



## **TITLE IX AND SEXUAL MISCONDUCT POLICY**

**LAST REVISED: January 5, 2022**

Northpoint Bible College requires that all its affiliates, students, faculty, administration, and staff maintain an environment for optimum educational and working conditions. Verbal or physical harassment of any member of the community is strictly forbidden. Sexual misconduct including sexual harassment, sexual violence, sexual exploitation, intimate partner violence, and stalking are violations of Northpoint's Code of Conduct and its sexual misconduct policy. Disciplinary action, including suspension and dismissal, will be taken against any person found violation of this policy.

Many types of sexual misconduct also constitute violations of Massachusetts law. Several federal laws and regulations, including Title IX, the Violence Against Women Act, and the Clery Act mandate how institutions respond to such allegations. Title IX is a federal law that protects members of a college's community from sexual harassment and discrimination in educational programs or activities. In cases where Title IX does not apply, the college may adjudicate complaints based on established disciplinary procedures. Whether Title IX is applicable or not, local authorities could be called at either the complainant's request or the insistence of the Title IX Coordinator to intervene and potentially pursue criminal charges.

Members of the campus community, guests, and visitors have a right to be free from sexual misconduct. All members of the community are expected to conduct themselves in a way that does not infringe upon the rights of others. When individuals accused of sexual misconduct or discrimination are found to be in violation of the policy, the college will impose appropriate sanctions. Northpoint has jurisdiction over all acts of sexual misconduct and discrimination involving members of the campus community, no matter where they occur, whether on- or off-campus (including online).

### **SEXUAL HARRASMENT VIOLATION DEFINITIONS**

According to Title IX, sexual harassment, as an umbrella category, includes quid pro quo harassment, hostile environment harassment, sexual assault, domestic violence, dating violence, and stalking.

#### **QUID PRO QUO**

Quid Pro Quo Harassment is unwelcome conduct of an employee of the college, who conditions the provision of an aid, benefit, or service of the college (implicitly or explicitly), on an individual's participation in unwelcome sexual conduct.

## HOSTILE ENVIRONMENT HARRASMENT

A Hostile Environment is created when sexual harassment is unwelcome conduct determined by a reasonable person to be so severe and pervasive that it effectively denies a person equal access to college education program or activity.

## SEXUAL ASSAULT

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Title IX regulations have adopted the following types of sexual assault (consistent with Clery Act reporting):

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 victim.

Fondling: Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest: 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.

## 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 complainant'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.

## DOMESTIC VIOLENCE

A felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the complainant.

- a person with whom the complainant shares a child in common.

- a person who is cohabitating with or has cohabitated with the complainant as a spouse or intimate partner.

- a person similarly situated to a spouse of the complainant 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, protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

## 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.

## **OTHER HARASSMENT DEFINITIONS**

Other college policies may fall within the Sexual Misconduct Policy when a violation is motivated by the actual or perceived membership of the reporting party's sex.

### **CONSENT**

Consent, under this policy, is clear; knowing; and voluntary words or actions that give permission for a specific sexual activity. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding willingness to engage in (and the conditions of) sexual activity.

*Note: Consent to one form of activity cannot automatically imply consent to any other form of sexual activity; someone who is incapacitated cannot consent. Previous relationships or past consent does not imply future consent. Consent can be withdrawn once given, as long as that withdrawal is clearly communicated (once consent is withdrawn, activity must stop reasonable immediately). Coercion, force, or threat of either invalidates consent. In order to give consent, one must be of legal age.*

### **FORCE**

The use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcomes free will or resistance or that produces consent. When force is used, consent is not assumed to be valid.

### **INCAPACITATION**

A state where persons cannot make rational, reasonable decisions because they lack the capacity to give knowing consent. There are two forms of incapacity, mental and physical. Mental incapacity results from cognitive impairment, such as developmental disability. Temporary mental incapacity can result from conditions such as epilepsy, panic attacks, and flashbacks. Physical incapacity may result from sleep, unconsciousness, involuntary physical restraint, alcohol impairment, or drug consumption.

### **RETALIATION**

Retaliation is a person's adverse action against another person because they have filed a complaint or participated in providing relevant information for an investigation. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. We will take all appropriate and available steps to protect individuals who fear they may be subjected to retaliation.

Title IX Coordinator:

Rev. Michael Scott, Dean of Students

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Northpoint Campus Safety:

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