

Civil Rights and Sexual Violence

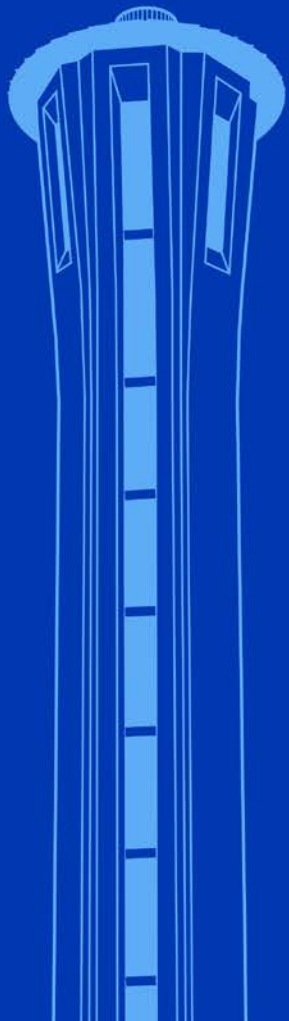
Reporting and Resources

UNIVERSITY OF DALLAS

Created for Greatness

Society was intended by the Creator for the full development of individual possibilities, and for the social benefits, which by a give and take process, every one can claim for his own sake and that of others.

– Pope Pius XI



Discrimination

Denial of opportunities

Created in God's Likeness

With respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race, color, social condition, language or religion, is to be overcome and eradicated as contrary to God's intent.

– *Gaudium et spes*

The University

University Policy CRP – Civil Rights Policy

- UD prohibits discrimination and harassment in all programs and activities of the University.
- Recruitment and admissions
- Financial assistance
- Athletics
- Student-to-student harassment
- Discipline
- Employment
- Housing and facilities

University Policies and Procedures

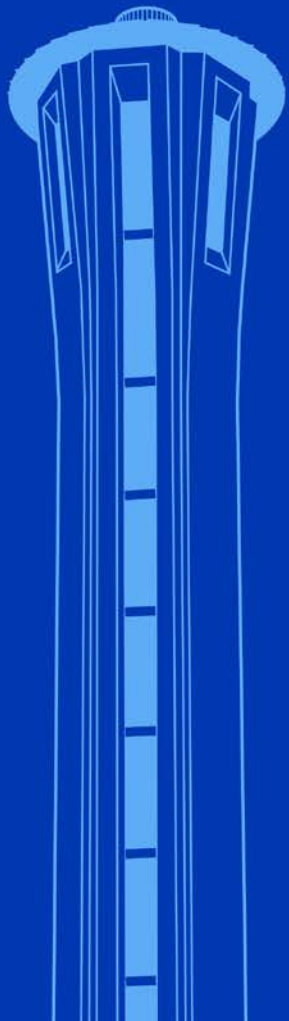
udallas.edu/civil-rights

Policies

- CRP – Civil Rights Policy
- CRT – Relevant Terms
- CRR – Protocol for Reporting
- CRI – Protocol for Responding
- CRS – Supportive Measures

Procedures

- CRP-A – Disability Accommodations
- CRT-D – Coordinators and Officers
- CRR-D – Reporter Designations
- CRI-I – Investigations
- CRI-D – Disciplinary Process
- CRI-S – Sanctioning Guidelines
- CRI-R – Informal Resolution



Harassment and Stalking

The fear of violence

Harassment

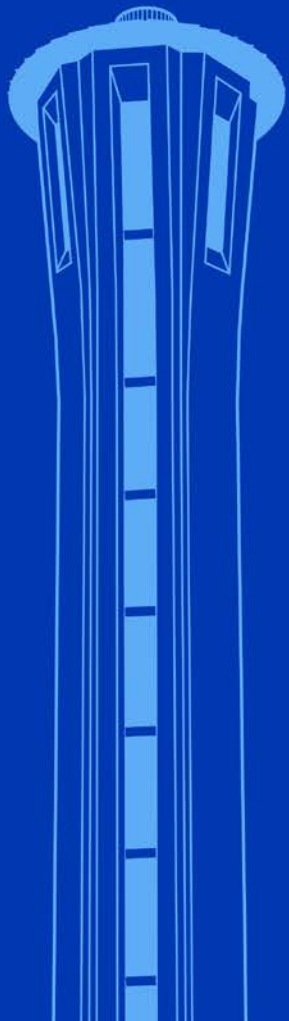
- **“Harassment”** means a form of discrimination based on a person’s membership or perceived membership in a protected category that includes physical, verbal, or nonverbal conduct that is sufficiently severe or pervasive, and objectively offensive, such that it unreasonably interferes with, denies, or limits someone’s ability to participate in or benefit from the University’s educational, employment, social, or residential programs.
- Protected category (race, sex, disability, religion, etc.)
- Physical, verbal, **or** nonverbal
- Severe **or** pervasive, and objectively offensive
- Participation or benefit

Sexual Harassment

- In the employment context, unreasonably interferes with the victim's work performance or creates an intimidating, hostile, or offensive work environment.
- 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.
- 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.

Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.
- *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method or device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

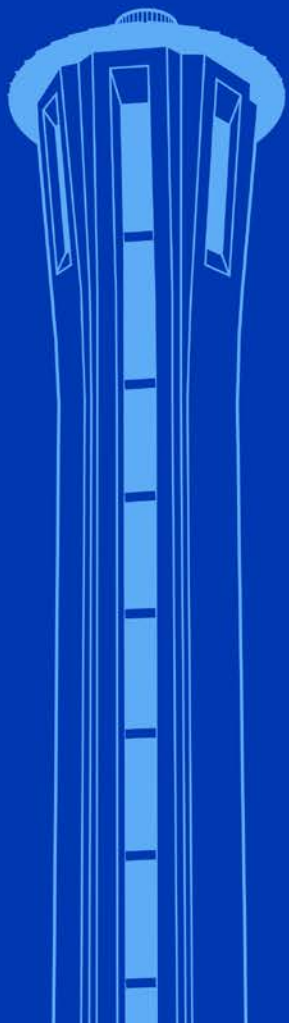


Dating and Domestic Violence

Violence by those in positions of trust

Dating and Domestic Violence

- Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- Violence committed by a spouse, parent against the other parent, cohabiting person, or someone in a similar relationship.



Sexual Assault

Violations of intimacy

Sexual Assault

- Sexual contact that occurs without another's consent, including instances where a person is incapable of giving consent.
- Rape
- Fondling
- Incest
- Statutory Rape

Rape does injury to justice and charity. It deeply wounds the respect, freedom, and physical and moral integrity to which every person has a right. It causes grave damage that can mark the victim for life. It is always an intrinsically evil act.

– Catechism of the Catholic Church

Consent

University Policy CRT – Relevant Terms

- Knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity.

Consent

University Policy CRT – Relevant Terms

- **Knowing**, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity.
- A person who is incapacitated cannot give valid consent
- The accused's intoxication is not an excuse.

Consent

University Policy CRT – Relevant Terms

- Knowing, **voluntary**, and clear permission by word or action to engage in mutually agreed upon sexual activity.
- No force and
- No coercion

Consent

University Policy CRT – Relevant Terms

- Knowing, voluntary, and **clear** permission by word or action to engage in mutually agreed upon sexual activity.
- Silence or the absence of resistance is not consent.
- But resistance is a clear demonstration of a lack of consent.

Consent

University Policy CRT – Relevant Terms

- Knowing, voluntary, and clear **permission** by word or action to engage in mutually agreed upon sexual activity.
- Consent can be withdrawn, as long as the withdrawal is communicated
- A current or previous relationship is not consent

Consent

University Policy CRT – Relevant Terms

- Knowing, voluntary, and clear permission **by word or action** to engage in mutually agreed upon sexual activity.
- The existence of consent is based on the totality of the circumstances.

Consent

University Policy CRT – Relevant Terms

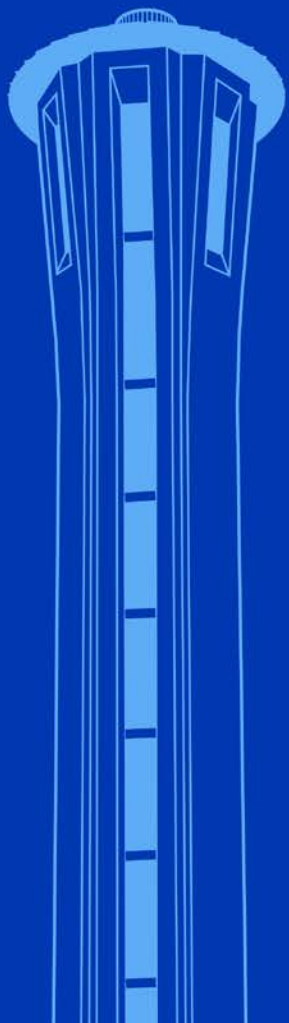
- Knowing, voluntary, and clear permission by word or action to engage in **mutually agreed upon** sexual activity.
- Consent to some sexual contact (such as consensual fondling) cannot be presumed to be consent for other sexual activity (such as intercourse).

Importance of Consent

- Consent is not a matter of saying your classmates car was really only worth \$5 anyway.
- Or that you think he would have sold it for \$5 if he had been sober.
- Or that your friend shouldn't cancel the race.
- Or even that there is, after all, something a bit off about buying two tacos and a burrito, but no drink.

God willed that man should be ‘left in the hand of his own counsel,’ so that he might of his own accord seek his Creator and freely attain his full and blessed perfection by cleaving to him.

– *Gaudium et spes*



Supportive Measures

Reporting

- Reporting makes it possible for the University to provide assistance.
- Reporting provides an opportunity for allegations to be investigated and appropriate actions taken.
- Reporting helps the University to identify areas of danger to students and take action to remedy them.
- Reporting such incidents can help you and others.

Privacy and Amnesty

Maintaining Privacy

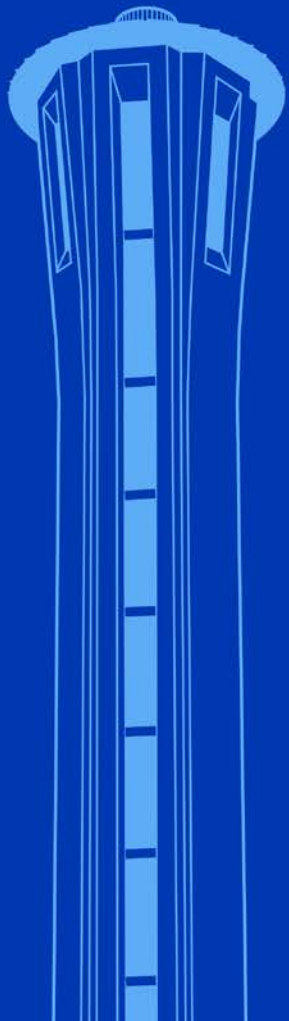
- The precise level of privacy that can be provided varies based primarily on what actions are necessary to protect that person and the University community.
- The University always seeks to maintain the privacy of those who report or are victims of civil rights violations, including sexual violence.

Amnesty

- The University generally provides amnesty from other code of conduct violations that may have happened during the same event (e.g., underage drinking or open house hour violations).

Supportive Measures

- Supportive measures may include changes in academic, living, or transportation arrangements, working conditions, or other 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 to University Police or local law enforcement.



Confidential Resources

University Employees

General Requirement to Report

Which University employees must report civil rights and sexual violence incidents?

- **All** University employees, except confidential reporters, **must** report allegations of discrimination, harassment, and sexual violence to the Office of Civil Rights and Title IX.
- If they do not report to the Office of Civil Rights and Title IX, they can be subject to criminal liability in some cases.

Is there anyone else they must report allegations to?

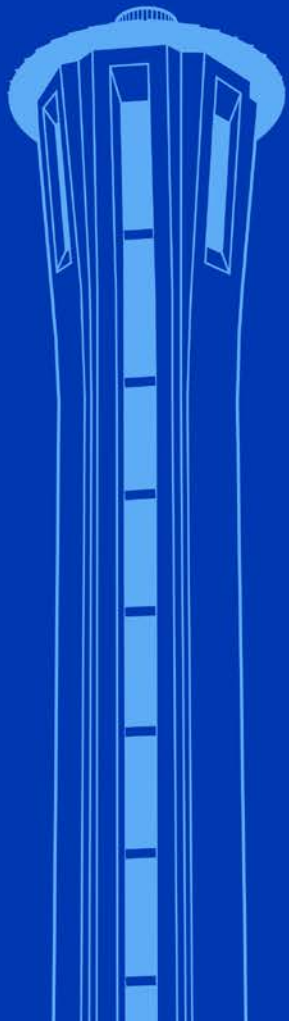
- University employees who have some authority over discipline and student activities, except confidential reporters, are also required to report allegations of certain kinds of criminal misconduct, including sexual violence, to the UD Police Department.

Confidential Resources

- Certain persons are designated for confidential reporting, which means that someone (e.g., a student) can speak with that person in order to seek options and advice, without that person having an obligation to report the incident.
- In certain extreme cases (immediacy of threat or danger or abuse of a minor), the person may still have an obligation to report.

Examples:

- Licensed mental health counselors in the UD Counseling Center;
- Licensed medical professionals in the UD Health Clinic;
- Vowed religious, including the UD Chaplain, when providing pastoral services; and
- The Campus Ministry Staff.

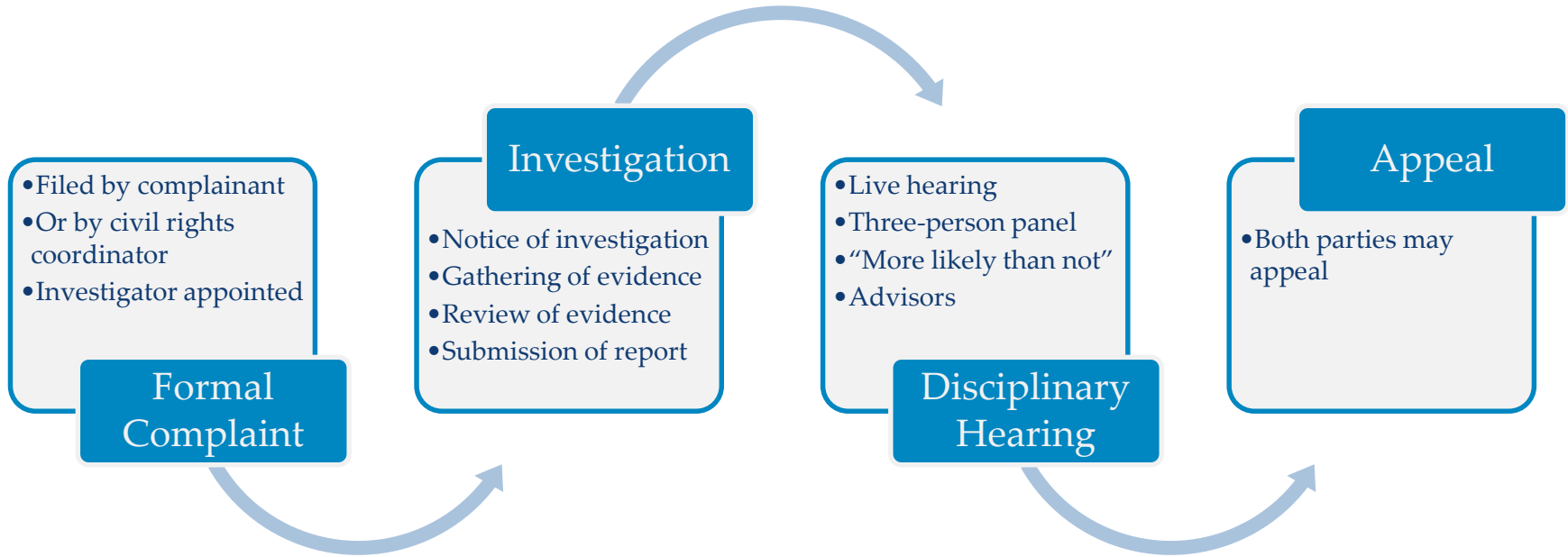


Formal Complaints

Investigation and Disciplinary Process

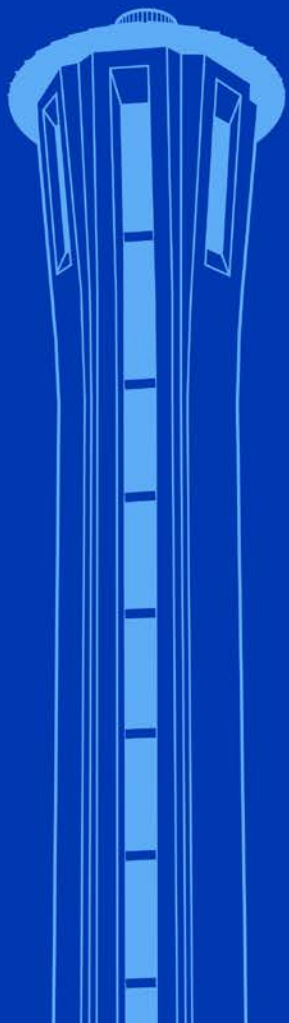
Investigation and Disciplinary Process

Prompt, Fair, and Impartial



Informal Resolution

- After a formal complaint is filed
- Voluntary to participate
- Voluntary as to resolution
- Agreement to participate may be withdrawn at any point prior to final resolution
- Investigation/disciplinary restarts if no resolution reached



Prevention

How do we make this a better community?

The University

- Policies and Procedures
- Training and Education
- Disclosure of Statistics
- Supportive measures and investigations.
- Programs and information.
- Crime and discipline reporting.

Students

- Knowledge
- Risk Reduction
- Bystander Intervention
- ?
- Where to seek help.
- Caution when out.
- You are your brother's keeper

Civil Rights and Sexual Violence

Reporting and Resources

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