Northwest University
Nondiscrimination and Harassment 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, including the right to expect the University's employees to hold certain religious beliefs, to participate in certain religious observances, and to refrain from certain conduct based on the University's religious beliefs. The University also reserves its right to prefer students and prospective students on the basis of religion, including the right to expect the University's students to hold certain religious beliefs, to participate in certain religious observances, and to refrain from certain conduct based on the University's religious beliefs. At this time, only traditional, undergraduate students are required to comply with the University's faith requirements (including refraining from certain behaviors based on the University's religious beliefs). The phrase "***educational programs or activities***"[1] 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 6.1* below. "***Harassment***" is a form of discrimination, and is defined in *Section 6.2*. Harassment is also prohibited by this policy.

1.2 **Prohibition against sexual harassment, including sexual violence.**

A. 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. Title VII of the Civil Rights Act of 1964, as amended ("***Title VII***") prohibits the University from discriminating on the basis of sex in its employment practices. Although covered above by the prohibition against sex discrimination, the University emphasizes that Title IX, Title VII, this policy, and the University's Sexual Harassment Policy, prohibits sexual harassment, which is a form of sex discrimination. Please see the University's Sexual Harassment Policy for the definition of sexual harassment under that policy and the Title IX regulations regarding sexual harassment. Dating violence, domestic violence, sexual assault, and

[1] Please note that Sexual Harassment, (Title IX) as defined in the Sexual Harassment Policy – Title IX, has a different definition for ***Education Program or Activity***.

stalking, as defined in *Sections 1.4*, *1.5*, *1.10*, and *1.18*, respectively, of the Sexual Harassment Policy, are forms of sexual harassment and are prohibited by Title IX, this policy, and the University's Sexual Harassment Policy.

B. The Title IX Coordinator will follow the Sexual Harassment Grievance Process (Title IX) to respond to Formal Complaints of Sexual Harassment (as defined in the Sexual Harassment Policy) occurring against a person in the United States who is participating in or attempting to participate in the University's Education Program or Activity, as required by federal regulations under Title IX. The Title IX Coordinator will also comply with the University's Sexual Harassment Policy, including the University's obligation to respond to a report of Sexual Harassment and to make available Supportive Measures, even if no Formal Complaint is filed. The capitalized terms in this *Subsection 1.2B* have the definitions described in the University's Sexual Harassment Policy.

C. Among other forms of discrimination and harassment, this policy applies to sexual harassment prohibited by state or federal law that is ***not*** covered by Title IX or the Sexual Harassment Policy. If the alleged sexual harassment meets the definition of Sexual Harassment in the University's Education Program or Activity (as defined in the Sexual Harassment Policy), then the University's Sexual Harassment Policy and the Sexual Harassment Grievance Process (Title IX) applies, rather than this policy. But if the Title IX definition of Sexual Harassment does not apply or if the University is required to dismiss the complaint under the Title IX regulations because of jurisdictional issues (for example, the complaint involves a person outside the United States), then the University may address the matter under any other applicable University policy, including this policy.

1.3 **No Retaliation.** The University not only prohibits discrimination and harassment (including sexual harassment not covered by the Sexual Harassment Policy), 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 or harassment. "***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 discrimination or harassment complaint or believed to have cooperated in a discrimination or harassment investigation, even if the student did not actually file a complaint or cooperate with the investigation.

2. **Reporting Violations.**

2.1 **Where to file a complaint**. Note: For Sexual Harassment defined in the Sexual Harassment Policy, please see that policy regarding filing a complaint, including a Formal Complaint.

A. Any student or employee who believes he or she has suffered discrimination, harassment, 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 or sexual harassment, whether governed by this policy or the Sexual Harassment Policy):

Title IX Coordinator/EO Grievance Officer (Amanda Bowman)
(425) 889-7824
amanda.bowman@northwestu.edu
Barton, office 215

Deputy Title IX Coordinator (Rose Bryson)
(425) 889-5598
rose.bryson@northwestu.edu
Barton, office 214

Deputy Title IX Coordinator/Hearing Officer (Rick Engstrom)
(425) 889-6397
rick.engstrom@northwestu.edu
Pecota, office 105

Deputy Title IX Coordinator/EO Grievance Officer (Larissa Lilly)
(425)-889-5319
larissa.lilly@northwestu.edu
Pecota, office 114

Equal Opportunity Grievance Officer (Ryan Colombe)
(425) 889-5289
ryan.colombe@northwestu.edu
Student Development Office

Equal Opportunity Grievance Officer (Janet Dubois)

(425) 889-5734
janet.debois@northwestu.edu
HSC, office 218

Equal Opportunity Grievance Officer (Allie Flynn)
(425) 889-5582
allie.flynn@northwestu.edu
Barton, office 105

Equal Opportunity Grievance Officer (Gary McIntosh)
(425) 889-7790
gary.mcintosh@northwestu.edu
Barton, office 103

Equal Opportunity Grievance Officer (Todd Nelson)
(425) 889-5340
todd.nelson@northwestu.edu
Barton, office 236

Equal Opportunity Grievance Officer (Sara Rodriguez)
(425) 889-6312
sara.rodriguez@northwestu.edu
6710, office 305

Equal Opportunity Grievance Officer (Jimmy Steininger)
(425) 889-5230
jimmy.steininger@northwestu.edu
Rice, office 10E

Equal Opportunity Grievance Officer (Ben Thomas)
(425) 889-7821
ben.thomas@northwestu.edu
Barton, office 285

Equal Opportunity Grievance Officer (Regan Thomas)
(425) 889-5732
regan.thomas@northwestu.edu
Student Development Office

Equal Opportunity Grievance Officer (Emma Unruh)
(425) 889-5288
emma.unruh@northwestu.edu
Student Development Office

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 the University (who may designate an individual to investigate the complaint or report):

President (currently Dr. Jeremy Johnson)
(425) 889-4202
jeremy.johnson@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 if possible, the matter will be referred to another EO Grievance Officer who does not directly or indirectly report to the individual. If necessary, the President may designate another individual to serve as an EO Grievance Officer.

D. If the Respondent is the President, then the EO Grievance Officer will contact Barbara Petty, the Chair of the Board of Directors, at barbara.petty@northwestu.edu.

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 an EO Grievance Officer, or an EO Grievance Officer designee. The Title IX Coordinator is also an EO Grievance Officer.

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.

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 not covered by the Sexual Harassment Policy), then the complaint or report will be provided to the Title IX Coordinator. Complaints or reports of Sexual Harassment (as defined in the Sexual Harassment Policy) will be handled under the Sexual Harassment Policy.

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 (unless the Director of Human Resources is the accused person).

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 VP of Student Development did not receive the initial report, then the EO Grievance Officer will inform the VP of Student Development (unless the VP of Student Development is the accused person).

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, the University will comply with the criminal investigation to a reasonable extent.

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 https://www.northwestu.edu/title-ix. Hard copies of the Discrimination Grievance Procedures are also available from EO Grievance Officers. The Discrimination Grievance Procedures are different from the Sexual Harassment Grievance Process (Title IX) required by the Title IX regulations and referred to in the University's Sexual Harassment Policy.

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; denial of any bonus (unless contractually required);

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) 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.

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 discrimination or harassment brought to the attention of University will be investigated to determine whether it violates this policy.

6. **Important Definitions.** The following definitions are important to understanding the University policies against discrimination and harassment.

6.1 "***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 a 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 sex includes giving the student an unjustified

lower grade or not granting the student an internship placement based on the student's sex.

6.2 ***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, 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. The 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.

6.3 "***Retaliation***" is defined in *Section 1.3*, above.

6.4 "***Sexual harassment***" is a form of sex discrimination. Please see the definition of Sexual Harassment as defined in the Sexual Harassment Policy. The definition of Sexual Harassment (as defined in the Title IX regulations) will be used regarding allegations of Sexual Harassment related to the University's Education Program or Activity (as defined in the Sexual Harassment Policy). If for any reason the Title IX regulations do not apply to the alleged sexual harassment, then the definition of sexual harassment under this policy includes the definition of Sexual Harassment in the Sexual Harassment Policy and also includes the definition provided below. In most cases, the two definitions will cover the same conduct. Also, in employment contexts, the University may use the following definition of sexual harassment. 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 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, whether under Title VII, Title IX, or state law.

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 program or activity 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 the 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.

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