

**Policies Regarding Compliance with
Title IX of the Higher Education Amendments of 1972,
The Campus Sexual Violence Elimination (SaVE) Act of 2013,
and Violence Against Women Reauthorization Act (VAWA) of 2013**

As stated in the “Expectations for Student Conduct” section of the *Covenant*, the University prohibits sexual offenses, including rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking. Every student of Point University is responsible for ensuring that his or her conduct does not include or suggest violence in any form, including sexual violence. In all situations, including those not covered specifically by this policy or elsewhere in the *Covenant*, students are expected to act responsibly and for the welfare of others and the University community.

Point University complies with federal requirements to: (1) implement institutional policies to address and prevent campus sexual violence; (2) to implement student discipline procedures in cases of sexual offenses; and (3) and to report forcible and nonforcible sexual offenses and aggravated assault – including but not limited to rape, acquaintance rape, sexual assault, domestic violence, dating violence, stalking, and hate crimes targeting a complainant’s national origin, sexual orientation, or gender identity – along with other crime categories as directed by the Clery Act. The definitions of those offenses and related terms used herein are stated in the “Pertinent Definitions” section of this policy.

If other stated policies and procedures in the *Covenant* differ from those required in this policy and its procedures, the stipulations of this policy and its procedures shall be mandatory in cases involving rape, acquaintance rape, sexual assault, domestic violence, dating violence, or stalking.

Procedures that are recommended for those who experience rape, acquaintance rape, sexual assault, domestic violence, dating violence, stalking, or other sexual offenses or violence:

1. Get to a safe place.
2. Call 911, especially if the assault or threat is current or if injured. The complainant has the option to notify or not to notify and seek assistance from first responders (911). From a campus phone, dial 9, then 911.
3. Contact someone for assistance and support, such as a member of the Student Life staff, campus security, an instructor, a staff member, or an administrator. Another person can be very helpful in following the other steps.
4. Remember as much as possible about the offender in order to share information that may be helpful or needed in an investigation.
5. Preserve evidence. Do not wash hands, shower, bathe, douche, brush hair, change clothes, destroy any items of clothing, or move or disturb anything at the site of a crime or incident that may be helpful or needed in an investigation by law enforcement.
6. Report the crime or incident to the law enforcement agency with jurisdiction (e.g., West Point Police, Valley Police, Troup or Chambers county sheriff). The complainant has the option to notify or not to notify and seek assistance from law enforcement; however, doing so is strongly recommended. A police or law enforcement officer responds to take a report and collect evidence.
7. Seek treatment and care at the nearest medical facility and cooperate in the collection of physical evidence of the crime or incident in order to preserve evidence that may be helpful or needed in

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an investigation by law enforcement. The law enforcement agency investigating the alleged crime provides transportation to the hospital for a medical examination and pays for the medical examination to the extent of the cost for the collection of evidence of the crime. **Note:** The University is not responsible for any medical and/or transportation expenses.

8. Notify the Director of Student Life of the crime or incident and complete a written report. The complainant has the option to notify or not to notify and seek assistance from the Director of Student Life or other campus personnel; however, doing so is strongly recommended.
9. Seek a judicial no-contact, restraining, and/or protective order by a local magistrate against the perpetrator(s), as needed and appropriate.
10. Seek counseling or personal consultation for support, therapy, and information, as needed and desired. Point personnel who may provide such services include the student counselor, several faculty members in the Department of Counseling and Human Services, and the Vice President for Spiritual Formation. Community agencies and counselors are also available.

The University provides reasonable assistance to and cooperation with students who request help with these steps, whether the offense occurred on or off campus, including the upholding of the complainant's rights and the withholding of the complainant's name.

How to file a complaint regarding sexual misconduct, gender-based harassment, or gender-based discrimination:

Contact a Title IX area coordinator by email, phone, or in person:

- For a complaint regarding a student, notify the Assistant VP for Enrollment Management.
- For a complaint regarding a University employee or a third party, notify the Director of Human Resources.
- For a complaint regarding Athletics, notify the Assistant Athletic Director.

If a person cannot or would rather not contact one of the listed area coordinators, the University encourages the complainant to contact a Point administrator, faculty or staff member of his/her choice.

Be prepared to complete a report, in writing or verbally. The University encourages and provides reasonable assistance to students and employees who wish to file a complaint, whether the offense occurred on or off campus, including the upholding of the complainant's rights and keeping the information as private as possible.

University personnel must report sexual misconduct to a University authority and must report child sexual abuse (children are under 18 years of age) to the civil/criminal authorities.

The complaint process:

Investigation – After a complaint is submitted, the appropriate area coordinator conducts an investigation. Title IX requires the investigation of all alleged sexual misconduct.

Report and Recommendation – After the investigation, the area coordinator [1] resolves the complaint, when possible, and reports the results of the investigation and resolution to the Title IX lead coordinator, which is the Vice President for Enrollment Management, or [2] makes a recommendation

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to the Title IX lead coordinator regarding the need for additional investigation, corrective action, and/or a disciplinary process.

Enforcement and Monitoring – The disciplinary process for students is conducted according to *A Covenant for a Christian Community*. The disciplinary process for employees is conducted according to the *Employee Handbook*. The Title IX area coordinators are responsible for regular reviews and reports to ensure that all resolutions in their areas are implemented. The Title IX Lead Coordinator is responsible for ensuring that all cases of sexual misconduct, gender-based harassment, or gender-based discrimination are resolved appropriately and that any changes or disciplinary decisions are carried out.

Policy of non-retaliation:

Point University strictly prohibits any form of retaliation against a person who in good faith makes a complaint regarding any conduct that he or she reasonably believes to be discrimination, harassment or sexual misconduct. Notify the Director of Human Resources regarding any occurrence of retaliation.

Statement of the rights of complainants (summary):

The following rights shall be accorded to a complainant who alleges being sexually assaulted by rape, acquaintance rape, sexual assault, domestic violence, dating violence, stalking, or other sexual offenses or violence (hereafter “sexual offense”):

1. The right to report or not to report a sexual offense to the criminal and civil authorities of the jurisdiction in which the crime or incident occurred, including the cooperation and assistance of University personnel in notifying the proper authorities when requested by the complainant.
2. The right to report or not to report a sexual offense to the appropriate University entities – such as Human Resources for employees and Student Life for students – including the cooperation and assistance of University personnel in notifying the proper University authorities when requested by the complainant. **Note:** Reporting by the complainant is strongly encouraged. University personnel must report criminal offenses under the Clery Act, sexual misconduct to the Title IX coordinator, and child sexual abuse (children are under 18 years of age) to the civil/criminal authorities.
3. The right to request or not to request that a sexual offense be adjudicated by the appropriate University entities – such as Human Resources for employees and Student Life for students – including the cooperation and assistance of University personnel in making or not making that request as determined by the complainant. **Note:** Title IX requires the investigation of all alleged sexual misconduct.
4. The right to confidentiality of the complainant's identity inasmuch as possible throughout the reporting, investigating, and adjudicating processes and in University records and reports.
5. The right to seek medical assistance, including a medical examination, with the cooperation and assistance of University personnel in securing transportation from the proper authorities when requested by the complainant. **Note:** The University is not responsible for any medical and/or transportation expenses.
6. The right to cooperation from University personnel as the complainant collects and maintains evidence related to a sexual offense.
7. After a sexual offense has been reported, the right to request necessary and reasonably feasible steps or actions by University personnel to protect and accommodate the complainant, such as assistance in changing academic, living, transportation and working situations inasmuch as the steps or actions are available to the University.

8. The right to receive or not to receive counseling and support from any services previously established by the University as requested by the complainant.
9. The right to prompt, fair, and impartial disciplinary proceedings by University personnel, including but is not limited to: (a) adequate advance notice and a stated timeframe for meetings and proceedings; (b) timely access to information used in the proceedings; (c) an ability to have others present for advice and support; (d) an opportunity to be heard and to present witnesses; (e) a hearing board that is chaired by and composed of individuals who have been trained; (f) notification in writing of the outcome of the disciplinary proceeding; (g) an ability to appeal the outcome as the complainant; and (h) notification of any change to the outcome, before or after it becomes final.

Standards for the investigation and conduct of student discipline proceedings in cases which include an allegation of rape, acquaintance rape, sexual assault, domestic violence, dating violence, stalking, and other sexual offenses or violence:

The student discipline policies and procedures of the *Covenant* shall apply and be followed (see “Judicial Proceedings” in the *Covenant*) with the following added stipulations.

1. The University’s response is based on the complainant’s desired outcome:
 - a. No Official Report – In a case where the student does not choose to officially report such an offense or incident to the Director of Student Life, the complainant’s option is honored.
Note: Reporting by the complainant is strongly encouraged. University personnel must report criminal offenses under the Clery Act, sexual misconduct to the Title IX coordinator, and child sexual abuse (children are under 18 years of age) to the civil/criminal authorities.
 - b. Official Report and Request for Informal Investigation and Intervention – In a case where the student reports such an offense or incident to the Director of Student Life and makes the request in writing that the respondent be confronted without formal judicial proceedings by the University, the complainant’s option is honored when an informal (rather than formal) investigation and intervention are deemed appropriate by the Director of Student Life. The complainant retains the right to request a formal investigation and judicial proceeding later.
Note: Title IX requires the investigation of all alleged sexual misconduct.
 - c. Official Report and Judicial Proceeding – In a case where the student notifies the Director of Student Life of such an offense or incident, verbally or in writing, and completes a written report of the offense or incident, the University conducts an official investigation and student discipline proceeding.
2. In all cases, including “no report” and “informal investigation,” the University will take prudent and appropriate steps to insure the safety of the student and the University community.
3. The standard of evidence in the investigation and conduct of student discipline proceedings in such cases is “preponderance of the evidence” (as contrasted with “beyond a reasonable doubt”).
4. Institutional officials and personnel who perform the investigation and who conduct student discipline proceedings in such cases must be trained on how to investigate and conduct hearings in a manner that protects the safety and confidentiality of complainants, promotes accountability, and responds effectively to situations involving these offenses.
5. Covenant Sanctions (as listed in the *Covenant*) may be imposed, as deemed appropriate, following a final student discipline determination that includes rape, acquaintance rape, domestic violence, dating violence, sexual assault, stalking, or other sexual offenses or violence.
6. Protective measures, in addition to Covenant Sanctions, may be taken by the University and/or imposed on the respondent to provide for the safety of the complainant and the campus community inasmuch as the steps or actions are available to the University, including but not limited to: no-contact or restraining directives; provision of increased campus security personnel

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in proximity to the complainant and/or the respondent; relocation of the complainant and/or the respondent in student housing to a more secure or supportive living area; and transfer to different sections of classes if available.

7. During any related meeting with the Director of Student Life or other University person and/or during a student discipline proceeding, the complainant and the respondent are entitled to the same opportunities to be accompanied in the meeting or proceeding by a maximum of three advisors and/or supporters (e.g., parent, spouse, counselor, attorney, student, or other advocate) of the person's choice. A support person or advisor, whether with the complainant or the respondent, may not speak in such a meeting except as allowed for cause at the sole discretion of the University person conducting the meeting or proceeding.
8. The student discipline proceeding must be prompt (as soon as practically possible), fair, and impartial, which includes but is not limited to the following equally for the complainant and the respondent:
 - a. Adequate advance notice and a stated timeframe for meetings and proceedings;
 - b. Timely access to information used in the proceedings;
 - c. The opportunity to be heard and to present witnesses; and
 - d. A judicial hearing board that is chaired by and composed of individuals who have been trained.
9. The complainant and the respondent must be notified of the following in writing (which may include Point student email), separately and simultaneously:
 - a. The outcome of the judicial proceeding, including the sanctions (if any) and rationale for the result;
 - b. Appeal procedures for both the complainant and the respondent; and
 - c. Any change to the result, before or after it becomes final.
10. The investigation and student discipline proceedings will be completed in a timely manner, which will normally be within sixty (60) days from the initial official report of the offense or incident to the final result unless that time is extended for good cause with official notification to both the complainant and the respondent of the extension and cause.

Complainant's confidentiality:

The complainant's confidentiality is protected inasmuch as possible throughout the reporting, investigating and adjudicating processes in cases which include an allegation of rape, acquaintance rape, sexual assault, domestic violence, dating violence, stalking, and other sexual offenses or violence, including but not limited to:

1. All conversations and meetings related to such a case are held in private areas.
2. The complainant's personally-identifiable information is withheld by the University and its personnel, except on a need-to-know basis for the purposes of notification, investigation, student disciplinary proceedings, and provision of accommodations (such as a change of class sections). Personally-identifiable information includes: a first and last name; a home or other physical address; information likely to disclose the complainant's location; contact information (including a postal, e-mail or Internet protocol address, or telephone or facsimile number); social security number, driver's license number, passport number, or student identification number; and any other information that would serve to identify an individual, alone or in combination with known information (e.g., birth date, racial or ethnic background).
3. When University personnel (including student workers) forward information and reports regarding a crime or incident to the Director of Student Life and the Director of Campus Safety and Security, which may include the complainant's personally-identifiable information, all such

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communications are conducted in a manner that seeks to protect the confidentiality of the complainant inasmuch as possible.

4. The report of outcomes from student disciplinary proceedings excludes a complainant's personally-identifiable information.
5. Permanent records and all resulting reports exclude the complainant's personally-identifiable information.

Gender:

The interpretation and application of University policies, procedures, and definitions as they relate to compliance with VAWA and other related Federal statutes are made without gender distinctions (e.g., a male or a female may be the complainant, a male or a female may be the respondent).

Education of students regarding awareness and prevention of sexual violence:

In compliance with Federal law and in the best interests of the University community, students are offered primary prevention and awareness education regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. New students are offered that education during their orientation to the University. Campaigns, special sessions, and the distribution of information are conducted periodically for students in order to strengthen awareness and prevention of sexual offenses and violence.

The prevention and awareness education and information regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, stalking, and other sexual offenses which are provided to the University's students include but are not limited to:

- A statement that Point University prohibits those offenses.
- The definition of those offenses in the state of Georgia.
- The definition of consent, with reference to sexual offenses, in the state of Georgia.
- Several safe and positive options for bystander intervention, which an individual may take to prevent harm or to intervene in risky situations.
- Preventive measures that individuals may take in order to avoid potential attacks.
- Recognition of signs of abusive behavior and appropriate responses.

Pertinent definitions (in alphabetical order):

These definitions are used by the University in awareness and prevention education and information, in investigations, and in student discipline proceedings. They have been developed in accordance with the Official Code of Georgia Annotated (OCGA), Titles 16, 17, 19 and 24) and Section 304 of VAWA.

Acquaintance Rape – When a rape occurs between people who know each other, whether they have known each other for a length of time or have just met.

Consent – An affirmative, conscious and voluntary agreement – indicated clearly by words or actions – by a person of age to engage in behavior, actively or passively, with another person. Consent cannot be given by a person who is: under the influence of alcohol or drugs (legal or illegal), unconscious, under the age of 16, physically or psychologically pressured or forced, frightened, intimidated, mentally or physically impaired, mentally or physically incapacitated, beaten, threatened, isolated, or confined. *[see OCGA, Title 16, Chapter 6, Sexual Offenses]*

Dating Violence – When any felony or offense of battery, simple battery, simple assault, assault, sexual assault, stalking, or unlawful restraint is perpetrated or threatened between members of an unmarried couple within the context of dating or courtship, whether on a first date or in an established relationship.

Domestic Violence – When any felony or offense of battery, simple battery, simple assault, assault, stalking, criminal damage to property, unlawful restraint, or criminal trespass is perpetrated between past or present family members or other persons living in the same family household. *[see OCGA, Title 19, Chapter 13, Family Violence]*

Fondling – When a person makes physical contact with the intimate parts of the body of another person. The intentional fondling of another person without the consent of that person or of any child under the age of 16 constitutes sexual battery. If occurring in public, a lewd caress or indecent fondling of the body of another person constitutes public indecency. *[see OCGA, Title 16, Chapter 6, Sexual Offenses]*

Incest – When a person engages in sexual intercourse or sodomy with a person to whom he or she knows he or she is related either by blood or by marriage, whether forcible or non-forcible, as follows: (1) father and child or stepchild; (2) mother and child or stepchild; (3) siblings of the whole blood or of the half blood; (4) grandparent and grandchild; (5) aunt and niece or nephew; or (6) uncle and niece or nephew. *[see OCGA, Title 16, Chapter 6, Sexual Offenses]*

Preponderance of Evidence – “Preponderance of evidence” means that superior weight of evidence upon the issues involved which, while not enough to free the mind wholly from a reasonable doubt, is yet sufficient to incline a reasonable and impartial mind to one side of the issue rather than to the other. *[see OCGA, Title 24, Evidence]*

Rape – When he has carnal knowledge of a female forcibly and against her will (i.e., without consent) or a female under the age of 16. *[see OCGA, Title 16, Chapter 6, Sexual Offenses]*

Sexual Assault – The category which includes forcible or nonforcible rape, sodomy, aggravated sodomy, sexual battery, and aggravated sexual battery. *[see OCGA, Title 17, Article 4, Investigating Sexual Assault]*

Sexual Battery – When a person intentionally makes physical contact with the intimate parts of the body of another person without the consent of that person. Aggravated sexual battery includes use of a foreign object. *[see OCGA, Title 16, Chapter 6, Sexual Offenses]*

Sodomy – When a person performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another. Aggravated sodomy includes force and is against the will of the other person (i.e., without consent). *[see OCGA, Title 16, Chapter 6, Sexual Offenses]*

Stalking – When a person engages in a knowing and willful course of conduct directed at a specific person that follows, places under surveillance, contacts the other person without his or her consent (or causes others to contact, in violation of a judicial order) – whether in person, in writing, or by electronic, digital, or other means – establishing a pattern of harassing and intimidating behavior which serves no legitimate purpose, which may or may not include an overt threat of death or bodily injury, and that would cause a reasonable person (under similar circumstances and with similar identities to the complainant) to: fear for his or her safety or the

safety of a member of his or her immediate family; or suffer substantial emotional distress. *[see OCGA, Title 16, Chapter 6, Sexual Offenses]*

Statutory Rape – When a person engages in sexual intercourse with any person under the age of 16 years and not his or her spouse. *[see OCGA, Title 16, Chapter 6, Sexual Offenses]*