

Northwest University

Nondiscrimination, Harassment and Sex-based Harassment Policy

This policy is effective August 1, 2024, and applies to any incidents occurring on or after August 1, 2024. Please contact the Title IX Coordinator or a Deputy Title IX Coordinator regarding rules applicable to incidents that occurred prior to August 1, 2024. Certain capitalized terms used in this policy are defined in Section 8 below.

1. General Policy Statements.

1.1 Applicable law and University policy. To the extent required by applicable 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 any Education Program or Activity. Consistent with applicable 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 the 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. Subject to exceptions for protected religious activity, the University does not discriminate on the basis of sex and prohibits sex Discrimination in any Education Program or Activity that it operates, as required by Title IX and the Title IX Regulations. Education Programs and Activities include admissions, instruction, employment, grading, financial aid, training programs, internships, externships, and social and recreational activities. Discrimination in employment prohibited by this policy includes Discrimination in hiring, compensation, promotion, transfer, retirement, evaluation, discipline, benefits, termination, and other employment practices.

1.2 Prohibition against Sex-based Harassment, including Specific Offenses. Title IX of the Education Amendments of 1972, as amended (“**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 this policy prohibits Sex-based Harassment. Sex-based Harassment, defined in Section 8, can include sexual Harassment, other Harassment on the basis of sex (including on the basis of sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity), and Specific Offenses (i.e., Sexual Assault, Dating Violence, Domestic Violence, and Stalking). Any student can experience Sex-based

Harassment. The University will respond to Sex-based Harassment Complaints regardless of whether the alleged Respondent and Complainant are of the same gender or different genders.

1.3 No Retaliation. The University prohibits Retaliation in its Education Programs and Activities. Retaliation against any person thought to have engaged in any activity protected by this policy is prohibited, whether or not the person actually engaged in any protected activity. Upon receiving a complaint alleging Retaliation, the University will initiate its grievance procedures or, as appropriate, an informal resolution process. If appropriate and consistent with other procedural requirements, the University may consolidate a complaint of Retaliation with a Complaint of Discrimination. Adverse actions taken by the University against students or employees do not constitute Retaliation if taken for a justifiable reason. Nothing in this policy prohibits the University from taking disciplinary action against an individual for violations of student or employee conduct expectations, even if the violations arise out of the same facts or circumstances as a report of Discrimination. The University may discipline an employee who fails or refuses to forward a Complaint of Discrimination or provide Relevant information to the Title IX Coordinator in violation of this policy. This policy does not prevent the University from requiring an employee or other person authorized by the University to provide aid, benefit, or service under the University's Education Program or Activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

1.4 Title IX Religious Exemption. The University is a Christian educational institution affiliated with the Assemblies of God (USA). The University has adopted conduct expectations for its students and employees that reflect the University's religious beliefs. The conduct expectations include expectations relating to sexual ethics, marriage, pregnancy, and gender expression. Conduct expectations for employees include those stated in the Employee Manual and conduct expectations for undergraduate students include those stated in the Undergraduate Student Handbook. Other aspects of University operations also reflect its religious beliefs, including facility use that is separated by sex. To the extent any requirements of Title IX or the Title IX Regulations conflict with the University's religious beliefs, or with policies or practices based on the University's religious beliefs, the University asserts the religious exemption available under Title IX.

1.5 False Statements. The University's student handbooks and employee manuals prohibit students and employees from making a materially false statement in bad faith during a grievance process or procedure, and a violation of any of those policies is grounds for discipline. Imposing discipline, or filing reports seeking to impose discipline, for a false statement does not constitute Retaliation prohibited under this policy. A University determination that the Respondent was or was not responsible for Discrimination, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith. For example, the fact that a Respondent who denies his or

her responsibility for Discrimination or Harassment is determined to be responsible does not necessarily mean that the Respondent has made a materially false statement in bad faith. Likewise, a determination that a Respondent is not responsible, as alleged by a Complainant, does not necessarily mean that the Complainant's allegation was a materially false statement made in bad faith.

2. Reporting Violations.

2.1 Where to file a complaint or report.

- A.** Any student, employee, or other individual who is participating or attempting to participate in a University Education Program or Activity who believes he or she has suffered Discrimination, Harassment, or Retaliation in violation of this policy should contact the Title IX Coordinator, a Deputy Title IX Coordinator, or an Equal Opportunity Investigator listed below to make a Complaint. A Complaint of Sex-based Harassment can only be made by the person alleged to have been subjected to the Sex-based Harassment, by someone who has a legal right to act on behalf of such person, or by the Title IX Coordinator. Any person can make a report of Discrimination, Harassment, or Retaliation. As described below, certain students and employees are required to report sex Discrimination. Students who are not required to report Discrimination, Harassment, or Retaliation are still encouraged to make reports of information they learn. If an Equal Opportunity Investigator receives a Complaint related to sex Discrimination, a copy of the Complaint will be given to the Title IX Coordinator. Complaints not related to sex Discrimination received by the Title IX Coordinator, or a Deputy Title IX Coordinator may be given to an Equal Opportunity Investigator.

Title IX Coordinator

Amanda Bowman
(425) 889-7824
amanda.bowman@northwestu.edu
Barton, office 215

Deputy Title IX Coordinators

Rose Bryson
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rose.bryson@northwestu.edu
Barton, office 216

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Pecota, office 113

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Equal Opportunity Investigators:

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Tony Pizelo
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Beatty AC office

Alissa Vinje
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Esther McCartney
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Williams, office 12

Gary McIntosh
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gary.mcintosh@northwestu.edu
Barton, office 103

- B.** If the Complaint or report involves the Title IX Coordinator and all Equal Opportunity Investigators, 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 (Dr. Joseph Castleberry)
(425) 889 - 4202
joseph.castleberry@northwestu.edu
5520 108th Ave., NE
Kirkland, WA 98083

- C.** If the Equal Opportunity Investigator reports directly or indirectly to an individual accused of violating this Policy, then, if possible, the matter will be referred to another Equal Opportunity Investigator who does not directly or indirectly report to the individual. If necessary, the President may designate another individual to serve as an Equal Opportunity Investigator.

- D. If the Respondent is the President, then the Equal Opportunity Investigator will contact Barbara Petty, Chair of the Board of Directors, at barbara.petty@northwestu.edu.

2.2 How to file a complaint or report.

- A. Complaints or reports may be made in person, by telephone, by voicemail message, by email, or by letter to the Title IX Coordinator, a Deputy Title IX Coordinator or an Equal Opportunity Investigator.
- B. The University 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 Equal Opportunity Investigator or Title IX Coordinator to investigate the allegation and respond, as appropriate. The lack of sufficient information may limit the University's ability to conduct a meaningful and fair investigation.

2.3 When to file a complaint or report. Complaints and reports should be made as soon as possible after an incident or suspected incident of Discrimination, Harassment, or Retaliation.

2.4 Mandatory reporting of any sex Discrimination. The University wants to respond promptly and effectively to instances of sex Discrimination and wants to comply with the requirements of Title IX. Therefore, subject to the exceptions in this paragraph, any employee and any Resident Assistant (**RA**) who witnesses or receives information about conduct that reasonably may constitute sex Discrimination under Title IX committed by any University employee or student or occurring in a University Education Program or Activity, must promptly report that information to the Title IX Coordinator. If a report is not made within 2 business days of receiving the information, the RA or employee may be subject to discipline. The exceptions to the first sentence in this paragraph are: (1) Confidential Employees are not required to make reports of information received while functioning as Confidential Employees (as defined in Section 8); (2) an employee who has personally been subject to conduct that reasonably may constitute sex Discrimination under Title IX may, but is not required to, report such sex Discrimination; and (3) student employees must either make a report to the Title IX Coordinator or provide the contact information of the Title IX Coordinator and information about how to make a Complaint of sex Discrimination to any person who provides the student employee with information about conduct that reasonably may constitute sex discrimination under Title IX. Student employees who provide contact information for the Title IX Coordinator should document the name of the person to whom they provided the information and the date they provided the information and should store such documentation in a confidential and secure manner.

- A. **Confidential Employees.** The University requires each Confidential Employee to explain to any person who informs the Confidential Employee of conduct that reasonably may constitute sex Discrimination under Title IX of the following:

- (1) The employee's status as confidential for purposes of the Title IX Regulations, including the circumstances in which the employee is not

required to notify the Title IX Coordinator about conduct that reasonably may constitute sex Discrimination;

- (2) How to contact the University's Title IX Coordinator and how to make a Complaint of sex Discrimination; and
- (3) That the Title IX Coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation under the grievance procedures.

2.5 Others informed that a Complaint or report has been received. When a Complaint or report of Discrimination, Harassment, or Retaliation has been received by the Title IX Coordinator, a Deputy Title IX Coordinator, or an Equal Opportunity Investigator, the following individuals will be informed:

- A. If a Complaint or report involves sex Discrimination (including Sex-based Harassment) then the Complaint or report will be provided to the Title IX Coordinator.
- B. If a Complaint or report does not involve sex Discrimination, an employee is a Complainant or Respondent, and the Director of Human Resources did not receive the initial report, then the receiver of the Complaint or report will inform the Director of Human Resources (unless the Director of Human Resources is the accused person).
- C. If a Complaint or report of does not involve sex Discrimination, a student is a Complainant or Respondent, and the VP of Student Development did not receive the initial report, then the receiver of the Complaint or report will inform the VP of Student Development (unless the VP of Student Development is the accused person).

2.6 Consolidation of Complaints. The University may consolidate Complaints of Discrimination or Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when allegations of Discrimination arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references to a singular Party, Complainant, or Respondent includes the plural, as applicable.

2.7 Conduct Jurisdiction. This policy applies to conduct occurring under the University's Education Programs or Activities in the United States, which includes:

- A. all locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the alleged Discrimination, Harassment or Retaliation occurred,
- B. conduct that is subject to the University's disciplinary authority, and

- C. conduct occurring in any building owned or controlled by the University or by a student organization that is officially recognized by the University.

A Complaint or report involving off-campus conduct will be evaluated to determine whether it violates this policy. The University will address Complaints of hostile environment under its Education Program or Activity, even when some conduct alleged to be contributing to the hostile environment occurred off-campus and outside the University's Education Program or Activity or outside the United States. 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.

2.8 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 Equal Opportunity Investigator 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 sexual assault or other sexual violence.
- C. **Law Enforcement Compliance.** If law enforcement becomes involved, the University will reasonably comply with the criminal investigation.
- D. **Preservation of Evidence.** Anyone who experiences Discrimination or Harassment, including sexual assault or other sexual violence, 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. University Response to a Complaint or Report

3.1 General Response. When the Title IX Coordinator is notified of conduct that reasonably may constitute Discrimination or sex Discrimination under Title IX, the Title IX Coordinator will take the following steps to promptly and effectively end any Discrimination in the University's Education Program or Activity, prevent its recurrence, and remedy its effects:

- A. Treat the Complainant and Respondent equitably;
- B. Offer to coordinate Supportive Measures, as appropriate, for the Complainant. In addition, if the University has initiated grievance procedures, or offered an informal resolution process to the Respondent, offer and coordinate Supportive Measures, as appropriate, for the Respondent;

- C. Notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct, of the applicable grievance procedures and the informal resolution process, if available and appropriate;
- D. If a Complaint is made, notify the Respondent of the applicable grievance procedure and the informal resolution process, if available and appropriate;
- E. In response to a Complaint, initiate the applicable grievance procedure or informal resolution process if available and appropriate and requested by all Parties; and
- F. Regardless of whether a Complaint is initiated, take appropriate prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to seek to ensure that Discrimination does not continue or recur within the University's Education Program or Activity.

The University is not required to comply with Section 3.1(A) through (F), or with Section 3.2 below, upon being notified of conduct that may constitute sex Discrimination if the Title IX Coordinator reasonably determines that the conduct as alleged could not constitute sex Discrimination under Title IX. However, the University may address the matter under another applicable University policy.

3.2 Title IX Coordinator Initiating a Complaint. For instances of alleged sex Discrimination, in the absence of a Complaint or the withdrawal of any or all allegations in a Complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator will determine whether to initiate a Complaint pursuant to the applicable grievance procedures. To make this fact-specific determination, the Title IX Coordinator will consider, at a minimum, the following factors:

- A. The Complainant's request not to proceed with initiation of a Complaint;
- B. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- C. The risk that additional acts of sex Discrimination would occur if a Complaint is not initiated;
- D. The severity of the alleged sex Discrimination, including whether the Discrimination, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the Discrimination and prevent its recurrence;
- E. The age and relationship of the Parties, including whether the Respondent is an employee of the University;
- F. The scope of the alleged sex Discrimination, including information suggesting a pattern, ongoing sex Discrimination, or sex Discrimination alleged to have impacted multiple individuals;

- G. The availability of evidence to assist a decisionmaker in determining whether sex Discrimination occurred; and
- H. Whether the University could end the alleged sex Discrimination and prevent its recurrence without initiating its grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint. If the Title IX Coordinator chooses to initiate a Complaint, they will first notify the Complainant to appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing Supportive Measures.

3.3 Supportive Measures. Supportive Measures are designed to protect the safety of the Parties or the University's educational environment, or to provide support during the grievance procedures or during the informal resolution process.

- A. **Examples of Supportive Measures:** Supportive Measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Sex-based Harassment.
- B. **Modification or Termination of Supportive Measures:** The University will provide both Parties with an opportunity to seek a modification or reversal of the University's decision to provide, deny, modify, or terminate Supportive Measures applicable to them. The University will also provide both Parties with the opportunity to seek additional modification or termination of a Supportive Measure applicable to them if circumstances change materially. A request to modify or reverse the University's decision regarding a Supportive Measure should be made in writing to the Title IX Coordinator. Within five days of receiving the request, the Title IX Coordinator will identify an impartial employee, other than the employee who made the challenged decision, who has authority to modify or reverse the decision, and such impartial employee will determine whether the challenged decision was inconsistent with the definition of Supportive Measures. The University may modify or terminate Supportive Measures at the conclusion of the grievance procedures or at the conclusion of the informal process or the University may continue them beyond that point.
- C. **Confidentiality of Supportive Measures:** The University will not disclose information about any Supportive Measures to persons other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to provide the Supportive Measure or restore or

preserve a Party's access to the Education Program or Activity or when an exception in Section 4.1 of this policy applies.

- D. Non-U.S. Students:** Foreign students attending the University may need to maintain a certain credit load for visa purposes. If a Party is a foreign student, they should be advised about the possible availability of U nonimmigrant status (regarding victims of certain crimes who suffer substantial mental or physical abuse as a result of the crime and are helpful to law enforcement) and T nonimmigrant status (for victims of severe forms of human trafficking who comply with a law enforcement agency's investigation or prosecution, and who would suffer severe hardship if removed from the United States), if appropriate.

3.4 Emergency Removal; Administrative Leave.

- A.** The University may remove a Respondent from the University's Education Program or Activity on an emergency basis if the University determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex Discrimination justifies removal. The University will conduct an individualized safety and risk analysis before any emergency removal and will provide the Respondent with written notice and an opportunity to challenge the decision immediately following the removal.
- B.** The University may also place an employee Respondent on administrative leave from employment responsibilities during the pendency of the University's grievance procedures. The University may also take appropriate action in response to any other violation of its policies.

3.5 Grievance Procedures. The University 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 a University Education Program or Activity, or made by the Title IX Coordinator, alleging Discrimination, Harassment, or Retaliation. Both grievance procedures are found on the NU Nondiscrimination and Title IX webpage.

<https://www.northwestu.edu/title-ix>

Hard copies of each grievance procedure are also available from the Title IX Coordinator, Deputy Title IX Coordinators or Equal Opportunity Investigators.

- A. General Discrimination Grievance Procedures (General Procedures)** – These procedures will be used for the resolution of complaints of Discrimination, Harassment or Retaliation. These procedures will also be used for complaints of Sex-based Harassment when both Parties are employees.

- B. Heightened Sex-based Harassment Grievance Procedures (Heightened Procedures)** - These procedures will be used for the resolution of complaints of Sex-based Harassment involving a student Complainant or student Respondent.

The University reserves the right to discipline its employees and students for offensive conduct when that conduct is based on a person's legally protected characteristic, even if that conduct does not meet the definition of Discrimination or Harassment.

3.6 Students and Employees with Disabilities. If a Complainant or Respondent has a disability, the Title IX Coordinator, Deputy Title IX Coordinator, or Equal Opportunity Investigator may consult with the appropriate University office to determine how to comply with Section 504 of the Rehabilitation Act of 1973 or with the Americans with Disabilities Act, as applicable, when taking actions pursuant to this policy such as offering Supportive Measures, performing individualized safety and risk analyses, or initiating grievance procedures.

4. Confidentiality and Leniency

4.1 Confidentiality: The University will not disclose identifiable information of any individual obtained during the course of complying with this policy, the grievance process or its obligations under Title IX or the Title IX Regulations, except in the following circumstances:

- A.** When the University has obtained prior written consent from a person with the legal right to consent to the disclosure;
- B.** When the information is disclosed to a parent, guardian, or other authorized legal representative with the legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue;
- C.** To carry out the purposes of Title IX and the Title IX Regulations, including the purposes of this policy and any applicable grievance procedures or informal resolution process, and including action taken to address conduct that reasonably may constitute sex Discrimination under Title IX in the University's Education Program or Activity;
- D.** As required by Federal law, Federal regulations, or the terms and conditions of a Federal award, including a grant award or other funding agreement; or
- E.** To the extent such disclosures are not otherwise in conflict with Title IX or the Title IX Regulations, when required by State or local law or when permitted under FERPA or its implementing regulations.

4.2 Leniency: The University recognizes that Complainants or witnesses of Sex-based Harassment might be hesitant to report an incident to University officials if they fear the discovery of violations of the University's Student Handbook policies or Employee Manuals

(for example, the policies about alcohol use, drug use, or consensual sexual activity outside of marriage). In the case of students, alleged violations of the University's Student Handbook policies may be reported to the VP of Student Development, but in these situations, the University's judicial officers are instructed and expected to practice reasonable leniency.

To encourage the reporting of Sex-based Harassment, the University offers leniency to anyone (including a Complainant) who reports an incident of Sex-based Harassment and whose conduct at the time of the Sex-based Harassment (in the case of the Complainant) or at the time of witnessing the Sex-based Harassment (in the case of a witness) violated the University's Student Handbook policies. The University may also offer and encourage support, counseling, or education efforts to help students and benefit the campus community.

5. Consequences of violating this policy. The consequences for violating this policy will depend on the facts and circumstances of each situation.

5.1 Disciplinary Sanctions and Corrective Action. Possible sanctions and corrective actions for violating this policy may include but are not limited to the following:

- A. For an employee (including faculty, staff, and administrative employees):** verbal counseling, written warning, probation, reassignment, demotion, reduction in pay, suspension, termination of employment, a ban from campus, and any other appropriate sanction that may be imposed by the University. Any Disciplinary Sanction imposed on an employee Respondent and the reason for the sanction may also be noted on the employee's employment record.
- B. For a student:** warning, probation, suspension, restriction on athletic team participation or other University activity, dismissal, a ban from campus, and any other appropriate sanction that may be imposed by the University. Any Disciplinary Sanction imposed on a student Respondent and the reason for the sanction may also be noted on the student's academic transcript and other student file. Any sanction imposed on a student Respondent may include an educational action plan prescribed and administered through the VP of Student Development. If the Respondent is a student employee, possible sanctions include all sanctions applicable to students and all sanctions applicable to employees.
- C. For a Respondent who is neither a student nor an employee:** limitation or termination of any agreement or association between the University and the Respondent and a temporary or complete ban of the Respondent from all or any part of the campus or other University property, and any other appropriate sanction that may be imposed by the University.

6. Other Important Rights and Resources:

6.1 Filing a Police Report. Students and employees who are victims of sexual violence

have a right to report the crime to University security or local law enforcement. Making a complaint with the University does not limit the rights of a student or employee to report a crime.

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

A. On-Campus Support:

- (1) Phone 911 and/or Campus Security at (425) 864-1552
- (2) NU Hope Counseling Center – (425) 889-5261 or nuhopeinfo@northwestu.edu.

B. Off-Campus Support:

- (1) King County Sexual Assault Resource Center 24-hour line at (888) 998-6423
- (2) Harborview’s Abuse and Trauma Center at (206) 744-1600
- (3) National Sexual Assault Hotline at 1.800.656.HOPE (4673)

7. Pregnancy and Related Conditions

7.1 Nondiscrimination. The University will not discriminate in its Education Programs or Activities against any student, employee or applicant for employment on the basis of current, potential, or past Pregnancy or Related Conditions (provided, however, that the University reserves the right to enforce policies based on its religious beliefs, as protected by the Title IX religious exemption). The University does not engage in prohibited Discrimination when it allows a student, based on Pregnancy or Related Conditions, to voluntarily participate in a separate portion of its Education Program or Activity provided the University ensures that the separate portion is comparable to that offered to students who are not pregnant and do not have related conditions.

7.2 Employee responsibilities. When a student, or a person who has a legal right to act on behalf of the student, informs any employee of the student’s Pregnancy or Related Conditions, the employee must promptly provide that person with the Title IX or Deputy Title IX Coordinator’s contact information and inform that person that the Title IX or Deputy Title IX Coordinator can coordinate specific actions to prevent sex Discrimination and ensure the student’s equal access to the University’s Education Program or Activity. Any employee who notifies a student of the Title IX Coordinator or Deputy Title IX Coordinator’s contact information is expected to document the student’s name and the date the information was provided, and to store such documentation in a confidential and secure location. Employees are not required to notify the Title IX or Deputy Title IX Coordinators of the student’s Pregnancy or Related Condition.

7.3 University's response.

A. Notice of Nondiscrimination. The Title IX Coordinator or Deputy Title IX Coordinator will inform the student, and if applicable, the person who notified the Title IX Coordinator of the student's Pregnancy or Related Conditions and has a legal right to act on behalf of the student, of the University's obligations under Title IX to prevent Discrimination in its Education Program or Activity against any student based on the student's current, potential, or past Pregnancy or Related Conditions, including the University's obligations in this Section 7.3. The Title IX Coordinator or Deputy Title IX Coordinator will also provide them with the University's notice of nondiscrimination and will notify them that Title IX limits when the University may disclose personally identifiable information.

B. Reasonable modifications.

- (1) The Title IX Coordinator or Deputy Title IX Coordinator will make reasonable modifications to the University's policies, practices, or procedures as necessary to prevent sex Discrimination and ensure equal access to the University's Education Program or Activity. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required, the Title IX Coordinator or Deputy Title IX Coordinator will consult with the student. A modification that would fundamentally alter the nature of the University's Education Program or Activity is not a reasonable modification.
- (2) The student has discretion to accept or decline each reasonable modification offered by the University. If a student accepts the University's offered reasonable modification, the Title IX Coordinator will implement it.
- (3) Reasonable modifications may include, but are not limited to, breaks during class to express breast milk, breastfeed, or attend to health needs associated with Pregnancy or Related Conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

C. Voluntary access to separate and comparable portions of program or activity.

The University will allow the student to voluntarily access any separate and comparable portion of the University's Education Program or Activity.

- D. Voluntary leave of absence.** The University will allow the student to voluntarily take a leave of absence from the University's Education Program or Activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. To the extent that a student qualifies for leave under a leave policy maintained by the University that allows a greater period of time than the medically necessary period, the University will permit the student to take voluntary leave under that policy instead if the student so chooses. When the student returns to the University's Education Program or Activity, the student must be reinstated to the academic status and as practicable, to the extracurricular status that the student held when the voluntary leave began.
- E. Lactation Space.** The University will ensure that the student can access a lactation space, which must be a space other than a bathroom, which is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk or breastfeeding as needed.
- F. Supporting Documentation.** The University will not require supporting documentation in connection with 7.3(B), (C), (D), or (E) unless the documentation is necessary and reasonable for the University to determine the reasonable modifications to make or whether to take additional specific actions under such provisions.

7.4 Other provisions.

- A. Comparable Treatment.** To the extent consistent with Section 7.3, the University will treat Pregnancy or Related Conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy the University administers, operates, offers, or participates in with respect to students admitted to the University's Education Program or Activity. The University will also treat Pregnancy and Related Conditions as any other temporary medical conditions for all job-related purposes, including (as applicable) commencement, duration, and extensions of leave; payment of disability income; accrual of seniority and any other benefit or service; and reinstatement; and under any fringe benefit offered to employees by virtue of employment.
- B. Certification to Participate.** The University will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in the University's class, program, or extracurricular activity unless: (1) the certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity; (2) the University requires such certification of all students participating in the class, program, or extracurricular activity; and (3) the

information obtained is not used as a basis for discrimination prohibited by the Title IX Regulations.

- C. Employee Lactation Space.** The University will provide reasonable break time for employees to express breast milk or breastfeed as needed. The University will provide employees access to a lactation space, which will be a space other than a bathroom, which is clean, shielded from view, free from intrusion from others, and may be used by an employee for expressing breast milk or breastfeeding as needed.

8. Definitions

For purposes of this policy:

8.1 Complainant means:

- A.** A student or employee who is alleged to have been subjected to conduct that could constitute Discrimination (including sex Discrimination under Title IX or its regulations); or
- B.** A person other than a student or employee who is alleged to have been subjected to conduct that could constitute Discrimination (including sex Discrimination under Title IX or its regulations) and who was participating or attempting to participate in the University's Education Program or Activity at the time of the alleged Discrimination.

8.2 Complaint means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged Discrimination (including sex Discrimination under Title IX or its regulations).

8.3 Confidential Employee means:

- A.** An employee of the University whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this policy, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- B.** An employee of the University whom the University has designated as confidential under this policy for the purpose of providing services to persons related to sex Discrimination. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex Discrimination in connection with providing those services; or
- C.** An employee of the University who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex

Discrimination—but the employee’s confidential status is only with respect to information received while conducting the study.

Under this definition, the University treats licensed and NU Hope counselors and ordained clergy in the position of Campus Pastors who are employed by the University to provide counseling and ministerial services to students, respectively, as Confidential Employees with respect to students to the extent they receive information as described in Section 8.3.A. or B. above.

8.4 Consent means a clear, knowing, and voluntary agreement to engage in sexual activity. Clear, knowing, and voluntary Consent to sexual activity requires that, at the time of the act, and throughout the sexual contact, all parties actively express words or conduct that a reasonable person would conclude demonstrate clear permission regarding willingness to engage in sexual activity and the conditions of that activity. Consent is active; silence or passivity is not Consent. Even if words or conduct alone seem to imply Consent, sexual activity is not consensual when:

- A.** Force or coercion is threatened or used to procure compliance with sexual activity.
 - (1) Force is the use of physical violence, physical force, threat, or intimidation to overcome resistance or gain Consent to sexual activity.
 - (2) Coercion is unreasonable pressure for sexual activity. When an individual makes it clear through words or actions that the individual does not want to engage in sexual contact, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point may be coercive. Other examples of coercion may include using blackmail or extortion to overcome resistance or gain Consent to sexual activity.
- B.** The person is asleep, unconscious, or physically unable to communicate his or her unwillingness to engage in sexual activity.
- C.** A reasonable person would or should know that the other person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or other substance, or some other cause. When alcohol or drugs are involved, a person is considered incapacitated or unable to give valid Consent if the individual cannot fully understand the details of the sexual interaction (that is, who, what, when, where, why, and how), or the individual lacks the capacity to reasonably understand the situation and to make rational, reasonable decisions.
- D.** The person is under 16 years of age.

8.5 Disciplinary Sanctions means consequences imposed on a Respondent following a determination that the Respondent violated the University's Nondiscrimination, Harassment and Sex-based Harassment Policy.

8.6 Discrimination means unfavorable treatment because of the person's legally protected characteristic, such as race, color, national origin, sex, age, disability, or genetic information. Harassment is a form of Discrimination, and Sex-based Harassment is a form of sex Discrimination.

8.7 Dating Violence means violence committed by a person:

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (1) The length of the relationship;
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship.

8.8 Domestic Violence means felony or misdemeanor crimes committed by a person who:

- A. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the University, or a person similarly situated to a spouse of the victim;
- B. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- C. Shares a child in common with the victim; or
- D. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

8.9 Education Program or Activity means all of the University's operations and includes all locations, events, or circumstances over which the University exercises substantial control over both the Respondent and the context in which the Discrimination, Harassment and/or Retaliation occurred. The University's locations include both on-campus locations and off-campus buildings owned or controlled by the University. University locations also include any building owned or controlled by a student organization that is officially recognized by the University.

8.10 Harassment means unwelcome conduct based on a person's legally protected characteristic 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. 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. 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. Harassment need not necessarily involve repeated incidents, depending on the severity of the harassment. Petty slights, annoyances, and isolated incidents (unless sufficiently severe) do not rise to the level of illegal conduct.

8.11 Party means a Complainant or a Respondent.

8.12 Pregnancy or Related Conditions, considering our religious exemption, to the University it means: (1) Pregnancy, childbirth, loss of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, loss of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, loss of pregnancy, lactation, or related medical conditions.

8.13 Relevant means related to the allegations of Discrimination under investigation as part of the grievance procedures. Questions are Relevant when they seek evidence that may aid in showing whether the alleged Discrimination occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged Discrimination occurred.

8.14 Remedies means measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University's Education Program or Activity limited or denied by Discrimination. These measures are provided to restore or preserve that person's access to the University's Education Program or Activity after the University determines that Discrimination or Harassment occurred.

8.15 Respondent means a person who is alleged to have violated the University's prohibition on Discrimination.

8.16 Retaliation is defined differently depending on whether actions relate to allegations of sex Discrimination or allegations of other types of Discrimination.

- A.** When used in connection with allegations of sex Discrimination, Retaliation means intimidation, threats, coercion, or Discrimination against any person by the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's Education Program or Activity, for the purpose of interfering with any right or privilege secured by Title IX or the Title IX Regulations, or because the person has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX or the Title IX Regulations,

including in an informal resolution process, in grievance procedures, and in any other actions taken by the University when responding to notice of conduct that reasonably may constitute sex Discrimination under Title IX or the Title IX Regulations.

- B.** When used in connection with allegations of Discrimination other than sex Discrimination, Retaliation means any unjustifiable adverse action by any person that might dissuade or deter a reasonable person from making or supporting a Complaint of Discrimination, as well as any adverse action taken by an employer against an employee for engaging in legally protected activity.

8.17 Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. Sexual Assault includes fondling, incest, rape, and statutory rape. Sexual Assault also includes any sexual contact with another person without that person's Consent.

8.18 Sex-based Harassment means sexual Harassment and other Harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, Pregnancy or Related Conditions, sexual orientation, and gender identity, that is:

- A. *Quid pro quo Harassment.*** An employee, agent, or other person authorized by the University to provide an aid, benefit, or service under the University's Education Program or Activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

- B. *Hostile Environment Harassment.*** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the University's Education Program or Activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (1) The degree to which the conduct affected the Complainant's ability to access the University's Education Program or Activity;
- (2) The type, frequency, and duration of the conduct;
- (3) The Parties' ages, roles within the University's Education Program or Activity, previous interactions, and other factors about each Party that may be Relevant to evaluating the effects of the conduct;
- (4) The location of the conduct and the context in which the conduct occurred;
and

- (5) Other Sex-based Harassment in the University's Education Program or Activity; or

C. *Specific Offenses.* As used in this policy, "***Specific Offenses***" means Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

8.19 Stalking means engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Both in-person and electronic stalking are prohibited by the University.

8.20 Supportive Measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- A.** Restore or preserve that Party's access to the University's Education Program or Activity, including measures that are designed to protect the safety of the Parties or the University's educational environment; or
- B.** Provide support during the University's grievance procedures or during the informal resolution process.

8.21 Title IX Coordinator means the person authorized by the University to coordinate the University's efforts to comply with its responsibilities under Title IX and to institute corrective measures on behalf of the University. The University's Title IX Coordinator is identified above in Section 2.1.A.

8.22 Title IX Regulations means the regulations issued under Title IX in 34 CFR Part 106.