

Policy Prohibiting Sex Discrimination

Statement & Purpose¹

Point Park University prohibits all forms of discrimination including, sex- and gender-based discrimination, discriminatory harassment on the basis of sex, sex-based harassment, and sexual exploitation (collectively, “Sex Discrimination”). Sex Discrimination is inconsistent with the University’s values and will not be tolerated. Title IX of the Education Amendments of 1972 (“Title IX”) prohibits Sex Discrimination. Title VII of the Civil Rights Act of 1964, also prohibits sex or gender-based discrimination, including sexual harassment. Nothing in the policy shall be read in derogation of any individual’s legal right under Title VII of the Civil Rights Act of 1964.

The Violence Against Women Reauthorization Act (“VAWA”) of 2013 includes additional requirements about how colleges and universities must respond to and address certain acts of violence, including sexual assault, domestic violence, dating violence and stalking. Point Park complies with Title IX, Title VII, and VAWA and is committed to providing an educational and employment environment that is free of Sex Discrimination. All members of the Point Park community share in the responsibility to maintain the University’s environment that supports the safety and dignity of each member of the community.

Scope of Policy

This policy is only applicable to alleged incidents that occur on or after August 1, 2024. For alleged incidents of Sex Discrimination or sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Office of Title IX and Dispute Resolution and at <https://www.pointpark.edu/studentlife/titleix/sexualmisconductpolicy/index>.

This policy applies to all faculty, employees, students, and other individuals participating in or attempting to participate in the University’s program or activities, including admissions, education and employment. This policy prohibits all forms of Sex Discrimination and may be applied to incidents, to patterns, and/or to the institutional culture/climate, all of which may be addressed in accordance with this policy. This policy applies to the University’s Education Programs and Activities (defined as including locations, events, or circumstances in which the University exercises substantial control over both the Respondent and the context in which the conduct occurred), circumstances where the University has disciplinary authority, and to misconduct occurring within any building owned or controlled by a University-recognized student organization. This policy may also apply to the effects of off-campus misconduct that limit or deny a person’s access to the University’s Education Program or Activities. Conduct that falls outside of an educational program or activity may be addressed under other University policies.

¹ Portions of this policy are based on the ATIXA 2024 One Policy, One Procedure (1P1P) Model ©2024 ATIXA. Used with Permission.

Harassment includes online harassment, which can include, but is not limited to, unwelcome conduct on social media platforms such as derogatory name-calling based on a person's membership or perceived membership in a particular demographic group, the nonconsensual distribution of intimate images (including authentic images and images that have been altered or generated by artificial intelligence (AI) technology), cyberstalking, and other discriminatory conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and 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. The University will evaluate online conduct with the same factors that are used to determine whether in-person conduct creates a hostile environment.

For disciplinary action to be issued under this policy, the Respondent must be a University faculty member, student, employee, or otherwise participating in the University's educational program or activity at the time of the alleged incident. If the Respondent is unknown or is not a member of the University community, the Title IX Coordinator will offer to assist the Complainant in identifying appropriate institutional and local resources and support options and will implement appropriate supportive measures and/or remedial actions (e.g., trespassing a person from campus). The University can also assist in contacting local or institutional law enforcement if the individual would like to file a police report about criminal conduct.

All vendors serving the University through third-party contracts are subject to the policies and procedures of their employers and may be subject to these policies and procedures where their employer has agreed to be bound through their contracts.

When a Party is participating in a dual enrollment/early college program, the University will coordinate with the Party's home institution to determine jurisdiction and coordinate providing supportive measures and responding to the Complaint under the appropriate policy and procedures based on the allegations and identities of the parties.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in contacting the appropriate individual at that institution, as it may be possible to pursue action under that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the University where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give the Complainant recourse. If there are effects of that external conduct that impact a student or employee's work or educational environment, those effects can often be addressed remedially by the Title IX Coordinator if brought to their attention.

Title IX Coordinator

The University's Title IX Coordinator is Stephanie Stark Poling, sstarkpoling@pointpark.edu, 412-392-8158, 104D Student Center. The Title IX Coordinator is authorized to coordinate, and has

ultimate oversight over, the University's efforts to comply with its Title IX responsibilities.

Definitions

Complainant a student or employee who is alleged to have been subjected to conduct that could constitute Sex Discrimination under Title IX or its regulations; or a person other than a student or employee who is alleged to have been subjected to conduct that could constitute 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 Sex Discrimination.

Complaint 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 under Title IX or other conduct prohibited under this Policy.

Notice is when an employee, student (in the course of their employment for the University), or third party informs the Title IX Coordinator of the alleged occurrence Sex Discrimination or other conduct prohibited under this Policy.

Respondent is a person who is alleged to have engaged in conduct that could constitute Sex Discrimination or for engaging in other conduct prohibited under this Policy.

Party or parties are the Complainant(s) and the Respondent(s).

Education Program or Activity is locations, events, or circumstances where the University exercises substantial control over the context in which the Sex Discrimination or other conduct prohibited by this Policy occurs and also includes any building owned or controlled by a student organization that the University officially recognizes.

Consent is knowing, voluntary and clear permission by word or action, to engage in a particular activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each Party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if the person is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy.

It is not an excuse that the individual accused of sexual harassment was intoxicated and, therefore, did not realize the incapacity of the other.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances,

including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent.

A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

In Pennsylvania, a minor (meaning a person under the age of 16 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 years old is a crime, as well as a violation of this policy, even if the minor expressed willingness to engage in the act.

Investigator is a person appointed by the Title IX Coordinator to conduct a fact-finding investigation into a report of possible violation of this policy.

Day. A business day when the University is in normal operation. All references in the Policy to days refer to business days unless specifically noted as calendar days.

Decision-maker. The person or panel who reviews evidence, determines relevance, and makes the Final Determination of whether the Policy has been violated and/or assigns sanctions.

University Policy

Students and employees are entitled to an educational and employment environment that is free of Sex Discrimination and the other conduct prohibited by this Policy. This Policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive, subject matters protected by academic freedom.

The sections below describe specific forms of prohibited Sex Discrimination and other conduct prohibited by this Policy. Protected speech or conduct will not be considered a violation of University Policy, though supportive measures will be offered to those impacted.

All offense definitions below encompass actual and/or attempted offenses.

Any of the following offenses can be charged as or combined as pattern offenses, the Title IX Coordinator will clearly indicate that both individual incidents and a pattern of conduct are being investigated. A pattern may exist and be charged when there is a potential substantial similarity to incidents where the proof of one could make it more likely that the other(s) occurred, and vice versa. Patterns may exist based on target selection, similarity of offense, or other factors. Where a pattern is found, it can be the basis to enhance sanctions, accordingly.

Violation of any other University policies may constitute discrimination or harassment when motivated by actual or perceived protected characteristic(s), and the result is a limitation or denial of employment or educational access, benefits, or opportunities.

A. Sex Discrimination

Sex Discrimination is different treatment with respect to a person's employment or participation in an Education Program or Activity based, in whole or in part, upon the person's actual or perceived sex and is prohibited by this Policy.

Sex Discrimination can take two primary forms:

- 1) Disparate Treatment Sex Discrimination is any intentional differential treatment of a person or persons that is based on a person's actual or perceived sex and that excludes a person from participation in, denies the person benefits of, or otherwise adversely affects a term or condition of a person's participation in a University program or activity.
- 2) Disparate Impact Sex Discrimination occurs when policies or practices that appear to be neutral unintentionally result in a disproportionate impact on a person or class of persons identifying as a particular sex that excludes a person from participation in, denies the person benefits of, or otherwise adversely affects a term or condition of a person's participation in a University program or activity.

B. Discriminatory Harassment on the basis of Sex

Unwelcome conduct on the basis of an individual or group's actual or perceived sex, 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 is prohibited by this Policy.

C. Sex-based Harassment

Sex-based Harassment is prohibited by this Policy. Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex,² including sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that is:

- 1) **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 aid, benefit, or service, on a person's participation in unwelcome sexual conduct.
- 2) **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. Whether a hostile

² Throughout this Policy, "on the basis of sex" means conduct that is sexual in nature, or that is directed to the Complainant because of his/her/their actual or perceived sex or gender identity.

environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the Complainant's ability to access the University's Education Program or Activity;
- b. The type, frequency, and duration of the conduct;
- c. The parties' ages, roles within the recipient's Education Program or Activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
- d. The location of the conduct and the context in which the conduct occurred; and,
- e. Other sex-based harassment in the recipient's Education Program or Activity.

3) Sexual Assault:

- a. **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 Complainant.
- b. **Fondling:** the touching of the private body parts of the Complainant (buttocks, groin, breasts), for the purpose of sexual gratification, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of a temporary or permanent mental incapacity.
- c. **Incest:** sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Pennsylvania law.
- d. **Statutory Rape:** sexual intercourse, with a person who is under the statutory age of Consent in Pennsylvania.

4) **Dating Violence:** violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. 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. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

5) **Domestic Violence:**³ violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a

³ To categorize an incident as Domestic Violence under this Policy, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Pennsylvania, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

- 6) **Stalking:** engaging in a course of conduct, on the basis of sex, directed at the Complainant, that would cause a reasonable person to fear for the person's safety, or the safety of others; or Suffer substantial emotional distress. For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

D. Sexual Exploitation

Sexual Exploitation is prohibited under this Policy. Sexual Exploitation is a person taking non-consensual or abusive sexual advantage of another, that does not constitute Sex-based Harassment as defined above, for their own benefit or for the benefit of anyone other than the person being exploited.

While the scope of this policy is limited to Sex Discrimination, the University prohibits other forms of discrimination and harassment based on race, ethnicity, religion, color, national origin, age (40 years and over), ancestry, individuals with disabilities, veteran status, height, weight, genetic information, marital status, caregiver status, or familial status through the Point Park Policy on Discrimination and Harassment, The Student Handbook, and other Human Resource policies. The University also prohibits consensual relationships between employees and students in the Policy on Consensual Relationships.

Prohibition of Retaliation

The University prohibits retaliation. For the purpose of this Policy, retaliation is adverse action, including intimidation, threats, coercion, or discrimination, against any person, by the University, a student, employee, or a 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 law or this Policy, or because the person has engaged in protected activity, including reporting information, making a Complaint, testifying, assisting, or participating or refusing to participate in any manner in an investigation or resolution process for alleged violations of the Policy including an informal resolution process, or in any other appropriate steps taken by the University to promptly and effectively end any Sex Discrimination in its education program or activity, prevent its recurrence, and remedy its effects.

It is not retaliation for the University to pursue Policy violations against those who make materially false statements in bad faith in the course of the resolution process for alleged violations of the Policy.

Prohibition of Unauthorized Disclosure

Distributing or otherwise publicizing materials created or produced during an investigation or resolution process except as required by law or as expressly permitted by the University or, publicly disclosing institutional work product that contains personally identifiable information without authorization or consent is prohibited by the University.

Sanction Ranges

The following sanction ranges apply for Prohibited Conduct under this Policy. Sanctions can be assigned outside of the specified ranges based on aggravating or mitigating circumstances, or the Respondent's cumulative conduct record.

- A. **Sex Discrimination:** warning through expulsion or termination.
- B. **Discriminatory Harassment on the basis of Sex:** warning through expulsion or termination.
- C. **Sex-based Harassment:** suspension through expulsion or termination.
- D. **Sexual Exploitation:** warning through expulsion or termination.
- E. **Retaliation:** warning through expulsion or termination.
- F. **Unauthorized Disclosure:** warning through expulsion or termination.

Standard of Proof

The University uses the preponderance of the evidence standard of proof when determining whether a Policy violation occurred. This means that the University will decide whether it is more likely than not based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s).

Reporting

All Point Park employees (including student-employees when acting within the scope of their employment), other than those deemed confidential employees, are mandated reporters and are expected to promptly report all known details of actual or suspected Sex Discrimination or other conduct prohibited by this Policy to the Title IX Coordinator immediately. Supportive measures may be offered as the result of such disclosures without formal University action.

All potential Complainants are encouraged to report to mandated reporters or the Office of Compliance and Integrity. If however a potential Complainant is not ready to report to mandated reporters or the Office of Compliance and Integrity, the Complainant may reach out to a Confidential Employee to better understand the options available for support and resolution under this policy.

The following sections describe the University’s confidential reporting options for a Complainant or third party (including parents/guardians when appropriate):

A. Confidential Employees

There are three categories of confidential employees: 1) those with confidentiality bestowed by law or professional ethics, such as lawyers, medical professionals, clergy, and mental health counselors; 2) those whom University has specifically designated as confidential resources for purposes of providing support and resources to the Complainant; and 3) those conducting human subjects research as part of a study approved by the University’s Institutional Review Board (IRB). For those in category 1), above, to be able to respect confidentiality, they must be in a confidential relationship with the person reporting, such that they are within the scope of their licensure, professional ethics, or confidential role at the time of receiving the Notice. These individuals will maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor, elder, or individual with a disability, or when required to disclose by law or court order.

To enable Complainants to access support and resources without filing a Complaint, the University has designated specific employees as confidential resources. Those designated by the University as confidential resources are not required to report actual or suspected Sex Discrimination in a way that identifies the parties. They will, however, provide the Complainant with the Title IX Coordinator’s contact information and offer options and resources without any obligation to inform an outside agency or University official unless a Complainant has requested the information be shared.

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with the following Confidential Employees:

Confidential Employees

Student Counseling Center Service Providers and Staff
5th floor, Lawrence Hall
412.392.3959

Student Heal Center Service Providers and Staff
3rd floor, Student Center
412.392.3800

Community Coordinator of Spiritual Life 412.392.8097

Employees who have confidentiality as described above, and who receive Notice within the scope of their confidential roles may timely submit anonymous statistical information for Clery Act statistical reporting purposes unless they believe it would be harmful to their client, patient, or parishioner.

Failure of a mandated reporter, as described above in this section, to report an incident of Sex Discrimination or other conduct prohibited by this Policy of which they become aware is a violation of University policy and can be subject to disciplinary action for failure to comply/failure to report. A mandated reporter who is themselves a target of Sex Discrimination is not required to report their own experience, though they are, of course, encouraged to do so.

A Mandated Reporter who is themselves a target of discrimination, harassment, or other misconduct under this Policy is not required to report their own experience, though they are, of course, encouraged to do so.

In addition, Complainants may speak with individuals unaffiliated with University without concern that policy will require them to disclose information to the University without permission from the Complainant. These include:

- 1) Licensed professional counselors and other medical providers
- 2) Local rape crisis counselors
- 3) Domestic violence resources
- 4) Local or state assistance agencies
- 5) Clergy/Chaplains
- 6) Attorneys

Dismissal

The University **may** dismiss a Complaint if, at any time during the investigation or resolution process, one or more of the following grounds are met:

- A.** The University is unable to identify the Respondent after taking reasonable steps to do so
- B.** The University no longer enrolls or employs the Respondent
- C.** A Complainant voluntarily withdraws any or all of the allegations in the Complaint, and the Title IX Coordinator declines to initiate a Complaint
- D.** The University determines the conduct alleged in the Complaint would not constitute a policy violation, if proven

A Decision-maker can recommend dismissal to the Title IX Coordinator if they believe the grounds are met. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

Upon any dismissal, the University will promptly send the Complainant written notification of the dismissal and the rationale for doing so. If the dismissal occurs after the Respondent has been made aware of the allegations, the University will also notify the Respondent of the dismissal.

This dismissal decision is appealable by any Party as outlined in the Resolution Process.

Options for Assistance

FOLLOWING AN INCIDENT OF ALLEGED SEX DISCRIMIANTION OR SEXUAL HARASSMENT

Any Point Park student, faculty, or staff member who has experienced conduct that constitutes sexual assault, Sex-based Harassment or Sexual Exploitation is strongly encouraged to **seek immediate medical assistance, to call 911 or the University's Police Department at 412.392.3960, and to preserve pertinent information and tangible materials, such as text messages, photos and clothing.** If you can, preserve physical evidence. This can be important to the successful criminal prosecution of offenders.

To report any non-emergency Sex Discrimination or other conduct prohibited by this Policy, please contact the Title IX Coordinator 412.392.8158, oci@pointpark.edu, or 330 Blvd. of the Allies, 104D Student Center, Pittsburgh, PA 15222.

Employees may report any non-emergency Sex Discrimination or other conduct prohibited by this Policy to the Title IX Coordinator, who may coordinate with the Office of Human Resources in response.

A. Emergency Contact Information

In the event of sexual assault, dating violence, domestic violence, sexual misconduct visiting a hospital emergency room may ensure treatment is provided for possible injuries, pregnancy, or sexually transmitted disease. Additionally, a Sexual Assault Nurse Examiner (SANE) can obtain forensic evidence of an assault. This can be important if legal options are pursued later, including obtaining a protection order. There is a limited window of time following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and to gather any evidence will remain confidential and will preserve the full range of options to seek resolution through the University's complaint processes and/or criminal action. Additionally, in Pennsylvania, an individual can submit to a medical exam anonymously. Please be advised that if you submit a SANE exam for evidence in a hearing the preparer of the report must be able to testify at the hearing.

University staff can assist in obtaining medical or mental health care and notifying law enforcement in the proper jurisdiction if the Complainant desires. Please note that some of these documents may only be entered into an investigative record with informed voluntary written consent. Also, Pittsburgh Action Against Rape can be notified of all reported assaults so that trained crisis counselors can accompany a Complainant to the hospital 24 hours a day, if the Complainant desires. The University will work with the Complainant and law enforcement to implement any needed supportive measures including No Contact Orders issued by the University and/or lawful orders issued by criminal, civil, or tribal court.

Complainants have the right to decline notification to law enforcement. This choice does

not remove availability of any medical treatment or assistance from the University.

EMERGENCY RESPONSE	MEDICAL CARE	COUNSELING
Point Park Police Contact any Police Officer or call 412.392.3960	Student Health Center 3 rd Floor Student Center 412.392.3800 (8:30 am - 5 pm, Monday – Friday) Studenthealth@pointpark.edu	Student Counseling Center 5th floor, Lawrence Hall 412.392.3959 (during normal University office hours)
Pittsburgh Police Department Call 911	Magee-Women’s Hospital 300 Halket Street 412.641.4933	Pittsburgh Action Against Rape (PAAR) 1.866.END.RAPE (363.7273) www.paar.net
	UPMC Mercy Hospital 1400 Locust Street 412.232.8222	Women’s Center and Shelter of Greater Pittsburgh 412.687.8005 www.wcpittsburgh.org
		Persad Center 1.888.873.7723 www.persadcenter.org
		Life Solutions 1.800.647.3327 www.lifesolutionsforyou.com

To the extent required by law, the University will comply with lawful orders issued by a criminal, civil, or tribal court with respect to orders of protection, no contact orders, restraining orders, or other similar orders issued by the courts.

B. External Contact Information

Concerns about the University’s application of this Policy and compliance with certain federal civil rights laws may also be addressed to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline: (800) 421-3481
Facsimile: (202) 453-6012
TDD: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

For Complaints involving employee-on-employee conduct:

U.S. Equal Employment Opportunity Commission
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1112
Pittsburgh, PA 15222
Phone: 1-800-669-4000
Fax: 412-395-5749
TTY: 1-800-669-6820

C. Supportive Measures

University will offer and implement appropriate and reasonable supportive measures to the Parties upon Notice of alleged discrimination, harassment, and/or retaliation. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and reasonably available. They are offered, without fee or charge to the Parties, to restore or preserve access to the University's Education Program or Activity, including measures designed to protect the safety of all Parties and/or the University's educational environment and/or to deter discrimination, harassment, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the Parties upon receiving Notice or a Complaint. At the time that supportive measures are offered, if a Complaint has not been filed, the University will inform the Complainant, in writing, that they may file a Complaint with the University either at that time or in the future. The University will work with a Party to ensure that their wishes are considered with respect to any planned and implemented supportive measures.

The University will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the University's ability to provide those supportive measures. University will act to ensure as minimal an academic/occupational impact on the Parties as possible. The University will implement measures in a way that does not unreasonably burden any Party.

These actions may include, but are not limited to:

- 1) Referral to counseling, medical, and/or other healthcare services
- 2) Referral to an employee assistance program
- 3) Referral to community-based service providers
- 4) Student financial aid counseling
- 5) Education to the institutional community or community subgroup(s)
- 6) Altering campus housing assignment(s)
- 7) Altering work arrangements for employees or student-employees
- 8) Safety planning
- 9) Providing campus safety escorts
- 10) Providing transportation assistance
- 11) Implementing contact restrictions (no contact orders) between the Parties

- 12) Academic support, extensions of deadlines, or other course/program-related adjustments
- 13) Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- 14) Timely warnings
- 15) Class schedule modifications, withdrawals, or leaves of absence
- 16) Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders or other restrictions may be referred to appropriate student or employee conduct processes for enforcement or added as collateral misconduct allegations to an ongoing Complaint under this Policy.

The Parties are provided with a timely opportunity to seek modification or reversal of the University's decision to provide, deny, modify, or terminate supportive measures applicable to them. A request to do so should be made in writing to the Office of Compliance and Integrity. An impartial employee other than the employee who implemented the supportive measures, who has authority to modify or reverse the decision, will determine whether to provide, deny, modify, or terminate the supportive measures if they are inconsistent with the Title IX regulatory definition of supportive measures. The University will also provide the Parties with the opportunity to seek additional modification or termination of supportive measures applicable to them if circumstances materially change. The University typically renders decisions on supportive measures within seven (7) Days of receiving a request and provides a written determination to the impacted Party(ies) and the Title IX Coordinator.

Training of Employees

All Investigators, Decision-makers and other persons who are responsible for implementing the University's Title IX policies and procedures will receive training related to their duties under Title IX promptly upon hiring or change of position that alters their duties under Title IX or this part, and annually thereafter. Training topics include, but are not limited to:

- A. How to conduct a Sex Discrimination resolution process, including issues of disparate treatment, disparate impact, sex-based harassment, quid pro quo, hostile environment harassment, and retaliation
- B. The meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance under the Title IX Regulations
- C. Training for Informal Resolution facilitators on the rules and practices associated with the University's Informal Resolution process
- D. The role of the Title IX Coordinator
- E. Supportive Measures
- F. Clery Act/VAWA requirements applicable to Title IX
- G. The University's obligations under Title IX
- H. How to apply definitions used by the University with respect to Consent (or the absence or negation of Consent) consistently, impartially, and in accordance with Policy

- I. Reasonable modifications and specific actions to prevent discrimination and ensure equal access for pregnancy or related conditions
- J. Any other training deemed necessary to comply with Title IX

Reporting Policies and Protocols

A report provides Notice to the University of an allegation or concern about Sex Discrimination or other conduct prohibited by this Policy and provides an opportunity for the Title IX Coordinator to provide information, resources, and supportive measures. A Complaint provides Notice to the University that the Complainant would like to initiate an investigation or other appropriate resolution procedures. A Complainant or individual may initially make a report and may decide at a later time to make a Complaint. Reports or Complaints of Sex Discrimination or other conduct prohibited by this Policy may be made using any of the following options:

A. Direct Reporting Options

A reporter may report Sex Discrimination or other conduct prohibited by this Policy by instituting either a criminal process and/or an institutional process. The criminal process begins by calling the local police department or University police department. The institutional process may be instituted by calling:

Title IX Coordinator, 412.392.8158 or at 330 Blvd. of the Allies, 104D Student Center, Pittsburgh, PA 15222, contacting any faculty or staff member – other than a Confidential Employee – or by completing an Incident Report, which may be submitted anonymously if desired, located on the University website at www.pointpark.edu/incidentreport.

Reporting carries no obligation to initiate a Complaint, and in most situations, University is able to respect a Complainant's request to not initiate a resolution process. However, there may be circumstances, such as pattern behavior, allegations of severe misconduct, or a compelling threat to health and/or safety, where the University may need to initiate a resolution process. If a Complainant does not wish to file a Complaint, the University will maintain the privacy of information to the extent possible. The Complainant should not fear a loss of confidentiality by giving Notice that allows the University to discuss and/or provide supportive measures, in most circumstances.

There is no time limitation on providing Notice/Complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University's jurisdiction and/or significant time has passed, the ability to investigate, respond, and/or provide remedies may be more limited or impossible.

Acting on Notice/Complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of Policy) is at the Title IX Coordinator's discretion; they may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

B. Protecting Complainants, Reporters and Witnesses

1) **Amnesty**

Assisting individuals who are reporting Sex Discrimination is the University's primary interest. In order to facilitate reporting, the Vice-President of Student Affairs may choose not to charge individuals who report Sex Discrimination or other conduct prohibited by this Policy and any material witnesses with Student Code of Conduct violations for behavior that would otherwise be considered minor violations (for example, consuming alcohol underage or consuming illegal drugs).

2) **False Accusations**

Deliberately false and/or malicious accusations under this Policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a determination of a Policy violation.

Additionally, witnesses and Parties who knowingly provide false evidence, tamper with or destroy evidence, or deliberately mislead an official conducting an investigation or resolution process can be subject to discipline under appropriate University policies.

3) **Confidentiality/Privacy**

University makes every effort to preserve the Parties' privacy. The University will not share the identity of any individual who has made a Complaint under this Policy; any Complainant; any individual who has been reported to be the perpetrator of a Policy violation; any Respondent; or any witness, except as permitted by, or to fulfill the purposes, of applicable laws and regulations (e.g., Title IX), Family Educational Rights and Privacy Act (FERPA) and its implementing regulations, or as required by law; including any investigation, or resolution proceeding arising under these policies and procedures.^{4,5}

4) **Emergency Removal/Interim Actions/Leaves**

The University can act to remove a student Respondent accused of a Policy violation from its Education Program or Activities, partially or entirely, on an emergency basis when an individualized safety and risk analysis has determined that an imminent and serious threat to the health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Safety and Risk Analysis Team and may be done in conjunction with the using its standard objective violence risk assessment procedures. Employees are subject to existing procedures for interim actions and leaves.

⁴ 20 U.S.C. 1232g

⁵ 34 C.F.R. § 99

5) Federal Timely Warning Obligations

University must issue timely warnings for reported incidents that pose a serious or continuing threat of bodily harm or danger to members of the University community.

The University will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

6) Federal Statistical Reporting Obligations

Certain institutional officials (those deemed Campus Security Authorities) have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a. All "primary crimes," which include criminal homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson
- b. Hate crimes, which include any bias-motivated primary crime as well as any bias-motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property
- c. Violence Against Women Act (VAWA-based crimes), which include sexual assault, domestic violence, dating violence, and stalking⁶
- d. Arrests and referrals for disciplinary action for weapons law violations, liquor law violations, and drug law violations

All personally identifiable information is kept private, but statistical information regarding the type of incident and its general location (on- or off-campus or in the surrounding area, but no addresses are given) must be shared with the Point Park Police Chief for publication in the Annual Security Report and daily campus crime log.

7) Independence and Conflicts of Interest

The Title IX Coordinator acts with independence and authority, free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this Policy and these procedures.

To raise any concern involving bias, conflict of interest, misconduct, or discrimination by the Title IX Coordinator or the Office of Compliance and Integrity, contact the V.P. Student Affairs/Dean of Students. Concerns of bias, misconduct, discrimination, or a potential conflict of interest by any other individual involved in the resolution process should be raised with the Title IX Coordinator.

⁶ 42 U.S.C. Sections 13701 through 14040.

Revisions

This Policy succeeds previous policies addressing discrimination on the basis of sex in the context of Title IX, though previous policies and procedures remain in force for incidents occurring before August 1, 2024. If there is a conflict between the content of another applicable University policy addressing discrimination, harassment, sexual misconduct or retaliation this policy shall control. The Title IX Coordinator reviews and updates these policies and procedures regularly. The University reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

If government laws or regulations change or court decisions alter the requirements in a way that impacts this document, this document will be construed to comply with the most recent government laws, regulations, or court holdings.

This document does not create legally enforceable protections beyond the protections of the background state and federal laws that frame such policies and codes, generally.

This Policy is effective August 1, 2024.