal and the rationale for the result. Any additional procedures or bases for appeal Northern offers will be equally available to all parties.

Informal Resolution:

In lieu of resolving a complaint through Northern's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Northern will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. Northern will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, Northern will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information Northern will maintain and whether and how Northern could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures

Northern will offer and coordinate supportive measures as appropriate for the complainant or respondent to restore or preserve that person's access to Northern's education program or activity or provide support during Northern's Title IX grievance procedures or during the informal resolution process.

13. Disciplinary Process

Following a determination that sex-based harassment occurred, Northern may impose disciplinary sanctions against a student, faculty, staff member, or visitor has been found responsible pursuant to Northern disciplinary policies and procedures.

13. Providing False Information

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of sexual misconduct under this policy, even if an investigation and subsequent hearing fails to substantiate the allegation.

Notwithstanding this provision, the College may discipline employees or students when it has been determined that they brought an accusation of sexual misconduct in bad faith or with reckless disregard of the truth or falsity of the claim. Additionally, anyone participating in an investigation who intentionally misdirects an investigation, whether by falsehood or omission, may be subject to disciplinary action.

14. Northern New Mexico College Branch Campus Information

This policy applies to Northern's branch campus.