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# Dealing With Decisions That Matter

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A GUIDE TO YOUR RIGHTS AND RESOURCES  
FOR INCIDENTS OF SEXUAL ASSAULT, DOMESTIC  
VIOLENCE, DATING VIOLENCE AND STALKING

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## Letter to the Community

Dear Point Park Community Member,

Point Park University is a community made up of diverse individuals who bring with them a multitude of talents and skills. It is the University's desire that each person finds his or her place here to learn, grow and become a leader in tomorrow's world.

As a community, we are committed to fostering an environment where relationships are healthy and where all feel safe and respected. This guide outlines your rights and responsibilities as a member of the Point Park University community, as well as provides campus and community resources that can be used in the event of a sexual assault, an experience with relationship violence or stalking.

By coming together, we believe Point Park can create a community where sexual, dating and domestic violence, as well as sexual harassment and stalking, are not tolerated or accepted. Our campus will be a place where, regardless of a person's sex, gender identity or sexual orientation, a student feels confident and comfortable speaking up for herself and others.

It is our hope that this guide helps you or someone you know find a safe space for support and resources if ever needed.

Sincerely,  
Title IX Office

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## Point Park University Sexual Misconduct Policy

All members of the Point Park University community are expected to familiarize themselves with the University's Sexual Misconduct Policy. Sexual misconduct in any form — including sexual harassment, sexual violence, domestic or dating violence, stalking and other forms of nonconsensual sexual conduct — is inconsistent with Point Park's values and is not tolerated. All members of the University community share the responsibility to maintain Point Park's environment that supports the safety and dignity of each member of the community.

**While major components of the policy are summarized through portions of this guide, the entire policy is online:**

[www.pointpark.edu/sexual-misconduct-policy](http://www.pointpark.edu/sexual-misconduct-policy)

SEXUAL  
HARASSMENT  
AND  
MISCONDUCT  
ARE NOT  
TOLERATED.

## Sexual Harassment and Assault

### *Key Definitions and Terms*

#### CONSENT

Consent is knowing, voluntary and clear permission by word or action to engage in mutually agreed upon sexual activity. As 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.

Aspects of consent to know:

1. Someone who is incapacitated cannot consent.
2. Past consent does not mean future consent.
3. Silence or an absence of resistance does not imply consent.
4. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
5. Consent can be withdrawn at any time.
6. Consent to some sexual contact (such as kissing or fondling) does not mean consent for other sexual activity (such as intercourse).
7. Coercion, force or threats of either invalidates consent.

In Pennsylvania, a minor (a person under the age of 16) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 16 is a crime, as well as a violation of Point Park's policy, even if the minor wanted to engage in the act.

# CONSENT IS REQUIRED.

# INCAPACITATION ... INABILITY TO CONSENT

#### INCAPACITATION

Incapacitation is the physical and/or mental inability to make rational, reasonable decisions because the person lacks the capacity to give knowing consent (understanding the "who, what, when, where, why or how" of his/her sexual interaction).

Incapacitation may occur:

1. Due to the use of drugs or alcohol
2. When a person is sleeping or unconscious
3. Due to intellectual or other disability that prevents the person from having the capacity to give consent

**Consent from someone who is incapacitated is not valid consent.**

#### RAPE

Rape is a form of sexual assault as defined by Pennsylvania law that involves engaging in sexual intercourse with another person:

1. By forcible compulsion
2. By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution
3. Who is unconscious
4. Who is unaware the sexual intercourse is occurring and the perpetrator knows that
5. In which the perpetrator has substantially impaired the victim's power to appraise or control his/her conduct by administering or employing, without the victim's knowledge, drugs, intoxicants or other means for the purpose of preventing resistance
6. Who suffers from a mental disability which renders the victim incapable of consent

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## SEXUAL ASSAULT

Sexual assault includes nonconsensual sexual contact or non-consensual sexual intercourse. Any physical sexual contact that involves the use or threat of force or violence, or any other form of coercion or intimidation, is also sexual assault.

Nonconsensual sexual contact is any sexual touching, with any part of a person or an object, by any person upon another without consent. Sexual touching is contact of a sexual nature however slight.

Nonconsensual sexual intercourse is any sexual intercourse by any person upon another without consent. It includes oral, anal and vaginal penetration, to any degree, with any part of the body or object. It is referred to as “sexual assault” in the University’s sexual misconduct policy.

# SEXUAL ASSAULT = NONCONSENSUAL SEXUAL CONTACT ...

## SEXUAL EXPLOITATION

Sexual exploitation occurs when an individual takes nonconsensual or abusive sexual advantage of someone for his or her own advantage or benefit, or for the advantage or benefit of anyone other than the person being exploited; and that behavior does not otherwise constitute one of the other sexual misconduct offenses.

Some examples of sexual exploitation are:

1. Sexual exhibitionism by an individual exposing his or her genitals in nonconsensual circumstances or inducing another person to expose his or her genitals
2. Sex-based cyber harassment
3. Prostitution or the solicitation of a prostitute
4. Voyeurism, which involves both secretive observation of another individual’s sexual activity or secretive observation of someone for personal sexual pleasure

5. Knowingly transmitting a sexually transmitted infection, disease or HIV to another person
6. Invasion of sexual privacy including the distribution or publication of sexual or intimate information about an individual without consent
7. Sexual intimidation, which is an implied or actual threat to commit a sex act against someone or is behavior used to coerce participation in a sex act
8. Electronically recording, photographing or transmitting intimate or sexual utterances, sounds or images without the knowledge and consent of all parties involved

## SEXUAL HARASSMENT

Sexual harassment is defined as nonconsensual sexual or gender-based conduct, requests for sexual favors, or other verbal or physical conduct of a sexual or gender-based nature occurring on campus, off campus or online. Sexual harassment is a matter of particular concern to an academic community in which students, faculty and staff are related by strong bonds of intellectual dependence and trust.

This policy covers:

1. Sexual harassment in a single episode as well as in persistent behavior
2. Conduct that occurs in the process of application for admission to a program or selection for employment, as well as conduct directed toward University students, faculty or staff members
3. Conduct by third parties, such as guests and consultants

## SEXUAL MISCONDUCT

Sexual misconduct is a broad term encompassing any nonconsensual behavior of a sexual nature that is unwelcome, including those behaviors committed by force or intimidation. The term includes but is not limited to: sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence and stalking.

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## Risk Reduction of Sexual Assault

Risk reduction involves changing or modifying behaviors and actions in order to possibly prevent a sexual assault on an individual level.\* These behaviors may include but are not limited to:

1. Trusting your instincts
2. Walking with a friend late at night instead of alone
3. Taking a SHARP class offered by Point Park's Department of Public Safety
4. Making your limits known as early as possible
5. Always being aware of your surroundings
6. Listening to friends who suggest you may be making a poor decision
7. Always monitoring your drink when you are at a party or bar
8. Refraining from making sexual decisions while you are intoxicated

\*The most comprehensive set of risk reduction strategies cannot eliminate the chance for sexual assault. In the event you are assaulted, please know it is not your fault and there are resources to support you.

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## Domestic and Dating Violence As Defined by Pennsylvania Law

### DATING VIOLENCE

Dating violence is violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. In which the existence of such a relationship is determined based on a 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

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse; or by a person similarly situated to a spouse of the victim under the domestic or family violence laws.

Domestic violence may include the occurrence of one or more of the following acts between family or household members; sexual or intimate partners; or persons who share biological parenthood:

1. Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon
2. Placing another in reasonable fear of imminent serious bodily injury
3. Inflicting false imprisonment
4. Physically or sexually abusing minor children
5. Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person without proper authority, under circumstances that place the person in reasonable fear of bodily injury

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## Know the Signs

Domestic and dating violence may involve more than physical violence.

### DOES YOUR PARTNER:

- Check your cellphone or email without permission?
- Criticize you and put you down?
- Get jealous when you hang out with other people or talk to friends?
- Criticize your friends or family, or discourage you from spending time with them?
- Pressure you to have sex?
- Control where you go and what you do?
- Destroy or threaten to destroy your belongings?
- Say you are always wrong when you have an argument?

### DO YOU:

- Feel afraid of your partner?
- Avoid certain topics out of fear of making your partner angry?
- Feel that you cannot do anything right for your partner?
- Worry that your partner may become violent?

**If you have answered yes to any of these questions, you may be in an abusive relationship.** (For a list of resources, see pages 15-16.)

MORE THAN  
PHYSICAL VIOLENCE

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## Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his/her safety or the safety of others; or (b) suffer substantial emotional distress.

RISK REDUCTION ...  
STEP IN TO  
HELP OTHERS  
AT RISK.

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## Risk Reduction Tips: Stalking and Interpersonal Violence

Risk reduction involves changing or modifying behaviors and actions in order to possibly prevent stalking or relationship violence on an individual level. These behaviors may include but are not limited to:

- If you are leaving the University after dark, try to leave with someone you trust who can walk with you to your destination; or contact University police for an escort.
- Change your routines, including routes to work, school and other places regularly frequented.
- Consider getting a no-contact order or a protection from abuse order.
- Change your phone number to an unlisted one. Keep the previous number active and connected to voicemail. Save the messages that are explicitly abusive or threatening for law enforcement to build a stalking case.
- Document physical abuse and threats through photographs and event logs, which can be used as evidence in court proceedings.
- Create a safety plan at school and work.
- Share a description or a photograph of the abuser and any legal documentation, such as an order of protection.
- Utilize the uSafeUS app.

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## Become an Active Bystander

We all play a critical role in identifying situations that have potential for harm, and intervening if something does not look or feel quite right:

- Be aware of events around you.
- Take responsibility for the well-being of everyone in the community.
- Step in and help others.

### SEPARATE

1. Step in directly and separate the persons involved.
2. If you feel comfortable, let them know your concerns and reasons for intervening in the situation.
3. Be a friend — let them know you are stepping in because you care.

### DISTRACT

1. Use a distraction to redirect the focus of one person elsewhere.
2. Use phrases such as, “Hey, I need to talk to you” or, “Do you know where the bathroom is?”
3. If you need to, commit a “party foul” like spilling your drink on one of the people you are separating.

### RECRUIT

1. Let some friends know what is going on and recruit their help.
2. Step in as a group and separate the persons involved.

### SUPPORT

1. If the situation looks unsafe, call **Point Park University Police at 412-392-3960** or **Pittsburgh Police at 911** for assistance.
2. Clearly let the police know your concerns and stay present until help arrives.

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## Following an Assault

The decision whether to report an assault can be difficult and should reflect the wishes of the survivor.

- If you can, **get to a safe place** and contact a friend, family member, police or someone else whom you trust. (For additional resources, including confidential ones, see page 16.)
- You are encouraged to **seek medical attention**. Point Park University Police can escort you to a local hospital. Forensic exams can occur up to 10 days after an assault. (For medical resources, see page 17.)
- If you can, **preserve physical evidence**. This can be important to the successful criminal prosecution of offenders. Following an assault, survivors should not shower, douche or change clothes or bedding before seeking medical attention. All clothing items should be placed in a paper bag and taken with you to the hospital. Also, if oral contact was made, survivors should not brush their teeth, smoke or eat. **Note: Collecting evidence following the assault does not require participation in a criminal process, but it ensures the option is available in the future if desired.**
- If you choose, **contact the police**. Sexual assault, dating violence, domestic violence and stalking are crimes, and survivors have the right to press criminal charges.
- In addition to the criminal process, you may also pursue disciplinary and remedial options through the University's Title IX office. Contact the Title IX coordinator to discuss the options. (For contact information, see page 16.)

**Remember: You do not have to disclose details to anyone or press charges.**

CONTACT A FRIEND ...

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## Confidentiality

As mentioned previously, the decision whether to report can be difficult and should reflect the wishes of the survivor. If you or someone you know has been stalked, abused or assaulted, there are many places on campus and off campus that you can make a report if you choose to do so.

THE SURVIVOR'S  
WISHES ARE  
ALWAYS HEARD ...

### LIMITS ON CONFIDENTIALITY

Consistent with its duties under Title IX, the University is committed to promptly responding to reports of sexual harassment, sexual violence, domestic violence, dating violence and stalking in a way that limits the effects and prevents recurrence. Most Point Park employees, including faculty and staff, are required to report incidents of sexual harassment and violence. Thus, they cannot promise confidentiality but will keep the issue private by not discussing it with other faculty or staff.

The survivor's wishes are always heard and supported to the extent consistent with the University's commitment to protecting the broader welfare of the Point Park community. When the University believes there is a threat to the safety of the survivor or campus community, it may choose to investigate even if the survivor chooses not to participate in the investigation. The most common instance of this is when the report includes violent behavior and/or the alleged perpetrator has been previously accused of misconduct.

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## Campus Resources

### ***Title IX Coordinator***

**Vanessa Love**  
Student Center, Room 703  
412-392-3980  
vlove@pointpark.edu

### ***Deputy Title IX Coordinators***

Students and Faculty:  
**James Thomas**  
Associate Provost,  
Academic and Student Affairs  
Thayer Hall, Room 216  
412-392-3983  
jthomas@pointpark.edu

### Staff:

**Lisa Stefanko**  
Vice President,  
Human Resources  
Frontier Hall, Room 709  
412-392-4727  
lstefanko@pointpark.edu

### ***Student Counseling Center\****

Lawrence Hall, Fifth Floor  
412-392-3977

### ***Student Health Center\****

Thayer Hall, Room 203  
412-392-3800

### ***Point Park University Police***

Frontier Hall, Third Floor  
412-392-3960

### Faculty and Staff:

#### ***Life Solutions\****

800-647-3327

*\*These resources offer confidential services that will not trigger a University investigation.*

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# HELP ON CAMPUS

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## Medical and Legal Resources

### ***Magee-Womens Hospital***

412-641-4933

Offers sexual assault medical examinations

### ***UPMC Mercy Hospital***

412-232-8222

Offers sexual assault medical examinations

### ***Pittsburgh Action Against Rape***

866-END-RAPE

[www.paar.net](http://www.paar.net)

Offers medical and legal advocacy, counseling, resources and confidential support following a sexual assault

### ***Women's Center and Shelter of Greater Pittsburgh***

412-687-8005

[www.wcspittsburgh.org](http://www.wcspittsburgh.org)

Offers medical and legal advocacy, including assistance with obtaining a Protection From Abuse order (PFA), counseling and confidential support following an abusive incident or situations of dating violence

### ***Persad***

888-873-7723

[www.persadcenter.org](http://www.persadcenter.org)

Offers counseling and support to the LGBTQ community

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# HELP OFF CAMPUS

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## Special Remedies

Students or employees who have experienced incidents of sexual assault or relationship violence sometimes require special remedies and/or protective measures. These remedies and protective measures are typically coordinated through the Title IX office.

### **SPECIAL REMEDIES THAT MAY BE REQUESTED:**

- Academic adjustments or schedule changes
- Alternate housing or living situations
- Work alterations, including supervisors
- Academic tutoring coordination

# ADDITIONAL HELP

### **PROTECTIVE MEASURES THAT MAY BE REQUESTED:**

- “No contact” order – an order between two or more students that expressly forbids the individuals from contacting each other, whether in person or electronically
- Escorts between campus locations by members of Point Park’s Department of Public Safety

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## Reporting Procedures

All faculty and most staff, including coaches, are mandated to report incidents of sexual assault, or domestic or dating violence.

The University has detailed procedures for resolving complaints of sexual harassment, sexual assault, domestic violence and stalking. These procedures are designed to provide a prompt, fair and impartial investigation, and resolution of complaints.

**Details concerning these procedures may be found at:**  
[www.pointpark.edu/StudentLife/TitleIX/SexualMisconductPolicy](http://www.pointpark.edu/StudentLife/TitleIX/SexualMisconductPolicy)

**Reports may be submitted at:**  
[www.pointpark.edu/incidentreport](http://www.pointpark.edu/incidentreport)

# RESOLVING COMPLAINTS

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## Public Record Keeping

Personally identifiable information regarding incidents or complaints of sexual assault or relationship violence is not publicly released except where required by law or court order. Personally identifiable student information is protected by the Family Educational Rights and Privacy Act (FERPA). Statistical crime reporting required by the Clery Act does not include personally identifiable information.

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## **Title IX Notice of Nondiscrimination**

Point Park University does not discriminate on the basis of sex in its education programs, activities or employment practices. Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq., and its implementing regulations, 34 C.F.R. Part 106, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of federal financial assistance.

Sexual harassment, which includes acts of sexual violence, is a form of sex discrimination prohibited by Title IX. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature. Sexual violence refers to physical sexual acts perpetrated against a person's will or when a person is incapable of giving consent due to the victim's use of drugs or alcohol.

Conduct that may be considered sexual harassment includes:

- Uninvited touches, hugs or pats
- Pressure for sexual favors for rewards related to school or work
- Obscene phone calls, texts, pictures, gestures or emails

### **Any inquiries or complaints related to Title IX can be made by contacting:**

**Vanessa Love**  
Title IX Coordinator  
Student Center, Room 703  
412-392-3980  
vlove@pointpark.edu



**201 Wood Street  
Pittsburgh, PA 15222-1984**

**PointPark.edu**

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**Nondiscrimination, Equal Opportunity and Diversity Initiatives:**

This policy affirms Point Park University's commitment to nondiscrimination, equal opportunity and the pursuit of diversity. Point Park University does not discriminate on the basis of: sex, race, ethnicity, religion, color, national origin, age (40 years and over), ancestry, individuals with disabilities, veteran status, sexual orientation, gender, gender identity, height, weight, genetic information, marital status, caregiver status or familial status, in the administration of any of its educational programs, activities or with respect to employment or admission to the University's educational programs and activities.

This policy is in accord with local, state and federal laws, including Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, Age Discrimination Act of 1975 and the Pittsburgh Human Relations Act. Inquiries regarding these regulations and policies, or complaints of discrimination, should be referred to the vice president of human resources, phone number 412-392-3952. Inquiries regarding Title IX and the Title IX regulations should also be referred to the Title IX coordinator or to the deputy Title IX coordinators: the associate provost, the vice president of human resources or the vice president of student affairs. The Title IX coordinator, Vanessa Love, may be reached at [vlove@pointpark.edu](mailto:vlove@pointpark.edu), 412-392-3980 or 201 Wood Street, Student Center, Room 703, Pittsburgh, PA 15222.

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