

# Title IX

## Policy against Sexual Assault, Misconduct and Sexual Violence, Domestic Violence and Stalking, Dating Violence

### Northern Seminary Policy Statement

Federal Title IX Regulations Addressing Sexual Harassment state the following:

*The Secretary of Education amends the regulations implementing Title IX of the Education Amendments of 1972 (Title IX). The final regulations specify how recipients of Federal financial assistance covered by Title IX, including elementary and secondary schools as well as postsecondary institutions, (hereinafter collectively referred to as “recipients” or “schools”), must respond to allegations of sexual harassment consistent with Title IX’s prohibition against sex discrimination. These regulations are intended to effectuate Title IX’s prohibition against sex discrimination by requiring recipients to address sexual harassment as a form of sex discrimination in education programs or activities. The final regulations obligate recipients to respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims. The 2 final regulations also clarify and modify Title IX regulatory requirements regarding remedies the Department may impose on recipients for Title IX violations, the intersection between Title IX, Constitutional protections, and other laws, the designation by each recipient of a Title IX Coordinator to address sex discrimination including sexual harassment, the dissemination of a recipient’s non-discrimination policy and contact information for a Title IX Coordinator, the adoption by recipients of grievance procedures and a grievance process, how a recipient may claim a religious exemption, and prohibition of retaliation for exercise of rights under Title IX<sup>1</sup>*

Further information about Title IX and sex discrimination in education is available from the U.S. Department of Education’s Office of Civil Rights (Citigroup Center, 500 W. Madison Street, Suite 1475, Chicago, IL 60661-4544, Tel: (312) 730-1560, TDD: (877) 521-2172), Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov) ).

Northern Seminary is committed to the safety and security of all students and visitors to its centers. All members of the Northern Seminary community, including but not limited to students, faculty (including adjunct and affiliate faculty), staff, volunteers and independent contractors are subject to this policy.

In the event of a reported instance of Sexual Violence, Dating Violence, Domestic Violence, or Stalking, the Seminary shall uphold the following:

- **Actual Knowledge:**  
Northern Seminary is not obligated to take action unless we receive

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<sup>1</sup> “Title IX Regulations Addressing Sexual Harassment (Unofficial Copy) (PDF)” accessed August 14, 2020, <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>

actual knowledge of allegations of sexual harassment. The seminary will have actual knowledge if a report is made to the Title IX Coordinator or any official of the seminary who has authority to institute corrective measures on behalf of the school.

- ***Jurisdiction:***

Northern Seminary is only responsible for addressing sexual harassment that occurs under an education program or activity. The seminary can choose to address incidents outside its jurisdiction but does not have to do so. Title IX does not apply to incidents occurring outside the United States, such as during a study abroad trip.

- ***Standard of Proof:***

Northern Seminary can choose the burden of proof for Title IX adjudications: the lower burden of "preponderance of the evidence," or the higher burden of proof, "clear and convincing."

- ***Live Hearing:***

We will provide for live hearings for formal complaints of sexual harassment. The seminary will create an audio or audiovisual recording or transcript of the live hearing and make it available to the parties for inspection.

- ***Cross-Examination:***

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor and never by a party personally.

- ***Single-Investigator Model:***

Northern Seminary is committed to using an investigator for the Title IX cases and not the Title IX Coordinator. The investigator cannot be the same person who determines whether the respondent is guilty.

- ***Students' Rights:***

The investigator must provide all parties an equal opportunity to examine all evidence gathered during the investigation that is directly related to the allegations. A copy of the investigative report must be given to the parties at least ten days prior to the hearing.

- ***Respondent's Right:***

The Title IX Coordinator must tell respondents in writing they are presumed innocent until determined to be guilty. A respondent cannot be summarily expelled from the seminary unless the respondent poses an immediate threat to the physical health or safety of the complainant (or anyone else).

- ***Informal Resolution:***

Northern Seminary can offer informal resolution options, such as mediation, to the parties, but both parties must give voluntary, informed, written consent. Note that the seminary cannot offer

informal resolution for allegations that an employee sexually harassed a student.

***Recordkeeping Requirements:***

Northern Seminary must maintain Title IX records for seven years

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