

POINT PARK UNIVERSITY

ADMIN 008

Policy on Discrimination and Harassment (“Policy”)

I. Policy Statement & Purpose

The University is committed to creating an institutional environment free from discrimination and harassment for students and employees. The University deplores incidents of discrimination or harassment wherever they may occur, including between students, between employees, and between students and employees.

The University prohibits discrimination and harassment based on the following categories: sex, race, ethnicity, religion, color, national origin, age (40 years and over), ancestry, individuals with disabilities, veteran status, sexual orientation, gender, gender identity, gender expression, height, weight, genetic information, marital status, caregiver status, or familial status (collectively, “Protected Characteristics”) 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.

In affirming the prohibition against discrimination and harassment on these bases, the University also affirms its compliance with applicable federal, state or local laws. For example, Title VII of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, religion, sex, or national origin, and the Age Discrimination in Employment Act of 1967 prohibits employment discrimination based on age against individuals who are 40 years of age or older. Other federal laws prohibit discrimination against individuals in programs or activities that receive federal financial assistance. These laws prohibit discrimination on the basis of race, color, or national origin (Title VI of the Civil Rights Act of 1964), sex (Title IX of the Education Amendments of 1972), disability (Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990), and age (Age Discrimination Act of 1975).

Should any applicable law be enacted in the future prohibiting discrimination and/or harassment based on a category not listed above, or should there be other changes in the applicable law governing discrimination and/or harassment, this Policy will be deemed amended to the extent necessary to reflect such changes.

The University is especially mindful of its obligation to seek learning opportunities for its students. Discrimination or harassment, whether overt or covert, may directly or indirectly have a negative impact on a student’s ability to learn. Discrimination not only may have undesirable educational and psychological consequences; it is also against the law. Perpetrators of such behavior can be subject to University adjudication processes, including disciplinary action up to and including termination, suspension, and expulsion as appropriate. It is also a violation of University policy and the law for anyone to retaliate against an employee, student, or applicant who makes a discrimination or harassment claim.

This Policy does not limit the rights of an individual to seek remedies available under federal, state or local law. In addition to any investigation and resolution process undertaken by the University, recourse

for discrimination and harassment can be sought through forums such as the Equal Employment Opportunity Commission (EEOC), the Office of Civil Rights (OCR), the Pennsylvania Human Relations Commission (PHRC), or the courts.

II. Title IX Sex Discrimination

This Policy applies to all forms of discrimination and harassment, with the exception of sex discrimination covered by Title IX. Any allegations or complaints of sex discrimination that fall Under Title IX are covered by the University's Policy Prohibiting Sex Discrimination Under Title IX (ADMIN 001, the "Title IX Policy") and the Resolution Process related thereto. The University's Title IX Coordinator is responsible for processing Complaints or allegations of discrimination and harassment received pursuant to the Title IX Policy.

III. Definitions and Prohibited Conduct

A. Harassment

Harassment is a type of discrimination. Harassment is unwelcome conduct based on one or more Protected Characteristics where: (1) enduring the offensive conduct becomes a condition of continued employment or educational opportunities; (2) the conduct is severe or pervasive enough to create a work or school environment that a reasonable person would consider intimidating, hostile or abusive; (3) the conduct unreasonably interferes with an individual's school or work performance; or (4) the conduct adversely affects an individual's employment or educational opportunities. Harassment on the basis of a Protected Characteristic is unlawful in addition to violating this Policy.

Petty slights, annoyances, and isolated instances generally do not rise to the level of harassment. Harassment includes, but is not limited to, verbal, non-verbal, physical, communicative, and/or visual conduct. Examples of offensive conduct that may constitute harassment include the following, without limitation:

- 1) Verbal and Communication-Based Harassment:
 - a. Vulgar language or comments;
 - b. Use of stereotypes;
 - c. Offensive jokes;
 - d. Slurs or epithets;
 - e. Threats;
 - f. Inappropriate or unwelcome emails, phone calls, instant messages, blogs, tweets, letters and social media posts;
 - g. Ridicule;
 - h. Offensive personal questions;
 - i. Intimidation;
 - j. Communications that put a person in fear for their safety or security;
 - k. Unwanted and pervasive communication;
 - l. Repeated date or sex requests; and
 - m. Offensive personal questions.
- 2) Physical Behaviors:
 - a. Physical assaults;
 - b. Vandalism;

- c. Hazing;
- d. Inappropriate touching; and
- e. Physical intimidation.

3) Non-Verbal Actions:

- a. Unwelcome sending or showing offensive materials;
- b. Lewd gestures;
- c. Leering;
- d. Unwanted gifts;
- e. Cold shoulder treatment;
- f. Graffiti; and
- g. Offensive pictures, cartoons and drawings.

B. Discrimination

Discrimination is any decision, act, or failure to act that substantially interferes with a person's work or education when such decision, act, or failure to act is based on one or more Protective Characteristics. Discrimination also includes retaliation. Further, the University does not discriminate in admission or access to, or treatment or employment in, any University program or activity.

In particular, the University affirms that no qualified person with a disability shall, on the basis of that disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in any University program or activity. A person with a disability is any person who has a physical or mental impairment substantially limiting one or more major life activities, has a record of having such an impairment, or is regarded as having such an impairment.

The University prohibits retaliation, which is a form of discrimination. Retaliation is a materially adverse decision, act, or failure to act taken against a University student or employee based on that person's opposition to discrimination, initiation of a complaint of discrimination ("Complaint"), or participation in a process aimed at addressing an allegation of discrimination.

C. False/Malicious Claims and Statements

The University takes false and malicious Complaints of discrimination very seriously, as well as materially false or malicious statements made in connection with discrimination investigations or resolutions processes under this Policy. Making such false and malicious Complaints or statements is a violation of this Policy, and it is not retaliation for the University to pursue Policy violations against those who make such false and malicious Complaints or statements in bad faith. Action up to and including expulsion or termination may be taken for such violations. Complaints or statements that may be erroneous but are made in good faith will not be considered false or malicious and will not be violations of this Policy.

D. Related Behaviors

An effective policy on discrimination and harassment requires that everyone share the responsibility of an environment that maintains respect and professional conduct. To that end, the following individuals will be subject to discipline or corrective action under this Policy: (1) those who engage in discrimination or harassment; (2) those who fail to cooperate with investigative processes; (3) those who engage in retaliation; (4) those who refuse to implement or who otherwise impede corrective efforts; and (5) those who make false or malicious Complaints or statements as detailed herein.

E. Retaliation

Point Park University strictly prohibits retaliation against any individual who reports a violation of the code of conduct, participates in an investigation, or supports someone involved in the reporting process. Retaliation undermines the integrity of the University's commitment to safety and accountability and will result in disciplinary action.

- 1) Retaliation includes, but is not limited to:
 - a. Threats, intimidation, or harassment
 - b. Adverse academic, professional, or social actions
 - c. Exclusion from activities, events, or group participation
 - d. Attempts to discourage reporting or participation in an investigation
- 2) Reporting Retaliation:

Individuals who believe they have experienced retaliation are encouraged to report the incident immediately through the designated reporting channels described in this policy.

- 3) Consequences for Retaliation:
 - a. Individuals found responsible for retaliation will be subject to disciplinary action
 - b. Organizations engaging in retaliation may face sanctions

F. Other Definitions

- 1) Decision-maker means 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
- 2) Complaint means 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, harassment, or other conduct prohibited under this Policy
- 3) 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 discrimination, harassment, or other conduct prohibited under this Policy

IV. Pre-Complaint Actions in the Event of Discrimination or Harassment

The University recommends that students and employees take the following actions if they suspect or are subject to discrimination or harassment. These actions can be taken before filing a Complaint. Although these actions may assist with the development of a record in the event of the investigation of an eventual Complaint, none of these actions are prerequisites for filing a Complaint. A University student or employee may file a Complaint even if they do not take any of the below actions.

- A. Tell the individual that you don't like their behavior and want it to stop.** You can do this in person, by telephone, email, letter or any other means. It is not easy to confront individuals about discriminatory or harassing behavior; however, it can be important. Notwithstanding the foregoing, do not contact an individual if doing so would threaten to your safety.
- B. Keep a record of events.** Write down what the individual said or did, when and where they said or did it, and your response. Get the names of any witnesses.

- C. Talk about it with someone you trust.** Discussing the situation or conduct with someone you trust can serve as a source of support. Other people may be witnesses, know of other victims, or be victims themselves.

V. Complaint Resolution Process

A. Applicability

The Complaint Resolution Process set forth in this Policy shall apply to Complaints alleging discrimination and harassment carried out by employees, students and/or third parties.

When the individual responding to a discrimination or harassment Complaint (“Respondent”) is a University employee, the University reserves the right to impose disciplinary or corrective action, up to and including termination, without following all or any steps of the below Resolution Process, where warranted by the circumstances. Nothing in this Policy shall restrict or limit the University’s right or ability to discipline or terminate an Employee for a non-discriminatory reason in accordance with the terms of their employment agreement or collective bargaining agreement (where applicable), the University’s policies or procedures, and/or in accordance with federal, state and local laws regarding at will employment.

B. Processing Complaints of Discrimination and/or Harassment

1) Intake of Complaints

All formal and informal complaints of discrimination and harassment should be filed in writing with the University’s Office of Title IX and Dispute Resolution. Reporting instructions are available on the Office’s website, at: <https://www.pointpark.edu/studentlife/titleix/index>. That Office will determine whether the Complaint is governed by this Policy or the University’s Title IX Policy (and the related Resolution Procedures). Alleged discrimination or harassment based on Protected Characteristics may also violate federal, state and local anti-discrimination laws. Filing a Complaint with the University in no way restricts or precludes an individual from filing a Complaint or charge with any state or federal agency, from pursuing redress in a court of law, or from seeking redress in any other forum.

2) Initial Assessment

The University strives to investigate and resolve all Complaints alleging possible violations of the Policy within a reasonable timeframe.

Receipt of a formal or informal Complaint that includes allegations of Policy violations will trigger an initial assessment. This assessment will be conducted by the Title IX Coordinator, and may include consultation with one or more of the following: Vice President of Human Resources, Dean of Student Life, and/or Associate Vice-President of Public Safety. The assessment will:

- a. Assess whether the conduct as reported, if true, would reasonably constitute a violation of the Policy
- b. Assess whether the University has jurisdiction over the reported conduct
- c. Determine if any immediate risk of harm to an individual or the community exists
- d. Implement any emergency removal processes to address the risk of harm to an individual or the community, if necessary
- e. Offer and coordinate supportive measures as the University deems appropriate

- f. Notify the person making a Complaint (“Complainant”), or the person who reported the allegation(s), of the available resolution options, including a supportive and remedial response, an Informal Resolution option, or the Formal Resolution option
- g. Determine whether the Complainant wishes to initiate a formal Complaint
- h. Notify the Respondent of the available resolution options

If the Complainant indicates they wish to initiate a Complaint, the Title IX Coordinator (or an individual designated by the Title IX Coordinator) will help to facilitate the Complaint, which will include working with the Complainant to determine what resolution options the Complainant may wish to pursue.

The Office of Title IX and Dispute Resolution will seek to abide by the wishes of the Complainant but may have to take an alternative approach depending on their analysis of the situation.

If any Party indicates (either verbally or in writing) that they want to pursue an informal resolution option, the Title IX Coordinator (or an individual they designate) will assess whether the matter is suitable for informal resolution and refer the matter accordingly, upon voluntary consent of both parties.

If the Complainant does not wish to file a Complaint, the Title IX Coordinator, who has ultimate discretion as to whether a Complaint is initiated, will offer supportive measures and determine whether to initiate a Complaint themselves. To make this determination, the Title IX Coordinator will evaluate that request to determine if there is a serious and imminent threat to someone's safety, or if the University cannot ensure an environment free from discrimination and harassment without initiating a Complaint. When the Title IX Coordinator initiates a Complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of this Policy.

3) Emergency Removal Process

The initial assessment will involve consideration of whether emergency removal is necessary. If it is determined that a Respondent should be removed from University premises on an emergency basis, then the University will convene the relevant Safety and Risk Analysis Team to conduct a safety and risk assessment. If the result of this assessment indicates an immediate and serious threat to the physical health or safety of any student or other individual arising from the allegations of conduct prohibited by this Policy, they may be subject to emergency removal. If emergency removal is required, the Respondent will be provided notice and opportunity to promptly challenge this decision following removal. Where it is deemed appropriate, the University may issue an interim suspension for a student Respondent or issue an administrative leave for a staff/faculty Respondent.

The University will not disclose personally identifiable information it obtained in the course of assessing the grounds for emergency removal unless: (i) the University has written consent from the person with the legal right to consent to the disclosure; (ii) the University must disclose the information to a parent, guardian, or other legal representative with a legal right to receive disclosures on behalf of the person whose personally identifiable information is at issue; (iii) the disclosure is necessary to address the substantial threat; or (iv) Federal or State law requires the disclosure.

4) Supportive Measures

The University will offer and coordinate supportive measures as appropriate for the Complainant and/or Respondent to restore or preserve that person’s access to University programs and activities or provide support during the Resolution Process.

5) Dismissal of a Complaint

The University may dismiss a formal or informal Complaint if, at any time during the Resolution Process, one or more of the following grounds are met:

- a. University is unable to identify the Respondent after taking reasonable steps to do so
- b. The University no longer enrolls or employs the Respondent, and the Respondent does not otherwise participate in any aspect of University life
- c. A Complainant voluntarily withdraws any or all of the allegations in writing, the Title IX Coordinator declines to initiate a Complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute a violation of the Policy even if proven
- d. The University determines the conduct alleged in the Complaint would not constitute a Policy violation, if proven
- e. The University determines that the conduct alleged in the complaint, if proven, does not meet the Office of Title IX and Dispute Resolution's jurisdictional limits

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

When a Complaint is dismissed, the University will, at a minimum:

- f. Offer supportive measures, as appropriate
- g. Take other prompt and effective steps, as appropriate, to ensure that any discrimination and/or harassment does not continue or recur

Both the Complainant and the Respondent (where notified of a Complaint) have the right to appeal the decision to dismiss a Complaint. The Title IX Coordinator will notify the Parties of any appeal. If, however, the Complainant appeals, but the Respondent was not notified of the Complaint, the Title IX Coordinator must then provide the Respondent with a NOIA and will notify the Respondent of the Complainant's appeal with an opportunity to respond. Parties have (5) business days to appeal the dismissal decision and may only appeal on the grounds of:

- h. A conflict of interest or bias that may have changed or influenced the outcome of the dismissal
- i. A procedural irregularity that would change the outcome of the dismissal
- j. New evidence that would change the outcome and that was not reasonably available when the dismissal was decided

Throughout the dismissal appeal process, the University will:

- k. Implement dismissal appeal procedures equally for the Parties
- l. Assign a trained appeal officer who did not take part in an investigation of the allegations or dismissal of the Complaint
- m. Provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the dismissal
- n. Notify the Parties of the result of the appeal and the rationale for the result

The dismissal appeal should be submitted in writing to the Title IX Coordinator. Upon receipt of a written dismissal appeal request from one or more Parties, the Title IX Coordinator will share the petition with all other Parties and provide three (3) business days for other Parties and the Title IX Coordinator to respond

to the request. The Title IX Coordinator will then forward the appeal and all relevant materials to an appeal officer and the appeal will follow the process outlined in the “Appeal” section below.

The appeal should specify at least one of the grounds above and provide any reasons or supporting evidence for why the ground is met.

If the Request for Appeal does not provide information that meets the grounds in this Policy, the appeal officer will deny the request, and the Parties and the Title IX Coordinator will be notified in writing of the denial and the rationale.

If any of the asserted grounds in the appeal satisfy the grounds described in this Policy, then the appeal officer will notify all Parties and the Title IX Coordinator, of their decision and rationale in writing. The effect will be to reinstate the Complaint.

In most circumstances, Complaint dismissal appeals are confined to a review of the written documentation or record of the original determination and pertinent documentation regarding the specific appeal grounds. The appeal officer has seven (7) business days to review and decide on the appeal, though extensions can be granted at the Title IX Coordinator’s discretion, and the Parties will be notified of any extension.

Appeal decisions are deferential to the original determination, making changes only if there is a compelling justification to do so.

C. Resolution Process

1) Informal Resolution

The informal resolution process is available for all reports of discrimination and harassment except where application of an informal resolution would conflict with Federal, State, or local law or for Complaints that involve the harassment or discrimination of a student by an employee.

An informal resolution is a mechanism for achieving resolution between parties without a formal investigation. Once the Office of Title IX and Dispute Resolution receives a report of alleged discrimination or harassment, the parties to the report will be offered informal resolution. If this method of resolution is pursued, then each party will sign the informal resolution form, and a Notice of Informal Resolution will be sent out to both parties.

Parties choosing informal resolution do not forego access to supportive measures or any other protections afforded by the university. Both the Complainant and the Respondent may choose to end an informal resolution and begin a formal investigation at any time prior to a final determination.

Either Party may request informal resolution. If the Title IX Coordinator approves and both Parties voluntarily agree to participate, the formal process will be adjourned while the informal resolution process is pending; if, however, during the informal resolution process, no agreement is reached, the formal grievance process will resume.

Upon initiation of the informal resolution process, the Title IX Coordinator will assign a trained informal resolution facilitator/ mediator. The mediator/facilitator will consult with each Party separately in an effort to reach a resolution that best meets the interests and needs of the Parties. Unless the Parties mutually agree, they will not be together in the same space as part of the informal resolution process. Neither the Complainant nor the Respondent may appeal a final informal resolution agreement. At the end of informal

resolution process, the mediator will provide a copy of the informal resolution agreement signed by all Parties.

Failure to comply with the signed informal resolution agreement may result in further disciplinary sanctions. Either Party may file violations of the informal resolution agreement in writing to the Title IX Coordinator for review and resolution.

2) Notice of Investigation and Allegations

Prior to an investigation, the Title IX Coordinator will provide the Parties with a detailed written NOIA. Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various allegations. For climate/culture investigations that do not have an identifiable Respondent, the NOIA will be sent to the department/office/program head for the area/program being investigated. The NOIA will be provided to the Parties in writing with sufficient time for the Parties to prepare a response before any interview.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the Parties' local or permanent address(es) as indicated in official University records, or emailed to the Parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in person, the notification will be presumptively delivered.

If, in the course of an investigation, the University decides to investigate additional allegations of an applicable Policy violation by the Respondent toward the Complainant that are not included in the NOIA provided or that are included in a Complaint that is consolidated, the University will notify the Parties of the additional allegations.

3) Evidence

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used, regardless of whether they are relevant):

- a. Evidence that is protected under a privilege recognized by federal, state or local law, or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality
- b. A Party's or witness' records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the University obtains that Party's or witness' voluntary, written consent for use in its Resolution Process

The University must redact impermissible evidence that is contained within documents or evidence otherwise produced as relevant to the allegations. The University may redact information if it is not relevant to the allegations in the Complaint but is contained within documents or evidence relevant to the allegations

4) Formal Resolution

- a. Investigative Process

The University will provide for adequate, reliable, and impartial investigation of Complaints.

The burden is on the University – not the Parties – to conduct an investigation that gathers sufficient evidence to determine whether a Policy violation occurred.

Investigations into allegations of Policy violations will usually include interviews with the Complainant, Respondent, and all relevant witnesses. The University will provide to an individual whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the individual to participate. The University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The university will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within three (3) days, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

Upon completion of the collection of the evidence in the investigation, the appointed investigators will submit the evidence collected in the investigation that is relevant and not otherwise impermissible to both Parties to inspect, review and respond to the evidence. The Parties will have (10) business days to inspect, review, and respond to the evidence in the case. Both Parties are restricted from disseminating information contained in the evidence file. Responses are limited to 2,000 words (about four pages single spaced).

Upon completion of the investigation, the investigators will complete the investigation report which will include the nature of the allegations reported, a summary of the information gathered from interviews, including statements by all Parties, any physical or documentary evidence directly related to the allegations that was reviewed, and the addendums of each Party's response. The Parties will receive the investigation report at least ten days before the prehearing conference and the Parties may choose to submit a response to the investigative report limited to a 2,000-word response within (5) business days prior to the prehearing conference. If there is a response to the investigative report by the opposing Party, the Parties and their advisors will be provided the response at least (2) business days prior to the prehearing conference. **Once this is complete the investigative phase is over.**

The University aims to complete investigations under this Policy within a reasonable time frame. In some circumstances, an extension of this timeframe may be required on a case-by-case basis for good cause and with notice to the parties that includes the reason for the extension. Possible conditions that would extend the time needed to complete an investigation include, but are not limited to, the complexity of the reported incident, number of witnesses involved, related and on-going criminal investigations, school breaks and vacations or unforeseen circumstances. If a temporary delay is necessary, the University will notify all Parties of the reasons for the delay and the expected adjustment in timeframes. In all cases, the University will employ a process which balances principles of thoroughness and equity with promptness.

The Title IX Coordinator shall provide the final investigation report to the appropriate Decision-maker (i.e. Vice President of Human Resources or Dean of Students, etc. as appropriate).

The Complainant and the Respondent have the opportunity to challenge the participation of the investigators based upon bias or conflict of interest. This challenge must be submitted to the Title IX Coordinator in writing and it must be done within (2) business days of the identification of the investigators. The Title IX Coordinator will respond to the challenge within (2) business days.

b. Outcome

The Decision-maker is responsible for reviewing all relevant and not otherwise impermissible evidence for its persuasiveness. This determination will be based on a preponderance of the evidence standard (i.e., whether it is more likely than not that a violation occurred). If the Decision-maker is not persuaded under the preponderance of the evidence standard that a Policy violation occurred, whatever the quantity of the evidence, the Decision-maker will not determine that a Policy violation occurred.

Upon making a decision on whether a Policy violation has occurred, the Decision-maker will be required to write a written report summarizing their findings and the factual bases for them. The Decision-maker will issue any sanctions in a case in which a violation has been found to occur and return the determination in letter form ("Outcome Letter"). The Decision-maker will deliver the Outcome Letter simultaneously to both Parties via email. The Outcome Letter will outline the decision made and the right to appeal the decision, taking into account any applicable privacy issues.

The University will not discipline a Party, witness, or others participating in the process for making a false statement based solely on the determination of whether a Policy violation occurred.

c. Appeal

Parties to the case are informed of their right to appeal through the Policy in writing and electronically. Further, the Complainant and Respondent receive written notice of their right to appeal in their Outcome Letters which provides the determination of whether the University's Policy has been violated.

Except as noted above, both the Complainant and the Respondent have the right to appeal the decision of the Title IX Coordinator to dismiss a Complaint or the Decision-maker's final decision in the Outcome Letter. Parties have (5) business days to elect to appeal.

An appeal must be filed within ten (10) business days of the date of the Outcome Letter. An appeal may only be filed on three bases: 1) a procedural irregularity that affected the outcome of the matter, 2) the Live Hearing Team had a conflict of interest or bias that changed the outcome of the matter; or 3) newly discovered evidence that could change the outcome of the matter and that was not reasonably available when the determination or dismissal was made.

The appeal should be submitted in writing to the Title IX Coordinator. The Title IX Coordinator will forward the appeal and all materials from the investigation to an appeal officer. The choice of the appeal officer is at the sole discretion of the University, provided that the appeal officer shall have had no involvement in the prior proceedings related to the Complaint in which the appeal is made. The appeal office will implement the appeal process equally for the Parties.

The appeal officer will notify the Parties in writing of any appeal and the University will provide the Parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome. The appeal officer will review all evidence relied upon by the Decision-maker, the Outcome Letter, and the information provided in the appeal documents in making a determination whether a violation occurred. Using a preponderance of the evidence standard, the appeal officer will issue an appeal outcome letter to both Parties detailing the decision and any applicable sanctions or remedies. Absent extenuating circumstances, the appeal officer will issue the appeal outcome letter within fifteen (15) business days of the date the appeal is filed with the Title IX Coordinator.

Any sanctions and corrective actions imposed as a result of the determination are stayed (i.e., not implemented) during the appeal process.

VI. Corrective Action

The University reserves the right to impose different methods of corrective action depending on the severity of the Policy violation or depending on the number of violations, up to or including suspension, expulsion, or termination of an employment relationship. The Decision-maker in each case has sole discretion to determine appropriate corrective action.

The University will consider concerns and rights of both the Complainant and the Respondent. Additionally, the University will consider the current conduct record of a Respondent found responsible to determine the appropriate corrective measure

VII. Withdrawal or Resignation Before Complaint Resolution

1) Students

Should a student Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If a student Respondent withdraws from the University, the Resolution Process may continue, or the Title IX Coordinator may exercise their discretion to dismiss the Complaint. If the Complaint is dismissed, the University will still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

Regardless of whether the Complaint is dismissed or pursued to completion of the Resolution Process, the University will continue to address and remedy any systemic issues or concerns that may have contributed to the alleged violation(s), and any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When a student Respondent withdraws or leaves while the process is pending, the student may not return to the University in any capacity until the Complaint is resolved and any sanctions imposed are satisfied. If the student indicates they will not return, the Title IX Coordinator has discretion to dismiss the Complaint. Other relevant University offices may be notified, accordingly.

If the student Respondent takes a leave for a specified period of time (e.g., one semester or term), the Resolution Process may continue remotely. If found in violation, that student is not permitted to return to the University unless and until all sanctions, if any, have been satisfied.

2) Employees

Should an employee Respondent decide not to participate in the Resolution Process, the process proceeds absent their participation to a reasonable resolution. If an employee Respondent leaves their employment with the University with unresolved allegations pending, the Resolution Process may continue, or the complaint may be dismissed. If the Complaint is dismissed, the University may still provide reasonable supportive or remedial measures as deemed necessary to address safety and/or remedy any ongoing effects of the alleged discrimination, harassment, and/or retaliation.

When an employee Respondent resigns and the Complaint is dismissed, the employee may not return to the University in any capacity. Other relevant University offices will be notified, accordingly. A note will be placed in the employee's file that they resigned with allegations pending and are not eligible for academic admission or rehire with the University

VIII. Review of the Policy

At least every three years, the University shall undertake a review of this Policy, the implementation of the Policy, and education about the Policy in consultation with designated administrators. If necessary, the University will recommend revisions to the Vice President of Human Resources. In addition, the Vice President of Human Resources, the Managing Director of Title IX and Dispute Resolution, or Director of Title IX and Dispute Resolution shall conduct regular meetings with applicable staff and faculty committees on campus to develop and implement a protocol for maintaining and reporting data on Complaint resolutions.

IX. Other Policies and Procedures

- A. Point Park University Code of Conduct
- B. Point Part University Policy Prohibiting Sex Discrimination Under Title IX
- C. Point Park University Student Handbook

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