



University of Dallas Policy 1.2

CIVIL RIGHTS POLICY

- 1.0 Purpose** – The University of Dallas is committed to providing work, living and learning environments that are free of discrimination, harassment or retaliation. The University does not tolerate conduct that is inconsistent with this commitment.
- 2.0 Discrimination Prohibited** – The University will not discriminate against any employee, applicant for employment, student or applicant for admission on the basis of race, ethnicity, national origin, sex, pregnancy, disability, veteran status, genetic information, age, or religion except as otherwise permitted by federal law, or any other protected category under applicable federal, state or local law, including protections for those opposing discrimination or participating in any resolution or investigation on campus, with the Equal Employment Opportunity Commission, the Office of Civil Rights or any other human rights agency.
- 2.1 Discriminatory behavior based on a protected category that is specifically prohibited under this policy includes, but is not limited to, Harassment, as defined in University Policy 1.2.1 (Civil Rights Policy – Relevant Terms)
- 2.2 Discriminatory behavior based on sex that is specifically prohibited under this policy includes, but is not limited to, Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking and Sexual Exploitation as defined in University Policy 1.2.1 (Civil Rights Policy – Relevant Terms)
- 3.0 Scope** –
- 3.1 **University Community** - Any member of the University community who acts to deny, deprive, or limit educational opportunities, employment, residential or social access, benefits or opportunities of any member of the campus community, guests or visitors on the basis of their actual or perceived membership in any protected category is in violation of this Policy and may be subject to appropriate sanctions in accordance with related University Policy.
- 3.2 **Campus Visitors and Guests** - Visitors and guests who are not subject to the authority of the University who engage in discriminatory conduct as prohibited by this Policy may be removed from campus with future access denied.

3.3 Vendors – All vendors serving the University through third-party contracts are subject by those contracts to the policies and procedures of their employers, or to these policies and procedures, if their employer has agreed to be bound. Vendors and/or employees of vendors may be denied future access to the campus for violation of this Policy.

4.0 Disability Accommodations – The University will provide reasonable accommodations to qualified individuals with disabilities in order to provide meaningful access to the programs and activities of the University.

5.0 Related Definitions – Implementation of this Civil Rights Policy is guided by relevant terms as defined in University Policy 1.2.1 – Civil Rights Policy – Relevant Terms.

6.0 Related Policies - Implementation of this Civil Rights Policy is accomplished through several approved University policies as follows:

Policy 1.2.1	Civil Rights Policy – Relevant Terms
Policy 1.2.2	Civil Rights Policy – University Officials and Platforms Designated to Receive and Investigate Reports and Complaints
Policy 1.2.3	Civil Rights Policy – Responsibilities and Duties of the University Title IX/Section 504 Coordinator
Policy 1.2.4	Civil Rights Policy – Employee Reporting Responsibilities
Policy 1.2.5	Civil Rights Policy – Protocol for Reporting Complaints
Policy 1.2.6	Civil Rights Policy – Protocol for Responding to Complaints
Policy 1.2.7	Civil Rights Policy – Protocol for Sanctions

7.0 Protection of Academic and Religious Freedom – Nothing in this Policy or any related policies shall abridge academic freedom or the University’s Catholic mission. Prohibitions against discrimination and discriminatory harassment do not extend to actions, statements or written materials that are relevant and appropriately related to course subject matter or academic debate. The University preserves its authority to exercise religious freedom and to remain faithful to its Catholic mission and *Ex Corde Ecclesiae* in those areas that may be inconsistent with this policy.

Principle Owner:	
Related Policies:	1.2.1 – Civil Rights Policy – Relevant Terms 1.2.2 – Civil Rights Policy – University Officials and Platforms Designated to Receive and Investigate Reports and Complaints 1.2.3 – Civil Rights Policy – Responsibilities and Duties of the University Title IX/Section 504 Coordinator 1.2.4 – Civil Rights Policy – Employee Reporting Responsibilities 1.2.5 – Civil Rights Policy – Protocol for Reporting Complaints 1.2.6 – Civil Rights Policy – Protocol for Responding to Complaints 1.2.7 – Civil Rights Policy – Protocol for Sanctions Code of Student Conduct Employee Discipline Policy

	Faculty Discipline Policy
Dates of UPC Review:	
Dates of General Counsel Approval:	
Adoption History:	Approved by Board of Trustees



University of Dallas Policy 1.2.1

CIVIL RIGHTS POLICY – RELEVANT TERMS

- 1.0 Purpose** –The University of Dallas has adopted the following uniform definitions to implement the University Civil Rights Policy (Policy 1.2) and all related policies.
- 2.0 Definition of Prohibited Conduct** – Prohibited conduct refers to conduct that violated the University Civil Rights Policy, whether in the form of prohibited discrimination, harassment, retaliation, or failure to provide a required accommodation.
- 3.0 General Terms Related to Reporting and Parties Participating in Investigation of Complaints of Prohibited Conduct**
- 3.1 “Appropriate Administrator”** means the University official with designated oversight for disciplinary processes based on the Respondent’s status.
- 3.1.1 The Dean of Students is the Appropriate Administrator when the Respondent is a Student.
- 3.1.2 The Assistant Vice President of Human Resources is the Appropriate Administrator when the Respondent is an Employee not subject to the Faculty Handbook.
- 3.1.3 The Provost is the Appropriate Administrator when the Respondent is an Employee subject to the Faculty Handbook.
- 3.2 “Complaint”** means an allegation of prohibited conduct that is reported to the University.
- 3.3 “Complainant”** refers to the individual who is alleged to have been subject to prohibited conduct. Generally the Reporting Party and the Complainant will be the same individual.
- 3.4 “Confidential Reporter”** – Refers to designated University employees who are relieved of the obligation to report individualized information about a reported or witnessed incident of prohibited conduct to the Title IX/Section 504 Coordinator and to whom students may speak confidentially.
- 3.5 “Employee”** is a broad term used to encompass staff, faculty and administrators of the University, unless otherwise stated.

- 3.6 **“Harassment”** means a form of discrimination that includes physical, verbal, or nonverbal conduct based on a person’s membership or perceived membership in a protected category that is sufficiently severe or pervasive, and objectively offensive, such that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the University’s educational, employment, social, or residential program.
- 3.7 **“Reporting Party”** refers to an individual who reports alleged prohibited conduct.
- 3.8 **“Respondent”** refers to a party who has been accused of prohibited conduct.
- 3.9 **“Retaliation”** refers to any adverse action taken against a person participating in a protected activity because of their participation in that protected activity, including participation by a Respondent.
- 3.10 **“Student”** means a person who is: (a) currently enrolled at the University; (b) has been accepted for admission or re-admission to the University; (c) has been enrolled at the University in a prior semester and is eligible to continue enrollment the following semester; (d) is attending an educational program sponsored by the University while that person is on campus.
- 3.11 **“Title IX/Section 504 Coordinator”** refers to the University official who has been designated to coordinate efforts to comply with and implement the University Civil Rights Policy. The Title IX/Section 504 Coordinator may designate one or more Deputy Title IX Coordinators.
- 3.12 **“University Community”** refers to all members of the University Community including University faculty, staff, administrators, employees and contractors, University students, volunteers and participants in any University program or activity, and guests and visitors to campus or to any University sponsored activity offered off-campus.
- 3.13 **“University Premises”** includes buildings or grounds owned, leased, operated, controlled or supervised by the University, including property in Texas and in Italy.

4.0 Definitions of Prohibited Behavior Relating to Discrimination on the Basis of Sex:

- 4.1 **“Coercion”** means unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear that they do not want sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

- 4.2 **“Consent”** is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. It is the responsibility of each party to make certain that the other has consented before engaging in the activity.
- 4.2.1 A person who is incapacitated cannot give valid consent.
 - 4.2.2 For consent to be valid, there must be a clear expression in words or actions that the other individual consented to the specific sexual conduct.
 - 4.2.3 Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).
 - 4.2.4 Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.
 - 4.2.5 A current or previous dating relationship is not sufficient to constitute consent.
 - 4.2.6 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.
 - 4.2.7 Silence or the absence of resistance is not consent.
 - 4.2.8 Resistance is a clear demonstration of a lack of consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- 4.3 **“Dating Violence”** refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such relationship shall be determined based on the perception of the alleged victim; however, consideration shall also be given to: (1) the length of the relationship, (2) the type of relationship, and (3) the frequency and nature of interaction between the persons involved in the relationship. Dating Violence includes but is not limited to sexual or physical abuse or the threat of such abuse.
- 4.4 **“Domestic Violence”** refers to the following types of violence:
- 4.4.1 By a current or former spouse or intimate partner of the victim;
 - 4.4.2 By a person with whom the victim shares a child in common;
 - 4.4.3 By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;

- 4.4.4 By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- 4.4.5 By any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 4.5 **“Fondling”** means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the other person, including instances where the other person is incapable of giving valid consent.
- 4.6 **“Force”** refers to the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (“implied threats”), and coercion that overcomes resistance or produces consent (“Have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).
- 4.7 **“Incapacitated”** means a state of being in which a person cannot provide consent because the person is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to ingesting alcohol or other drugs (e.g., unable to understand the “who, what, when, where, why, or how” of the sexual interaction).
 - 4.7.1 A person’s incapacity may be inferred based on surrounding factors, including, but not limited to, hallucinations, black outs, seizures, vomiting, slurred speech, disorientation or lack of physical or mental coordination.
 - 4.7.2 Prohibited Conduct is not excused because the Respondent was intoxicated and, therefore, did not realize the incapacity of the Complainant. The standard that shall be applied is whether or not a reasonable person would have known based on the facts and circumstances presented that the other party was Incapacitated and therefore, not capable of consenting.
 - 4.7.3 A person may also be Incapacitated due to mental disability or involuntary physical restraint.
- 4.8 **“Incest”** means non-forcible sexual intercourse between persons who are related to each other within the degrees prohibited by state law.
- 4.9 **“Rape”** means 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 other person, including instances where the other person is incapable of giving consent.

- 4.10 **“Sexual Assault”** means sexual contact that occurs without another’s consent, including in situations where a person is incapable of giving consent. Sexual Assault encompasses Rape, Fondling, Incest and Statutory Rape.
- 4.11 **“Sexual Exploitation”** refers to conduct in which an individual takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment or Sexual Assault. Examples of Sexual Exploitation include, but are not limited to:
- 4.11.1 Sexual voyeurism, such as watching a person undressing, using the bathroom, or engaged in sexual acts without the consent of the person observed.
 - 4.11.2 Taking pictures or video or audio recording of another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of such consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent).
 - 4.11.3 Prostitution.
 - 4.11.4 Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or infection (STI) without informing the other person of the infection.
 - 4.11.5 Administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent (assuming the act, for instance, rape, is not completed).
 - 4.11.6 Exposing one’s genitals in non-consensual circumstances (including in an electronic format).
- 4.12 **“Sexual Harassment”** means a form of sex discrimination that includes unwelcome verbal, written, or physical conduct that:
- 4.12.1 In the employment context, unreasonably interferes with the victim’s work performance or creates an intimidating, hostile or offensive work environment.
 - 4.12.2 In the education context, is sufficiently severe, pervasive or persistent that the conduct interferes with a student’s ability to participate in, or benefit from, educational programs or activities of the University.
 - 4.12.3 Examples of this type of activity may include, but are not limited to:

- Pressuring another to engage in sexual behavior for some educational or employment benefit (*quid pro quo* sexual harassment);
- Persistent unwelcome efforts to develop a romantic or sexual relationship;
- Unwelcome commentary about an individual's body or sexual activity;
- Unwanted sexual attention;
- Repeatedly engaging in sexually-oriented conversations, comments or horseplay, including the use of language or the telling of jokes or anecdotes of a sexual nature in the workplace, office, or classroom, even if such conduct is not objected to by those present; or
- Gratuitous use of sexually-oriented materials, not directly related to the subject matter of a class, course or meeting, even if not objected to by those present.

4.12.4 The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. A single or isolated instance of sexual harassment may create a hostile environment if the incident is sufficiently severe.

4.13 **“Stalking”** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) fear for their safety and/or the safety of others; or (2) suffer substantial emotional distress.

4.13.1 For purposes of this Policy, Stalking is considered a severe or pervasive form of harassment. This Policy will apply to acts of Stalking that:

4.13.1.1 Occur between people who currently have or have had a romantic or sexual relationship; or

4.13.1.2 Occur because of the accused person's desire to have a romantic or sexual relationship with the alleged victim.

4.13.2 For the purposes of defining Stalking under this Policy:

4.13.2.1 A “course of conduct” means two or more acts in which the stalker, by any action, method, device or means, directly or indirectly by a Respondent or through third parties, over a period of time, however short, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

4.13.2.2 “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

4.13.2.3 A “reasonable person” means a reasonable person in Complainant’s circumstances

4.13.3 The Policy definition of Stalking also extends to cyberstalking

4.14 **“Statutory Rape”** means non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in Texas is 17.



University of Dallas Policy 1.2.2

CIVIL RIGHTS POLICY – UNIVERSITY OFFICIALS AND PLATFORMS DESIGNATED TO RECEIVE AND INVESTIGATE REPORTS AND COMPLAINTS

1.0 Purpose – The University of Dallas has designated officials and platforms to receive complaints of violations of the University Civil Rights Policy in keeping with the University’s commitment to providing work, living and learning environments that are free of discrimination, harassment or retaliation.

2.0 Definitions – Relevant terms for implementation of this Policy are set forth in University Policy 1.2.1 Civil Rights Policy – Relevant Terms.

3.0 Complaints of Violations of Civil Rights Policy –

3.1 Title IX/Section 504 Coordinator – The Title IX/Section 504 Coordinator is the person designated by the University to oversee implementation of the University Civil Rights Policy. The University has designated the following University official as Title IX/Section 504 Coordinator to receive and investigate complaints of discrimination or harassment based on race, ethnicity, national origin, sex, pregnancy, disability, veteran status, genetic information, age, religion, or any other protected category:

Joshua Skinner, J.D.

Title IX/Section 504 Coordinator

Braniff Graduate Building, Room 114

Email: jaskinner@udallas.edu

Office: (972) 721-5056

Facsimile (972) 265-5712

3.2 Deputy Title IX Coordinator – A Deputy Title IX Coordinator is a person designated by the University to provide coordinated assistance regarding complaints of discrimination or harassment based on sex. The University has designated the following University officials as Deputy Title IX Coordinators to receive and investigate complaints of discrimination based on sex:

Mary Fleck, Ph.D., SPHR

Deputy Title IX Coordinator

Manager of Training and Performance

Human Resources Department
Cardinal Farrell Hall, Room 140
Email: mfleck@udallas.edu
Office: (972) 721-4054

- 4.0 Compliance Reporting Hotline** – Any member of the University community may submit a report of discriminatory or harassing conduct including an allegation of sexual harassment, sexual assault, dating violence or stalking committed against or witnessed by a member of the University Community and regardless of the location at which the offense occurred, through the University of Dallas Compliance Reporting Hotline. Reports are confidential and can be delivered anonymously. Reports can be made to the Compliance Reporting Hotline through the link that is accessible on the University of Dallas website homepage or at:

udallas.edu/complaint and

<https://secure.ethicspoint.com/domain/media/en/gui/19779/index.html>

Or by phone: (888) 317-8072

- 5.0 Additional Internal Reporting Options** – The University has designated the following offices to receive reports of violations of the University Civil Rights Policy:

- 5.1 University of Dallas Police Department** – Reports of alleged criminal conduct by or against a member of the University community may be reported to the UD Police Department.

University of Dallas Police Department
Haggar University Center, First Floor
Emergencies: (972) 265-5911
Non-emergencies: (972) 821-5305
Email: csu@udallas.edu

- 5.2 Office of Student Affairs** – Reports of alleged discriminatory conduct by or against a University student or student organization may be reported to the Office of Student Affairs.

Office of Student Affairs
Haggar University Center, Second Floor
Office: (972) 721-5323
Email: studentaffairs@udallas.edu

- 5.2 Office of the Provost** – Reports of alleged discriminatory conduct by or against a member of the University faculty or by or against an academic administrator may be reported to the Office of the Provost.

Office of the Provost
Cardinal Farrell Hall, Suite 340
Office: (972) 721-5226
Email: provostoffice@udallas.edu

- 5.3 Office of Human Resources** – Reports of alleged discriminatory conduct by or against a member of the University staff or an executive may be reported to the Office of Human Resources.

Office of Human Resources
Cardinal Farrell Hall, Room 140
Office: (972) 721-5382
Email: benefits@udallas.edu

- 5.4 Office of the Executive-Vice President** – Reports of alleged discriminatory conduct committed by any member of the University community that is experienced by any applicant for employment, applicant for admission, vendor or guest may be reported to the Office of the Executive Vice President:

Office of the Executive Vice President
Cardinal Farrell Hall, Suite 340
Office: (972) 721-5125
Email: jplotts@udallas.edu

- 6.0 External Inquiries** – Any member of the University community may seek external support or file complaints of discriminatory conduct with the following:

Office of Civil Rights (OCR)
U.S. Department of Education
400 Maryland Ave., SW
Washington, D.C. 20202-1100
Customer Services Hotline: (800) 421-3481
Facsimilie: (202) 453-6012
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Equal Employment Opportunity Commission (EEOC)
Contact: <http://www.eeoc.gov/contact>

Equal Employment Opportunity Commission – Dallas
207 S. Houston St., 3rd Floor
Dallas, TX. 75202

Phone: (800) 669-4000

Facsimile: (214) 253-2720

Web: <https://www1.eeoc.gov/field/dallas/index.cfm>



University of Dallas Policy 1.2.3

CIVIL RIGHTS POLICY – RESPONSIBILITIES AND DUTIES OF THE UNIVERSITY TITLE IX/SECTION 504 COORDINATOR

- 1.0 Purpose** – The University of Dallas has designated a Title IX/Section 504 Coordinator to coordinate efforts to comply with and implement the University Civil Rights Policy, in keeping with the University’s commitment to providing work, living and learning environments that are free of discrimination, harassment or retaliation.
- 2.0 Definitions** – Relevant terms for implementation of this Policy are set forth in University Policy 1.2.1 Civil Rights Policy – Relevant Terms.
- 3.0 Duty of the Title IX/Section 504 Coordinator** – The Title IX/Section 504 Coordinator is designated by the University to coordinate efforts to comply with and implement University Civil Rights Policy.
- 4.0 Duty Regarding Complaints**
- 4.1 Prompt and Equitable Resolution of Complaints** – The Title IX/Section 504 Coordinator is designated as the University official with ultimate responsibility and authority to assure that all parties involved with the reporting, investigation and resolution of a reported violation of the University Civil Rights Policy receive prompt and equitable resolution to the Complaint.
- 4.2 Maintain Investigation Files** – The Title IX/Section 504 Coordinator will maintain all investigation files and record of any disciplinary action relating to Complaints.
- 5.0 Duty to Provide Administrative Reports**
- 5.1 Quarterly Reports to the President** – The Title IX/Section 504 Coordinator will provide quarterly written reports to the University President identifying each individual report of an occurrence which the reporter reasonably believes constituted Sexual Harassment, Sexual Assault, Dating Violence and Stalking. These quarterly reports to the President will include information regarding:
- 5.1.1** The investigation of those individual reports;
- 5.1.2** The disposition, if any, of any disciplinary processes arising from those individual reports; and

- 5.1.3 The reports for which the University determined not to initiate a disciplinary process, if any.
- 5.2 **Immediate Reports to the President and to Campus Safety Office** – The Title IX/Section 504 Coordinator shall provide immediate notice to the University President and the University of Dallas Police Department if a report generates cause to believe that the safety of any person is in imminent danger.
- 5.3 **Semester Reports to the Board of Trustees** – Once during each full academic semester during the year, the Title IX/Section 504 Coordinator will prepare a report on behalf of the University President to be delivered to the Board of Trustees and posted on the University’s internet website. The report to the Board of Trustees may not identify individuals but must include:
 - 5.3.1 The number of reports of Sexual Harassment, Sexual Assault, Dating Violence and Stalking;
 - 5.3.2 The number of investigations conducted as a result of those individual reports;
 - 5.3.3 The disposition, if any, of any disciplinary processes arising from those individual reports;
 - 5.3.4 The number of those individual reports for which the University determined not to initiate a disciplinary process, if any; and
 - 5.3.5 Any disciplinary actions taken against a University Employee for failure to make a required report of Sexual Harassment, Sexual Assault, Dating Violence or Stalking.
- 6.0 **Duty Regarding Training and Educational Materials** – The Title IX/Section 504 Coordinator will assist in the development, provision, monitoring, and recording of training and educational materials for employees and students, as well as for those persons who are involved in the investigation and disciplinary processes of alleged violations of the University Civil Rights Policy.



University of Dallas Policy 1.2.4

CIVIL RIGHTS POLICY – EMPLOYEE REPORTING RESPONSIBILITIES

- 1.0 Purpose** – University of Dallas Policy 1.2.4 explains the reporting responsibilities of employees, which assist the University in maintaining living, work and learning environments that are free of discrimination, harassment or retaliation.
- 2.0 Definitions** – Relevant terms for implementation of this Policy are set forth in University Policy 1.2.1 Civil Rights Policy – Relevant Terms.
- 3.0 Employee Reporting Responsibilities** – Except for those Confidential Employees identified by position below, ALL University Employees who witness or receive information of an actual, suspected, or alleged incident of conduct that violates the University Civil Rights Policy must promptly report the incident to the Title IX/Section 504 Coordinator in accordance with University Policy 1.2.5 Civil Rights Policy – Reporting Protocol.
- 3.1 A report to the Title IX/Section 504 Coordinator is not required if:**
- 3.1.1 The employee was the victim of the Sexual Harassment, Sexual Assault, Dating Violence, or Stalking.
 - 3.1.2 The incident is one of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking and it was disclosed at a public awareness event sponsored by the University or by a University student organization.
- 3.2 Notice to be Provided to a Reporting Party** – When an employee (except for Confidential Employees) receives a report of conduct that violates or may violate the University Civil Rights Policy, the employee must inform the Reporting Party about:
- 3.2.1 **Obligation to make a prompt report** – The employee’s obligation to make a prompt report of all related information to the Title IX/Section 504 Coordinator and to other authorities if the complaint relates to child abuse as defined in Texas law.
 - 3.2.2 **Option to speak with a Confidential Reporter** – The Reporting Party’s option to make a confidential report to a designated Confidential Reporter.
 - 3.2.3 **Option to request confidentiality in an investigation** – The Reporting Party’s option to request that the reported incident be investigated confidentially. The employee must not assure

confidentiality but must inform the Reporting Party that all decisions related to the confidentiality of a report and any resulting investigation are evaluated by the Title IX/Section 504 Coordinator.

4.0 Prompt Notice to the Title IX/Section 504 Coordinator – An employee’s prompt notice to the Title IX/Section 504 Coordinator must include all information known about the incident that is relevant to an investigation.

4.1 Relevant information includes the name of the Reporting Party, the general nature of the incident, date, time of day, location and any other information needed to assess whether an on-going threat is present, and any request from the Reporting Party to maintain confidentiality.

4.2 The employee is not required to gather information beyond what the employee witnessed or the Reporting Party provided.

4.3 A report to the Title IX/Section 504 Coordinator does not substitute for the employee’s obligation to report incidents to law enforcement authorities in those circumstances required by United States or Texas law.

5.0 Criminal Penalties for Failure to Forward Certain Reports – Pursuant to Texas law, an employee (other than a Confidential Employee) who, in the course and scope of employment, witnesses or receives information regarding the occurrence of an incident that the employee believes constitutes Sexual Harassment, Sexual Assault, Dating Violence or Stalking and is alleged to have been committed by or against a person who was a student enrolled at or an employee of the University at the time of the incident must promptly report the incident to the Title IX/Section 504 Coordinator or a Deputy Title IX Coordinator.

5.1 Pursuant to Texas law, an employee may be subject to criminal penalties if the employee fails to make the report to the Title IX/Section 504 Coordinator or a Deputy Title IX Coordinator.

5.2 Pursuant to Texas law, if the University determines, in accordance with the University’s disciplinary process, that an employee has committed a criminal offense by failing to fulfill this reporting obligation, the University will terminate that person’s employment.

6.0 Confidential Reporters – The University has designated certain positions as Confidential Reporters to whom students may speak confidentially about incidents that are or may be in violation of the University Civil Rights Policy, including incidents and alleged incidents of Sexual Harassment, Sexual Assault, Dating Violence and Stalking.

6.1 Individuals holding any of the following positions of University employment are designated as Confidential Reporters:

- 6.1.1 Licensed mental health counselors whether an employee or an independent contractor when providing mental health services to a University student. Information disclosed to a mental health provider is confidential and may only be shared with a victim's written consent. The mental health provider is not relieved of the obligation to provide aggregate data or other non-identifying information regarding a reported incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking to the Title IX/Section 504 Coordinator.
- 6.1.2 Licensed medical professionals whether an employee or an independent contractor when providing health care services to a University student. Information disclosed to a medical professional is confidential and may only be shared with a victim's written consent. The medical provider is not relieved of the obligation to provide aggregate data or other non-identifying information regarding a reported incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking to the Title IX/Section 504 Coordinator.
- 6.1.3 Vowed Religious (priests, deacons, and religious sisters and brothers), including the University Chaplain, when providing pastoral services.
- 6.1.4 The Director of Campus Ministry and any member of the Campus Ministry staff.
- 6.2 Confidential Reporters will not disclose any personally identifiable information reported by a student without the student's written consent disclosure unless disclosure is required in accordance with state or federal law or in cases of imminent risk of harm to a member of the University community.
- 6.3 With the exception of Clergy receiving information that is subject to confidentiality under other law (including canon law), Confidential Reporters must report to the Title IX/Section 504 Coordinator the type of individual incidents of sexual harassment, sexual assault, dating violence or stalking reported by a student. In the absence of consent from the Reporting Party, any information that would violate a student's expectation of privacy must be excluded from a report to the Title IX/Section 504 Coordinator.
- 6.4 Subject to the limitations set forth in Section 6.3 of this Policy, a Confidential Reporter must report adequate detail in a report to the Title IX/Section 504 Coordinator to enable the Title IX/Section 504 Coordinator to assess and respond to any potential threat to the University Community.

- 6.5 Confidential Reporters receiving reports alleging abuse of a minors must report the allegation to local law enforcement or to the Department of Child Protective Services in accordance with Texas law.
- 6.6 In the interest of public and personal safety, Confidential Reporters must report any allegation of conduct that poses imminent risk of harm to another individual or to the campus community immediately to the Title IX/Section 504 Coordinator and to the University Police or to other local law enforcement.



University of Dallas Policy 1.2.5

CIVIL RIGHTS POLICY – PROTOCOL FOR REPORTING COMPLAINTS

- 1.0 Purpose** – In accordance with its commitment to civil rights as set forth in the University Civil Rights Policy, the University of Dallas has established protocols to report complaints of violations of the University Civil Rights Policy.
- 2.0 Definitions** – Relevant terms for implementation of this Policy are set forth in University Policy 1.2.1 Civil Rights Policy – Relevant Terms.
- 3.0 Reporting Incidents** – Victims of Discrimination, Harassment and Retaliation, including victims of Sexual Harassment, Sexual Assault, Dating Violence and Stalking, have the right to decide if and when they report the incident(s) in accordance with University Policy 1.2.5, including whether or not to report to law enforcement.
 - 3.1** A victim has the right to choose whether to report a crime to law enforcement, or to decline to report to law enforcement. If a victim decides to report a crime to law enforcement, the University will be available to assist the victim in reporting the crime to law enforcement.
 - 3.2** The University strongly encourages reporting as soon as possible. Prompt reporting may preserve options that delayed reporting does not, including immediate police response and preservation of physical evidence that may be necessary to prove an alleged criminal offense or to obtain a protective order.
 - 3.2.1** The University strongly encourages victims of Sexual Harassment, Sexual Assault, Dating Violence and Stalking to go to a hospital for treatment and preservation of evidence, if applicable, as soon as practicable after the incident.
 - 3.2.2** A person acting in good faith who reports or otherwise participates in the reporting, investigative, or disciplinary process of an alleged violation of the University Civil Rights Policy may not be subjected to any disciplinary action by the University for any violation by the person of the University’s code of conduct reasonably related to the incident unless suspension or expulsion from the University is a possible punishment.
 - 3.2.2.1** In addition, the University will not take any disciplinary action against a student enrolled at the University who in

good faith reports to the University being the victim of, or a witness to, an incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking for a violation of the University's code of conduct occurring at or near the time of the incident, regardless of the location at which the incident occurred or the outcome of the University's disciplinary process regarding the incident, if any.

3.2.2.2 The amnesty provided in Section 3.2.2 and 3.2.2.1 does not apply to a person who perpetrates or assists in the perpetration of the incident in violation of the University Civil Rights Policy.

3.2.2.3 The University may investigate to determine whether a report was made in good faith. A determination by the Title IX/Section 504 Coordinator that a Reporting Party or other person is entitled to the amnesty provided in Section 3.2.2 is final and may not be revoked.

3.3 Once an individual alerts the University of an alleged violation of the University Civil Rights Policy, they will be provided with written information – including this Policy – of their rights, reporting options and support resources. Individuals may also access this information upon request without disclosing any facts related to an incident.

4.0 University Title IX/Section 504 Coordinator – The University Title IX/Section 504 Coordinator is specifically designated to receive and investigate Complaints of discrimination, harassment and retaliation as set forth in University Policy 1.2.2.

4.1 The Title IX/Section 504 Coordinator or a designated investigator will investigate Complaints whether received directly from a Reporting Party, or indirectly through a University employee or the University Compliance Hotline.

4.2 Protocols for the University's response to Complaints are established in University Policy 1.2.6.

4.3 The Title IX/Section 504 Coordinator will immediately report to the President of the University a reported incident if the Title IX/Section 504 Coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

5.0 Reporting to University Employees – All University Employees, other than a Confidential Reporter, are required to promptly report to the Title IX/Section 504 Coordinator any incident that the employee witnesses or receives information about that alleges or may constitute a violation of the University Civil Rights Policy,

including, but not limited to, Sexual Harassment, Sexual Assault, Dating Violence and Stalking.

6.0 Confidential Reporters – The University has designated certain Confidential Reporters to receive reports of alleged violations of the University Civil Rights Policy, including, but not limited to, Sexual Harassment, Sexual Assault, Dating Violence or Stalking, without obligation to provide personally identifiable information to the Title IX/Section 504 Coordinator. Confidential Reporters on the University campus include the following when working within the scope of their license or ordination:

6.1 Licensed Mental Health Counselors.

6.2 Licensed Medical Professionals.

6.3 Vowed Religious (priests, deacons, and religious sisters and brothers), including the University Chaplain, when providing pastoral services.

6.4 The Director of Campus Ministry and any member of the Campus Ministry staff.

6.5 **Exceptions to Disclosure of Reported Incidents by Confidential Reporters** Unless otherwise prohibited by law (including canon law), Confidential Reporters must disclose Complaints of Sexual Harassment, Sexual Assault, Dating Violence or Stalking in the following circumstances:

6.5.1 **Aggregated Reports** - A Confidential Reporter must provide regular reports to the Title IX/Section 504 Coordinator including aggregate data or other non-identifying information regarding incidents of alleged Sexual Harassment, Sexual Assault, Dating Violence or Stalking.

6.5.2 **Reports involving abuse of a minor** – Reports alleging abuse of a minors must be reported to local law enforcement or to the Department of Child Protective Services in accordance with Texas law.

6.5.3 **Reports posing imminent risk of harm to another individual or to the campus community** – In the interest of public and personal safety, Confidential Reporters must report any allegation of conduct that poses imminent risk of harm to another individual or to the campus community immediately to the University Police or to other local law enforcement.

7.0 Authority of a Reporting Party to Request that their Identity not be Disclosed or that the Complaint Not Be Formally Pursued by the University – A Reporting Party may request that their identity not be disclosed or that a Complaint not be formally pursued by the University. The University will

take all reasonable steps to comply with a request for confidentiality so long as doing so will not prevent the University from responding to the Complaint effectively.

- 7.1 The Title IX/Section 504 Coordinator will inform the Reporting Party that a request for Confidentiality may limit the University's ability to respond, including pursuing disciplinary action against the accused. The Title IX/Section 504 Coordinator will also inform the Reporting Party that University Policy includes protections against retaliation.
- 7.2 In determining whether the Reporting Party's request not to investigate will be granted, the Title IX/Section 504 Coordinator will consider:
 - 7.2.1 The seriousness / nature of the allegation.
 - 7.2.2 Whether the alleged behavior or conduct presents a threat to individuals other than the Reporting Party.
 - 7.2.3 Whether effective measures can be put in place to protect the Reporting Party against continued physical or psychological harm or retaliation.
 - 7.2.4 Whether delaying an investigation could reasonably result in the destruction or deterioration of potential evidence to corroborate or refute the allegation;
 - 7.2.5 Whether the University has received other reports allegedly committed by the same individual(s); and
 - 7.2.6 Any other information that has a reasonable bearing on the decision.
- 7.3 If the Title IX/Section 504 Coordinator decides that the request not to investigate will be denied, the Title IX/Section 504 Coordinator will notify the Reporting Party in a prompt manner and generally before initiating investigation or making a disclosure of the report.
- 7.4 Subject to the provisions in Section 7.0 of this Policy, if the Title IX/Section 504 Coordinator approves the Reporting Party's request not to pursue a formal Complaint, the University will still offer the Reporting Party appropriate interim supports and remedies and, if appropriate, will take any steps necessary to protect the health and safety of the University Community but will not otherwise pursue formal action.

8.0 Confidentiality – Information that could reasonably lead to the identification of a Reporting Party or any other person participating in an investigation of a Reported Incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking is confidential and shall not be disclosed by any University Official except as provided for in law including the Family Education Rights and Privacy Act.

Information will only be shared as necessary with other school officials, witnesses, investigators, law enforcement officials and the Reporting Party.

9.0 Compliance Reporting Hotline - Any incident in violation of the University Civil Rights Policy, including, but not limited to, allegations of Sexual Harassment, Sexual Assault, Dating Violence and Stalking, may be reported through the University's web-based reporting system called the Compliance Reporting Hotline, which allows the option of reporting anonymously.

9.1 The web address for the Compliance Reporting Hotline is

udallas.edu/complaint or

<https://secure.ethicspoint.com/domain/media/en/gui/19779/index.html>

9.2 Under the direction of the Title IX/Section 504 Coordinator, the University will review and investigate all Reported Incidents received through this site.

9.3 The University will cooperate with anyone reporting through the Compliance Reporting Hotline or through subsequent investigation to provide anonymity to the fullest extent possible under this Policy.

9.4 If the anonymous reporter declines to pursue a formal complaint, the Title IX/Section 504 Coordinator may pursue a complaint on behalf of the University after considering the factors described in Section 7.0 of this Policy.

10.0 Reports to the University Police Department or Law Enforcement - Victims or Reporting Parties have the option to file a report of Sexual Harassment, Sexual Assault, Dating Violence or Stalking. All incidents reported to the University Police will be promptly reported to the Title IX/Section 504 Coordinator.

10.1 Victims or Reporting Parties may request the assistance of the Offices of Student Affairs or Human Resources when filing a Complaint with the University Police Department or local law enforcement.



University of Dallas Policy 1.2.6

CIVIL RIGHTS POLICY – PROTOCOL FOR RESPONDING TO COMPLAINTS

- 1.0 Purpose** – This Policy provides the exclusive process for investigating complaints of violations of the University Civil Rights Policy, including, but not limited to, sexual harassment, sexual assault, dating violence and stalking.
- 2.0 Definitions** – Relevant terms for implementation of this Policy are set forth in University Policy 1.2.1 Civil Rights Policy – Relevant Terms.
- 3.0 Jurisdiction**
 - 3.1 The University has jurisdiction over, and will respond to, allegations of violations of the University Civil Rights Policy occurring on the University premises, at University-sponsored activities, and/or where the accused person or alleged victim are either a student, faculty member or staff member.
 - 3.2 These Protocols are separate from any criminal investigation or proceedings and may occur while criminal proceedings are ongoing.
 - 3.3 Proceedings under this Policy will not be delayed or dismissed because criminal prosecution is pending, criminal charges have been dismissed, or criminal charges have been reduced.
 - 3.4 Proceedings under this Policy may continue if a party is no longer employed by or enrolled as a student at the University.
 - 3.5 The University does not limit the timeframe for filing a complaint of violation of the University Civil Rights Policy. Complaints can be submitted at any time following an incident, although the University’s ability to take action may be limited by the passage of time.
- 4.0 Reporting Incidents** – Victims of violations of the University Civil Rights Policy have the right to decide if and when they report the incident(s) to the Title IX/Section 504 Coordinator, a University Employee or Confidential Reporter, Local Law Enforcement, including the University Police or through the University Compliance Hotline in accordance with University Policy 1.2.5.
 - 4.1 The University strongly encourages reporting as soon as possible. Prompt reporting may preserve options that delayed reporting does not, including immediate police response and preservation of physical evidence that may

be necessary to prove an alleged criminal offense or to obtain a protective order.

- 4.2 Once an individual alerts the University of an alleged violation of the University Civil Rights Policy they will be provided with written information – including this Policy – their rights, reporting options and support resources. Individuals may also access this information upon request without disclosing any facts related to an incident.

5.0 Confidentiality

- 5.1 The University will protect the anonymity of all individuals involved in a report or complaint by refusing to disclose identifying information to anyone outside the University to the extent permitted by law.

5.1.1 Unless waived in writing, the identity of the following individuals is confidential and not subject to disclosure in response to a request for public information submitted to the University Police in accordance with Chapter 552 of the Government Code and may only be disclosed to: (1) University officials conducting an investigation; (2) law enforcement as necessary to conduct an investigation and subject to relevant federal law; (3) a health care provider in an emergency; and (4) other individuals or witnesses engaged in the investigation of a Reported Incident to the extent necessary:

- An alleged victim of an incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking,
- A person who sought guidance from the University, reported or participated in an investigation of an incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking, and
- A person who is alleged to have committed or assisted in the commission of an incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking if, after investigation the University determines that a Reported Incident is unsubstantiated or without merit.

- 5.2 Individuals may request that an incident be investigated by the University without providing their name to the Respondent or witnesses. However, this request may reduce the University's ability to thoroughly investigate a reported incident. When the University cannot fully investigate a report or take appropriate disciplinary action because of a request for an investigation with an anonymous Complainant, the University will pursue other steps to limit the effects of the alleged violation, attempt to prevent its recurrence, and respond to the impact on the involved parties and the community.

- 5.3 If an individual discloses an incident to a University Employee but wishes to maintain confidentiality and/or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University will balance a request for confidentiality with its responsibility to provide a safe and non-discriminatory environment for the University community.
- 5.4 Information will be shared within the University only to those school officials with a legitimate interest.
- 5.5 The University will protect the confidentiality of alleged victims and other necessary parties while complying with all obligations to report annual crime statistics. Statistical reporting will be done without including personally identifying information about an alleged victim.
- 5.6 The University will maintain as confidential any accommodations or protective measures provided to the alleged victim, to the extent maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

6.0 Retaliation

- 6.1 The University takes reports of violations of the University Civil Rights Policy very seriously and will not tolerate retaliation against those who make reports or participate in the investigation or adjudication process.
- 6.2 Retaliation includes, but is not limited to, any adverse employment or educational action taken for making a report of violations of the University Civil Rights Policy, or otherwise participating under this Policy.
- 6.3 Any actual or threatened retaliation, or any act of intimidation to prevent or otherwise obstruct the reporting of a violation of the University Civil Rights Policy or the participation in proceedings related to a report of such violations, may be considered a separate violation of the University Civil Rights Policy and may result in disciplinary sanctions.
- 6.4 Any person who believes that they have been subject to retaliation should immediately report this concern to the Title IX/Section 504 Coordinator.

7.0 Immediate Assistance

- 7.1 **Medical Assistance:** Any individual who experiences Sexual Harassment, Sexual Assault, Dating Violence or Stalking is encouraged to seek immediate medical care either at the University Health Center or at an area medical provider. Preserving DNA evidence can be a key to identifying the perpetrator in a sexual violence case.
- 7.2 **Police Assistance:** Because Sexual Harassment, Sexual Assault, Dating Violence or Stalking may also constitute a criminal act, individuals seeking emergency assistance or who want to file a criminal report may contact the

University Police Department or the appropriate local law enforcement agency. In addition to any possible criminal action, the University Police will forward the report to the Title IX/Section 504 Coordinator.

7.3 **Counseling Assistance:** A person who has experienced Sexual Harassment, Sexual Assault, Dating Violence or Stalking is strongly encouraged to seek medical and psychological care even if he or she has no plans to pursue a formal report to the University or to the University Police.

8.0 Interim Measures and Ongoing Assistance: When a violation of the University Civil Rights Policy is reported, the University will consider interim measures to protect involved persons and/or the community while the incident is investigated and during any related disciplinary process.

8.1 An alleged victim is not required to file a formal complaint to receive interim measures. Some interim measures may be implemented without an alleged victim disclosing identifying information related to the incident.

8.2 Interim measures may include, but are not limited to, changes to academic, living, transportation, working situations, or protective measures. The University will make such accommodations or provide such protective measures if requested and if they are reasonably available, regardless of whether the victim chooses to report the alleged violations of this Policy to University Police or local law enforcement. The University will assess whether an interim measure will involve making these changes to the alleged victim or accused person's circumstances on a case-by-case basis.

8.2.1 Interim measures may include allowing a student who is an alleged victim or an alleged perpetrator of an incident of Sexual Harassment, Sexual Assault, Dating Violence or Stalking to drop a course without academic penalty if the other party involved in the reported incident is enrolled in the same course.

8.2.2 Interim measures may be instituted, altered, or revoked by the Appropriate Administrator, in consultation with the Title IX/Section 504 Coordinator.

8.2.2.1 When an interim suspension or administrative leave is imposed, the student, employee, or student organization will be given the option to meet with the Appropriate Administrator prior to such suspension or leave, or as soon thereafter as reasonably possible, to explain why the suspension or leave should not be imposed.

8.2.2.2 An interim suspension or administrative leave may include denial of access to University housing and/or the University campus, facilities, and/or events. The

suspension or leave may include classes and/or all other University activities or privileges for which the student or employee might otherwise be eligible.

- 8.3 If an interim measure is initially refused to a party it may still be available at a later date.
- 8.4 Unless explicitly altered or revoked by the Appropriate Administrator, interim measures remain in place until a decision on the investigation becomes final.
- 8.5 Violations of interim measures may be considered a separate violation under this Policy or may be investigated and adjudicated through other relevant University policies.
- 8.6 The University will honor any order of protection, No Contact Order, restraining order, or similar lawful order issued by any criminal or civil court.

9.0 Initial Response to a Complaint – Upon receiving a report of a violation of the University Civil Rights Policy, the Title IX/Section 504 Coordinator will initiate the investigation process.

- 9.1 The Title IX/Section 504 Coordinator will assign an Investigator to conduct a preliminary evaluation of the Complaint and, if appropriate, conduct an investigation and prepare a formal written report regarding the incident.
 - 9.1.1 The Title IX/Section 504 Coordinator may be the Investigator.
 - 9.1.2 If a Complainant requests that no investigation be conducted, the Title IX/Section 504 Coordinator will evaluate whether the request may be granted, in accordance with University Policy 1.2.5.
- 9.2 The Investigator will evaluate the appropriate University response based on the information available and, whenever possible, with input from the alleged victim.
- 9.3 Initial response to a Complaint and any investigation will be completed within a reasonable period of time.
- 9.4 **Early Dismissal of a Complaint** – If the Investigator concludes that the Complaint, as alleged, does not violate the University Civil Rights Policy, the Investigator will provide written notice to the Complainant of the Investigator's decision, including the reasons for that decision. The notice must also include information explaining the Complainant's right to object to the early dismissal decision.

9.4.1 The Complainant may object to the Investigator's early dismissal decision and request review by the Appropriate Administrator. The decision by the Appropriate Administrator is final.

9.5 The investigator will take reasonable measures to do the following:

9.5.1 Contact the alleged victim to notify them of their rights and options under this Policy, including rights related to contacting law enforcement, the right to pursue a formal complaint with the University or to maintain confidentiality, the right to request interim measures, and the right to be free from retaliation.

9.5.2 Inform the relevant individuals involved in a Reported Incident about the availability of University counseling services with consideration given, to the extent practicable, to ensuring that different counselors are assigned to all individuals seeing counseling in regard to a single Reported Incident.

9.5.3 Stress to the alleged victim the importance of seeking treatment at a hospital as soon as possible after an incident and the importance of preserving evidence.

9.5.4 Implement any appropriate interim measures.

10.0 Investigation Procedures – All provisions of this procedure will be managed by the Title IX/Section 504 Coordinator who may delegate certain responsibilities to other persons in order to facilitate timely and reliable investigations. Any proceeding under this Policy will be conducted in a prompt, fair and impartial manner from initial investigation to final result.

10.1 **STEP ONE : Formal Investigation Initiated** – The Investigator opens a formal investigation of the Complaint.

10.1.1 The Investigator opens a formal investigation of the Complaint by providing contemporaneous notice to the Complainant and Respondent. The Investigator's notice should include:

10.1.1.1 A brief description of the factual allegations made against the Respondent.

10.1.1.2 Notice of the applicable code of conduct or policy that is alleged to have been violated.

10.1.1.3 A copy of this Policy.

10.1.1.4 A summary of available interim measures and other resources, if applicable.

10.2 **STEP TWO : Consideration of Interim Measures** – Although interim measures may have already been considered, following the filing of a formal

complaint, the Investigator will consider interim measures to protect involved parties while the incident is investigated.

10.2.1 The Investigator will work with other University administrators including the Dean of Students and Director of Human Resources to identify alternative arrangements that will preserve the rights of both the Complainant and Respondent, as well as provide a safe overall educational or working environment until (and perhaps after) the Complaint is investigated and resolved.

10.2.2 Failure to adhere to parameters of an interim measure may be considered a separate violation of this Policy and may result in disciplinary action.

10.3 **STEP THREE : Response to a Complaint** – A Respondent will be expected to respond to a Notice of Complaint by contacting the Investigator within five (5) business days. The Investigator may extend the time for response for good cause.

10.3.1 The response, either in writing or in person, should address and respond to the specific allegations made in the Complaint and can include any other rebuttal information.

10.3.2 An investigation will proceed even if the Respondent fails to respond as set forth in this Policy. Failure to acknowledge receipt of the Notice of Complaint may be considered a violation of University policy and could result in disciplinary action.

10.4 **STEP FOUR : Investigation** – Absent extenuating circumstances, the Investigator will conduct a full investigation.

10.4.1 The Investigator may designate another trained University official to assist with the investigation.

10.4.2 The investigator(s) will attempt to interview the Complainant, the Respondent(s), and any witnesses as appropriate.

10.4.3 The investigator(s) will gather any other information considered to be relevant, and will also review any information submitted by the Complainant, the Respondent(s) and/or any witnesses.

10.4.4 If violations of any other University polices, including the Student Code of Conduct, Employee Handbook or Faculty Handbook are identified during the investigation, the Investigator will consult with appropriate University officials to determine on a case-by-case basis whether and how to investigate other potential violations. Consideration will be given to the type of violation and whether the actions occurred during the same incident or as separate incidents.

10.5 STEP FIVE : Investigation Findings – Based on the information developed through the investigation, the Investigator will issue findings of facts as soon as practicable following the initial complaint. The Investigator will provide the Complainant and Respondent(s) with regular updates regarding the progress of the investigation.

10.5.1 The Investigator's report must include at least the following: (1) a description of the alleged prohibited conduct; (2) a summary of the evidence and statements of the various witnesses and parties; (3) the Investigator's evaluation of the credibility and reliability of the witnesses and evidence; and (4) the Investigator's findings and conclusions as to whether the Respondent violated the University Civil Rights Policy.

10.5.1.1 The Investigator's report may include the Investigator's findings and conclusions regarding any alleged violations by the Respondent of any other University policy or code of conduct provision.

10.5.2 Findings and conclusions will be determined using a preponderance of the evidence standard; that is, whether it appears more likely than not that a Respondent violated the applicable policy or code of conduct.

10.5.3 The Investigator's report and the evidence relied upon will be provided to the Appropriate Administrator for any appropriate action under the appropriate code of conduct or other University policy.

10.5.3.1 The Dean of Students is the Appropriate Administrator when the Respondent is a Student.

10.5.3.2 The Assistant Vice President of Human Resources is the Appropriate Administrator when the Respondent is an Employee not subject to the Faculty Handbook.

10.5.3.3 The Provost is the Appropriate Administrator when the Respondent is an Employee subject to the Faculty Handbook.

10.5.4 If the Investigator's findings do not confirm a violation of the University Civil Rights Policy, the Investigator may still recommend educational initiatives or training sessions to address related concerns.

10.5.5 The Investigator will simultaneously notify the Complainant and Respondent(s) of the findings and further proceeding as provided in related University Policy.

10.5.5.1 Once the Investigator's report has been submitted to the Appropriate Administrator, the Complainant and Respondent may review the Investigator's Report, as well as the evidence.

10.5.5.2 The Investigator may also permit the Complainant and Respondent, on equal bases, to review draft reports and the evidence at any point during the investigation.

10.5.6 Any time after a finding has been made that a Respondent(s) violated this Policy, the University may implement interim sanctions while a Complaint is subject to further review.

11.0 Sanctions – Any decision in response to the Investigator's report shall be made by the University official with designated oversight for disciplinary processes based on the Responsible Party's status (i.e., the Appropriate Administrator):

11.1 Student Respondents – Sanctions for students found by the Investigator to have engaged in prohibited conduct shall be determined in accordance with the Student Code of Conduct under the authority of the Dean of Students.

11.2 Employee Respondents - Sanctions for employees (other than faculty) found by the Investigator to have engaged in prohibited conduct shall be determined in accordance with the Employee Discipline Policy under the authority of the Associate Vice President for Human Resources.

11.3 Faculty Respondents - Sanctions for faculty found by the Investigator to have engaged in prohibited conduct shall be determined in accordance with the Faculty Discipline Policy under the authority of the University Provost.

11.4 Sanctioning processes for alleged violations of the University Civil Rights Policy are subject to Policy 1.2.7 Civil Rights Policy – Protocol for Sanctions, as well as the applicable code of conduct, handbook, or other policy, insofar as those do not conflict with Policy 1.2.7.



University of Dallas Policy 1.2.7

CIVIL RIGHTS POLICY – PROTOCOL FOR SANCTIONS

- 1.0 Purpose** – This Policy provides the exclusive process for investigating complaints of violations of the University Civil Rights Policy, including, but not limited to, Sexual Harassment, Sexual Assault, Sating Violence and Stalking.
- 2.0 Definitions** – Relevant terms for implementation of this Policy are set forth in University Policy 1.2.1 Civil Rights Policy – Relevant Terms.
- 3.0 Investigations** – Investigations of Complaints of violations of the University Civil Rights Policy are conducted pursuant to the authority of the Title IX/Section 504 Coordinator, in accordance with Policy 1.2.6 Civil Rights Policy – Protocol for Response to Complaints.
- 4.0 Responsibility for Sanctions** – Any decision in response to the Investigator’s report shall be made by the University official with designated oversight for disciplinary processes based on the Respondent’s status (i.e., the Appropriate Administrator):
 - 4.1 Student Respondents – Sanctions for students found by the Investigator to have engaged in prohibited conduct shall be determined in accordance with the Student Code of Conduct under the authority of the Dean of Students.
 - 4.2 Employee Respondents - Sanctions for employees (other than faculty) found by the Investigator to have engaged in prohibited conduct shall be determined in accordance with the Employee Discipline Policy under the authority of the Associate Vice President for Human Resources.
 - 4.3 Faculty Respondents - Sanctions for faculty found by the Investigator to have engaged in prohibited conduct shall be determined in accordance with the Faculty Discipline Policy under the authority of the University Provost.
 - 4.4 Sanctioning processes for alleged violations of the University Civil Rights Policy are subject to this Policy, as well as the applicable code of conduct, handbook, or other policy, insofar as those do not conflict with this Policy.
 - 4.5 The Appropriate Administrator shall promptly provide the Title IX/Section 504 Coordinator with copies of any notices, submissions, or reports that are part of any sanctioning process.
- 5.0 Due Process in Sanctioning Processes** – The University will assure that the various sanctioning processes shall provide:

- 5.1 **Adequate Notice** – The University shall provide contemporaneous notice to the Complainant and Respondent as to whether or not the Appropriate Administrator will initiate a sanctioning process.
- 5.1.1 The notice must include the following:
- 5.1.1.1 A summary of the allegations against the Respondent, including, if applicable, notice of the specific code of conduct provision or other policy that the Respondent is alleged to have violated.
- 5.1.1.2 A summary of the findings or conclusions of the Investigator’s report.
- 5.1.1.3 Information explaining the Complainant’s and Respondent’s right to appeal the decision of the Appropriate Administrator.
- 5.1.2 If the Appropriate Administrator does not to initiate a sanctioning process, the Complainant may appeal that decision of the Appropriate Administrator.
- 5.2 **Opportunity to Respond** – The University shall provide a fair and equitable opportunity to respond to any notice of sanctioning process.
- 5.3 **Decision on Sanctions** – The University shall provide contemporaneous notice to the Complainant and Respondent as to the decision of the Appropriate Administrator on the sanctioning process.
- 5.4 **Appeal** – The University shall provide an appeal process to the Complainant and Respondent. The Complainant and Respondent may invoke that appeal process in accordance with the applicable policy, code of conduct or handbook.
- 5.4.1 **Appeal Hearing** – Appeals from the decision of the Appropriate Administrator will be heard by the designated appeal hearing officer or board.
- 5.4.1.1 **Student Respondents** – Appeals will be heard by the appropriate appeal hearing officer as described in the Student Code of Conduct.
- 5.4.1.2 **Non-Faculty Employee Respondents** – Appeals from the decision of the Assistant Vice President of Human Resources will be heard by the Chief Financial Officer, who will review the Assistant Vice President of Human Resources’ decision and the underlying evidence, evaluating whether there is substantial evidence to support the decision. There is substantial evidence if there

is any relevant evidence that reasonably supports the material facts. The Chief Financial Officer may uphold, reverse, modify, or return for further consideration, the final report and decision of the Assistant Vice President of Human Resources.

5.4.1.3 **Faculty Respondents** – Further proceedings involving a person covered by the Faculty Handbook (e.g., regular, affiliate, adjunct, and library faculty) are governed by the Faculty Handbook.