

INTERIM RELATIONSHIP VIOLENCE, SEXUAL MISCONDUCT, AND STALKING POLICY AND PROCEDURE

Date Approved:

Last Revision:

Last Reviewed:

Approved by:

Oversight Unit: Equal Opportunity Office

Purpose

This policy prohibits specific forms of relationship violence (dating violence/domestic violence), sexual misconduct (sexual assault, sexual exploitation, and sexual or gender-based harassment), and stalking, collectively referred to as “Prohibited Conduct.” Through this policy and supporting procedures, Northern Michigan University (“NMU”) addresses Prohibited Conduct pursuant to its obligations under state and federal law.

Applicability

This policy applies to Prohibited Conduct by NMU Community Members, (students, faculty, and staff), and/or third parties against NMU Community Members. The rights, obligations and privileges included within this policy may not apply to all parties depending on the circumstances of each allegation.

NMU has expanded the scope and applicability of the policy beyond the requirements of the Title IX final regulations, issued on May 6, 2020. NMU reserves the right to interpret and apply these expanded protections in its sole discretion. This policy and related procedures are not intended to, and should not be construed to, establish a contract between NMU and any NMU Community Member or to increase NMU’s obligations or responsibilities beyond those required by federal or state law.

This policy applies when prohibited conduct occurs:

- On NMU property; or
- Off NMU property, including online or electronic conduct, if an NMU Community Member is involved or impacted, if the conduct:
 - Occurs during an NMU program or activity; or
 - Occurs in connection with NMU-sponsored events; (e.g., field trips, social functions, student organization events, NMU-related business, NMU travel, study abroad programs, student recruitment activities, and service learning/internship experiences); or
 - May pose a serious threat of harm to any NMU Community Member(s); or
 - May have the effect of creating a hostile environment for any NMU Community Member(s).

This policy also enables NMU to initiate measures to support current NMU Community Members regardless of where the Prohibited Conduct occurred.

Policy

Northern Michigan University is committed to fostering and maintaining a safe and healthy academic, work, and living environment, which safeguards the applicable due process rights of all NMU Community Members, including Complainants and Respondents. Prohibited Conduct is inconsistent with the standards and ideals of the NMU community. NMU will take prompt and suitable action to investigate and stop Prohibited Conduct; prevent its recurrence; and, as appropriate, remedy its effects.

Complainant - Initiating a Formal Complaint Under Title IX

In order to give notice and provide actual knowledge to NMU to trigger NMU's legal response obligations under Title IX and this policy, a complainant or other reporting person must file a formal complaint with the Title IX Office and cooperate during the investigation. To file a formal complaint, a complainant or other reporting person should contact the Title IX Office at:

Title IX Office of Northern Michigan University
105 Cohodas Hall
Marquette, MI 49855
Phone: 906-227-2420
Email: TitleIX@nmu.edu

Campus Reporters - Employees Required to Report to Title IX Coordinator/Deputy Coordinators

All employees, except those specifically identified below, are designated as Campus Reporters, and must report, by policy, incidents of Prohibited Conduct observed as well as incidents reported to them. Campus Reporters must report to an Official with Authority (OWA). At NMU, the OWA are the Title IX Coordinator and the Deputy Title IX Coordinators, who are assigned to implement corrective measures for Prohibited Conduct.

Employees of NMU Counseling and Consultation Services and the NMU Health Center are designated as Confidential Resources. Confidential Resources will not typically be required to make a report to the OWA without the permission of the person reporting; specific exceptions are allowed by law and regulation, including but not limited to the protection of a minor child, protecting persons at high risk for violence, or to adhere to a court order.

Confidentiality/Anonymity

NMU will treat all information it receives as part of reporting procedures with discretion and will keep all information confidential to the extent permitted or required by law. All OWA and employees integral to Prohibited Conduct processes must receive specific training about respecting and safeguarding private information. Persons who wish to strictly protect the confidentiality of information are encouraged to report to Confidential Resources.

A complainant or reporting person may make a confidential or anonymous report of Prohibited Conduct. However, depending on the circumstances, including the nature of the allegation and availability of evidence, NMU's ability to investigate and respond to the complaint, or to provide an appropriate remedy, may be limited.

Standard of Evidence

NMU will apply the preponderance of the evidence standard to determine responsibility under this policy. Preponderance of the evidence means that it is more likely than not, based on all the reasonable evidence and reasonable inferences from the evidence, that an event or action violated NMU policy.

Training and Resources

The Title IX Office will be responsible for the development and implementation of all required training and resources to support this policy.

Related Policies

All incidents of Prohibited Conduct will be handled through this policy and the procedures developed and approved by the Office of the President.

Incidents of discrimination may be handled through other applicable policies, and may include the Non-discrimination Policy. NMU follows all state and federal regulations regarding harassment, and discrimination, as defined in the NMU Non-discrimination Policy.

It is a violation of NMU policy to intimidate, discipline, discharge, or harass any individual who has in good faith reported Prohibited Conduct or participated in any proceeding under this policy. Individuals and groups of individuals are prohibited from engaging in retaliation and will be held accountable under NMU's Retaliation Policy.