

## PERSONAL AND SEXUAL VIOLENCE

### Introduction

The University is committed to maintaining an educational environment which is supportive of its primary educational mission and free from all exploitation and intimidation. The University will not tolerate any form of sexual assault, acquaintance rape, dating violence, domestic violence, stalking or any other form of non-consensual sexual activity. Additionally, the University is committed to promoting an environment which leads to awareness and prevention of such offenses.

### Purpose

The procedures outlined in this policy are designed to achieve the following goals:

- Provide prompt and compassionate support services.
- Provide a comprehensive framework in which the needs and decisions of all parties concerned are central in determining further administrative responses and assistance.
- Create a campus environment that both facilitates and expedites the prompt reporting of sexual violence and stalking, dating violence and domestic violence (collectively referred to as “relationship violence”).
- Cultivate a climate of community empowerment and education in which behaviors that contribute to sexual and relationship violence are not tolerated.
- Ensure that immediate and appropriate steps are followed when sexual and/or relationship violence is reported.
- Establish prompt and effective actions that are reasonably calculated to end sexual violence, eliminate a hostile environment, prevent its recurrence, and as appropriate, remedy the effects of sexual and relationship violence.
- Protect the rights of the Reporting Party, the Accused Party, and other parties involved in or affected by the case.

### Scope

This Policy applies to all behavior in which the Reporting Party is a Student. In the event the Accused Party is no longer subject to University policy, the Reporting Party will be referred to local law enforcement. In the event the Accused Party is faculty, staff, or a non-University affiliated party, the reporting procedures and resources are the same as set forth in this Policy, but the University’s investigation will be referred to the Office of Human Resources and conducted pursuant to the Sexual Harassment Policy.

### Definitions

For purposes of this policy, the following definitions apply:

#### **Accused Party**

Refers to any individual who is identified by the Reporting Party as the perpetrator of sexual or relationship violence.

## Consent

Refers to a clear, unambiguous and voluntary agreement between participants to engage in sexual activity. A verbal “no,” even if perceived to be indecisive constitutes a lack of consent. A clear, verbal “yes” is necessary evidence of consent.

1. The person initiating sexual contact must have the other person’s verbal consent. Sexual contact without verbal consent is sexual assault.
2. Consent may not be inferred from silence or passivity.
3. It is the responsibility of the person initiating the sexual activity to obtain the other party’s consent throughout the duration of sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
4. Consent may be withdrawn at any time.
5. Consent must be given freely, willingly and knowingly by each participant to any desired sexual contact.
6. Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs or some other condition. Consent cannot be obtained by threat, coercion or force. Specifically, a person is not able to give valid consent in the following situations:
  - a. When an individual is incapacitated because of alcohol or other drugs: An individual who is incapacitated cannot consent to sexual activity. An individual is incapacitated if he/she is physically helpless, unconscious, or unaware, due to drug or alcohol consumption (voluntarily or involuntarily) or for some other reason. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, being unaware of circumstances or surroundings, or being unable to communicate for any reason.
  - b. When an individual is sleeping or unconscious.

Consent cannot be obtained when an individual’s ability to freely, willingly and knowingly consent is taken away by another. Specifically, a person is not able to give valid consent in the following situations:

- a. When an individual is physically forced to participate.
  - b. When an individual is intimidated, coerced, threatened – even a perceived threat – isolated or confined.
8. A person violates this policy if he or she has sexual contact with someone he or she knows or should know, to be mentally incapacitated or has reached the degree of intoxication that results in incapacitation. The test of whether an individual should know about another’s incapacitation is whether a reasonable, sober person would know about the incapacitation. An accused student cannot rebut a sexual misconduct charge merely by asserting that he or she was drunk or otherwise impaired and, as a result did not know that the other person was incapacitated. Alcohol, drugs or other intoxicants do not dismiss the responsibility of an individual to obtain valid consent.
  9. Consent cannot be inferred from a current or previous dating or sexual relationship.

10. Consent cannot be inferred from an individual's attire or physical appearance.
11. Consent cannot be inferred from an individual's offer, acceptance or participation in any form of non-physical sexual activity (e.g. social media forums, date/outing).
12. For purposes of this policy, conduct will be considered "without consent" if no clear verbal consent is given.

### Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether a relationship exists will be determined based on the Reporting Party's statement and considering the length and type of the relationship, and the frequency or the threat of interaction. Dating violence includes, but is not limited to sexual or physical abuse. For purposes of this Policy, "Dating Violence" is included within the collective category of "Relationship Violence."

### Domestic Violence

Violence committed by a current or former spouse or intimate partner, current or former cohabitant, a person with whom the victim shares a child in common, a person similarly situated to a spouse under domestic or family violence law, or anyone else protected under domestic or family violence law. Domestic violence includes any behavior that may intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone. For purposes of this Policy, "Domestic Violence" is included within the collective category of "Relationship Violence."

### Responsible Employee<sup>1</sup>

All professional staff of the University and residence hall staff<sup>2</sup>, except professional counselors in the Counseling Center, medical professionals in the Student Health Center and other designated pastoral personnel are not considered "Responsible Employees".

### Reporting Contact

Individuals or entities who have been designated to receive a report of sexual or relationship violence. While a person is encouraged to report an incident to a person of his/her choice, the University has designated the following Reporting Contacts to receive reports of sexual or relationship violence. The designated Reporting Contacts have been trained to make the Reporting Party aware of available options and alternatives, to aid the Reporting Party in making an informed decision as to a course of action, and to enable the Reporting Party to follow through in that decision. The designated Reporting Contacts are:

1. Any official in the Campus Safety Office. The Campus Safety Office will provide immediate assistance to a situation on campus and can make contact with other local law enforcement to provide immediate assistance off campus.

---

<sup>1</sup> OCR defines a "responsible employee to include "any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty."

<sup>2</sup> Whether RAs should be considered "responsible employees" depends on whether they have "general authority to take action to redress misconduct or the duty to report misconduct to appropriate school officials, as well as whether students could reasonably believe that RAs have this authority or duty."

2. Any professional in the Office of Student Affairs.
3. Any professional residence hall staff
4. Title IX Coordinator or Title IX Deputy Coordinator

Although certain individuals or entities are designated Reporting Contacts, all employees who are aware of sex-based harassment, including sexual assault and relationship violence, are required to promptly report the information to a Reporting Contact unless otherwise designated as a confidential resource.

### Reporting Party

An individual who makes a report about an incident involving sexual or relationship violence. A Reporting Party does not need to be a victim of sexual or relationship violence and may act as a third party to file a report on a student's behalf. To avoid confusion, however, in most contexts within this Policy, "Reporting Party" refers to the person who has experienced the sexual or relationship violence.

### Sexual Violence

Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). For purposes of this policy sexual violence includes rape, sexual assault, sexual battery, sexual abuse and sexual coercion. Sexual violence is a form of sex discrimination prohibited by Title IX.

### Stalking

A course of conduct engaged in by a person that is directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or to suffer substantial emotional distress.

1. Stalking will be evaluated considering whether a reasonable person under similar circumstances, and with similar identity to the victim, would consider the activity "stalking."
2. Activity will be considered a "course of conduct"<sup>3</sup> if it involves two or more acts, in which the stalker follows, monitors, observes, surveys, threatens or communicates to or about a person or interferes with a person's property either directly, or indirectly.
3. "Substantial emotional distress" results in significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

### Sexual Assault

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. The definition includes:

---

<sup>3</sup> Consider specifically whether RAs have a duty to report other violations (drugs, alcohol) – if so, they should be considered responsible employees through third parties and by any means. A "course of conduct" can involve any method, device or means including physical stalking or cyber stalking.

1. Rape - 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 victim.
2. Fondling - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.
3. Incest - Non-forcible sexual intercourse between persons who are related to each other within the degrees prohibited by state law.
4. Statutory Rape - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

### Sexual Harassment

Unwelcome, unsolicited and offensive conduct that is severe or pervasive and tends to injure, degrade, disgrace, or show hostility toward a person because of a person's gender and may include persons of the same sex. Sexual assault is a severe form of sexual harassment and a single incident of sexual assault may be sufficient to create a hostile environment.

### Title IX Coordinator

The person responsible for overseeing all sex discrimination, sexual harassment, and sexual and relationship violence complaints at the University. The Title IX Coordinator is also responsible for conducting an annual report and review of all complaints to identify and address any patterns or systematic problems within the University community.

### Procedure for Reporting Incidents of Sexual Violence and Relationship Violence, Assistance and Medical Care

The priority for any victim of sexual or relationship violence is personal safety. The University will help any victim of sexual or relationship violence get to a safe place and will help the victim access immediate medical treatment. Prompt medical attention to treat any medical injuries and to preserve evidence is critical if the victim chooses to pursue a complaint either immediately or at a later date. The first 96 hours after a sexual assault is a critical time for gathering the most complete medical evidence. Prompt intervention can do much to mitigate the trauma associated with sexual or relationship violence and enhance recovery. Students are encouraged to utilize appropriate services whether or not a report is filed. Students in need of resources or assistance relating to any of the matters covered by this policy are encouraged to contact one of the on campus or off campus resources referenced in this policy.

### Reporting and Support

The University encourages the reporting of all incidents of sexual or relationship violence. Any threat of retaliation or other attempts to prevent the report or investigation of an incident of sexual or relationship violence, or to prevent participation in proceedings related to sexual or relationship violence is itself prohibited and will result in disciplinary action.

It is always the victim's choice to decide whether and when to report sexual or relationship violence. Deciding whether to report an incident is a personal and often difficult decision. Reporting sexual or relationship violence is often the beginning of a process by which a person may regain control over their lives. Reporting sexual or relationship violence may also help in preventing future incidents and establishing precedence that may assist other people. Reporting

does not mean that the victim must press criminal charges or give the name of the alleged perpetrator. Reporting does offer the opportunity to receive help however.

The following reporting options are available:

#### *Confidential Resources and Support*

The only University resource that affords complete confidentiality for a Reporting Person is speaking with a licensed counselor in the University Counseling Center, a physician in the Student Health Clinic or a member of the religious community when working in a pastoral capacity, including the Director of Campus Ministry. Speaking confidentially with these individuals may be helpful in deciding how to proceed because these professionals will provide information regarding additional reporting options and available resources. Confidential resources are not required to report any information related to a report of sexual or relationship violence, but they will inform a Reporting Person about their right to file a complaint with the Title IX Coordinator and with local law enforcement and that they are available to assist the Reporting Person if they elect to file such reports. Confidential Reporters will also explain protections against retaliation and will provide information about available campus and community resources for counseling, medical and academic supports. The University will ensure that alleged victims and alleged perpetrators and any other person reporting an incident of sexual assault are offered counseling - to the greatest extent possible – by a counselor who doesn't provide counseling services to others involved in the incident. Also, alleged perpetrators or victims may be allowed to drop a course in which both are enrolled without academic penalty to the extent allowed by law.

#### *Other Non-Confidential Reporting Options and Support Resources*

##### *Reports to a Responsible Employee*

When a Reporting Party informs a Responsible Employee about an incident of sexual or relationship violence, the Responsible Party must promptly notify the Title IX Coordinator of the report and provide all relevant details about the alleged incident shared by the Reporting Person, including the names of the alleged Accused Person (if known), the student or other member of the campus community who experienced the alleged misconduct, others who may be involved in the alleged incident and other relevant facts including the date, time and location of the incident.

Before a student provides details of an incident to a Responsible Employee, the Responsible Employee will inform the Reporting Party of the employee's reporting obligation and the student's option to request that the University maintain his or her confidentiality. The Responsible Employee will also inform the student of their option to make a confidential report with certain individuals on campus or with off-campus sexual assault resource centers, advocates and health care providers. Reporting Employees will inform a Reporting Party of their right to file a Title IX complaint and to report a crime to local law enforcement.

##### *Informal Complaint*

A Reporting Party may report an incident of sexual or relationship violence directly to the Office of Student Affairs and/or the Campus Safety Office with specific request that the complaint not be pursued in accordance with the Code of Student Conduct. Reports may be submitted anonymously or without designation of the Responsible Party.

Filing an informal complaint enables the University to help the victim manage the incident's effects on the victim's academic and social relationships. These resources may be helpful in deciding how to proceed because these professionals will provide information regarding

additional reporting options and available resources, including the process for filing a formal report, and seeking medical care or counseling.

#### Formal Complaint

A formal complaint may be filed with any of the Reporting Contacts described above. When a formal complaint is received, the University will investigate the incident based on the information provided and will determine an appropriate response, in consultation with the Reporting Party. The investigation, conducted in consultation with the Title IX Coordinator, will be prompt, thorough and impartial. In filing a formal complaint, the Reporting Party may choose to pursue the University's conduct process, though there is no obligation to do so.

#### Criminal Report

A criminal report may be filed with the City of Irving Police or with local law enforcement from the appropriate jurisdiction. The Campus Safety Office, the Director of Student Affairs or other campus resources can arrange a meeting place for initial contact with law enforcement. A representative of the University will be available to accompany a victim to meet with local law enforcement upon request of the victim. The University process and the criminal process are separate and independent courses of action. The filing of a criminal report will not preclude the University from proceeding with its own investigation.

#### Confidentiality of Reports

Upon receiving a report either directly or through a Responsible Employee, the Reporting Contact will review issues related to confidentiality with the Reporting Party. The University will make every effort to respect a Reporting Party's request for confidentiality within the context of the University's responsibility to provide a safe and nondiscriminatory environment for all students.

If the Reporting Party requests confidentiality or requests that a complaint not be investigated or pursued through the Code of Conduct, the Reporting Contact will take all reasonable steps to investigate the complaint and respond in a manner consistent with the Reporting Party's request so long as doing so does not prevent the University from responding effectively to sexual or relationship violence.

If a Reporting Party insists on remaining anonymous in the investigation, the Reporting Contact will inform the Reporting Party that the request for anonymity will limit the University's ability to respond to the complaint, including taking disciplinary action. The Reporting Contact will explain that University policy protects against retaliation and that the University will not only take steps to prevent retaliation but will also take strong responsive action if retaliation occurs. On-going requests for confidentiality will be reviewed by The Director of Student Affairs in consultation with other appropriate Reporting Contacts to consider whether the University can honor the request for confidentiality while still providing a safe and nondiscriminatory environment for all students, including the Reporting Party. The Director of Student Affairs will weigh the Reporting Party's request for confidentiality against the following factors:

- i. Any circumstances that suggest there is an increased risk of the Accused Party committing additional acts of sexual or relationship violence.
- ii. Circumstances that suggest there is an increased risk of future acts of sexual violence under similar circumstances.
- iii. Whether the sexual violence was perpetrated with a weapon.
- iv. The age of the student subjected to sexual violence.

- v. Whether the University has other means to obtain relevant evidence.
  - vi. Any potential threats to community safety.
  - vii. The Accused Party's right to receive information under applicable law.
- c. At all times the University will seek to respect requests for confidentiality. If the Director of Student Affairs determines that it must disclose the Reporting Person's identity to the Accused Person despite a request for confidentiality:
- i. the Director of Student Affairs will keep the Reporting Person informed about the University's chosen course of action and will take whatever interim measures are necessary to protect the Reporting Party.
  - ii. The Director of Student Affairs will honor a Reporting Person's request to inform the Accused Person that the decision to proceed was made by the University and that the Reporting Party had otherwise requested that the University not investigate or seek discipline.
- d. The Director of Student Affairs will respect a Reporting Party's request for confidentiality in situations where the University has no credible information about prior sexual violence committed by the Accused Party and the alleged sexual violence was not perpetrated with a weapon or accompanied by threats to repeat the sexual violence against the Reporting Party or others or part of a larger pattern at a given location or by a particular group.
- e. Even if the University cannot take action in accordance with the Code of Conduct because of the Reporting Party's request for confidentiality, the University will endeavor to take appropriate steps to limit the effects of the alleged misconduct and to aid in the prevention of its recurrence. The University will also take steps to provide support services to the Reporting Party as necessary to protect the student while keeping their identity confidential.
- f. At any time, a Reporting Party may subsequently request an investigation, even in situations where the University has previously honored a request for confidentiality.

#### *Notice of Reporting Options*

Upon receiving a report of sexual or relationship violence, the University will provide the Reporting Party with a complete written list of all reporting options. Making one type of report does not preclude a Reporting Party from making any of the other types of reports at a later time.

#### *Privacy Considerations*

The University is committed to protecting the privacy of all individuals involved in a report of sexual or relationship violence. Information related to a report will be kept private by the University unless disclosure is required by law. Reported information and information developed as part of an investigation will only be shared with University officials with a legitimate educational interest in order to assist in the investigation and/or resolution of a complaint. Under no circumstances will the University release the name of the Reporting Person to the general public without the express consent of the Reporting Person.

#### *Interim Measures*

Upon receiving a report of sexual or relationship violence, the University will take all necessary steps to protect the Reporting Person, ensure his or her safety during the investigation process and minimize the burden of the incident and investigation on the Reporting Party. Interim

measures will include steps that may be necessary prior to the final outcome of the investigation. Interim measures will be provided promptly upon notice of alleged sexual or relationship violence and may include additional academic support, housing reassignment, No Contact Orders, changes to academic or extracurricular schedules, or changes to transportation, dining or working situations as appropriate. The University will ensure that the Reporting Party is aware of his or her Title IX rights and available campus and community resources, and will also ensure that the Reporting Party is aware of their right to file a complaint with local law enforcement.

### Medical Amnesty/Good Samaritan Policy

The University recognizes that in an alcohol or other drug-related emergency, the potential for disciplinary action by the University may discourage students from seeking medical assistance for them or other students; therefore, the University has a Medical Amnesty protocol as part of our comprehensive approach to reducing the harmful consequences of alcohol or other drugs. The University's main concern is the well-being, health and safety of its students.

Medical Amnesty represents the University's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or other drug-related emergency. Medical Amnesty also promotes education for individuals who receive emergency medical attention related to their own use of alcohol or other drugs in order to reduce the likelihood of future occurrences.

A student who calls for emergency assistance on behalf of a person experiencing an alcohol or other drug-related emergency will not be subject to disciplinary action for related possession or use of alcohol or other drugs. The recipient of medical attention will also not be subject to disciplinary action for the related possession or use of alcohol or other drugs if she/he agrees to participate in a recommended referral to the Counseling Center and to comply with any recommendations the counselor prescribes. An individual receiving emergency medical assistance on more than one occasion due to use of alcohol or other drugs will be evaluated in order to provide the student with additional resources and may be subject to sanctions under the Code of Conduct.

Conduct in violation of the Student Code of Conduct that is not related to drugs or alcohol may still be subject to disciplinary action.

With any Title IX related incident, the University may not take disciplinary action against students who make good faith reports of sexual harassment, sexual assault, dating violence or stalking. The amnesty provision applies to a student who is a victim of, or a witness to, an incident of sexual harassment, sexual assault, dating violence or stalking for any violation of the Student Code of Conduct occurring at or near the time of the incident, regardless of the location of the incident or the outcome of a disciplinary proceeding. The amnesty provision does not apply if the student self-reports their own commission of the violations. The University may investigate to determine whether a report was not made in good faith and may take action on reports not made in good faith.

## University Response to Incidents of Sexual or Relationship Violence

The University will respond to all reports of sexual or relationship violence in a timely, effective and consistent manner. Factors the University may consider in determining which response procedures to follow include the timing of the report and request of the Reporting Party. The University's response include, but are not limited to, the following:

1. All employees, including Resident Assistants who are aware of sex-based harassment, including sexual assault and relationship violence, are required to report the information to a Reporting Contact unless otherwise designated as a confidential resource.
2. All Responsible Employees, including Reporting Contacts, will assist the Reporting Party in getting to a safe place. In doing so, the Reporting Contact will coordinate with the Campus Safety Office and others as appropriate and necessary.
3. All Responsible Employees, including Reporting Contacts, will encourage the Reporting party to seek prompt medical attention for treatment of injuries and preservation of evidence, discuss the reasons why prompt medical treatment is important, and arrange for transportation to the hospital if the Reporting Party agrees to such medical treatment.
4. The Title IX Coordinator will coordinate with the Director of Student Affairs and the Campus Safety Office to provide the name of the Reporting Party and the Responsible Party (if reported) in situations where the confidentiality of the Reported Party has not been requested or assured.
5. At the request of the Reporting Party, the Campus Safety Office will contact local law enforcement in the appropriate jurisdiction. The Reporting Party has the option to file a report with local law enforcement but is under no obligation to do so. Declining to speak with local law enforcement at the time of an initial report does not preclude the Reporting Party from filing a criminal report at a later date.
6. Upon request of the Reporting Party, the Reporting Contact will coordinate with the counselor on call for the University Counseling Center.
7. The Reporting Contact will provide to the Reporting Party information describing the various reporting options described in this policy and available resources including victim advocacy, physical and mental health services, and legal assistance. The information will be discussed at the time of the initial report and also provided in writing to the Reporting Party.
8. If the Reporting Party wishes to pursue a formal complaint through the University Student Code of Conduct, the Reporting Party will arrange for a Residence Coordinator in the Office of Student Affairs to contact the Reporting Party within one (1) business day of receiving the report to discuss the process, as well as other available options, including pastoral counseling, academic assistance, alternative housing, or a No Contact Order from the Director of Student Affairs.
9. If the Reporting Party does not wish to pursue a formal complaint through the Student Code of Conduct, the Reporting Contact will provide a referral to appropriate resources as set forth in this policy. The Reporting Contact will also provide information on other available options including but not limited to pastoral counseling, academic assistance, alternative housing, or a No Contact Order from the Director of Student Affairs. Even if a Reporting Party chooses not to participate in any conduct process or pursue the report as

a criminal matter, the University is under an obligation to investigate the report and may initiate the conduct process if enough information is available.

10. The Reporting Contact will arrange for follow-up counseling if requested by the Reporting Party.
11. The Reporting Contact will make notifications to appropriate University officials, including the Title IX Coordinator, and, where possible, limit the information provided to such officials by taking the Reporting Party's request for privacy into consideration. The Reporting Contact will also assist, at the request of the Reporting Party, in coordinating follow-up services, including referrals to appropriate resources listed in this Policy.

### **Overview of the Student Conduct Process for Sexual Misconduct**

The University process for investigating allegations of sexual and relationship violence will be prompt, impartial and equitable, and conducted in consultation with the Title IX Coordinator. Mediation is not appropriate for sexual assault cases. Pursuant to this policy, the Office of Student Affairs, in consultation with the Title IX Coordinator and in cooperation with the Campus Safety Office, will investigate all complaints of sexual assault and relationship violence to determine:

#### *Whether or not the alleged sexual or relationship violence occurred*

If the alleged conduct occurred, what steps are required to end the sexual violence and/or eliminate the hostile environment and prevent its recurrence which may include disciplinary sanctions or other remedies for the Reporting Person or the broader student population.

1. In General - When an incident of sexual or relationship violence is reported to a Reporting Contact either directly by the Reporting Party or by another Responsible Employee, the Director of Student Affairs will designate an investigator. The Director of Campus Safety or a designee of the Director will typically oversee the investigation of reports of sexual assault and any complaint identifying a student as the Accused Person. The Title IX Coordinator or a designee of the Coordinator will typically oversee the investigation of all other reports (other than sexual violence) involving an Accused Person who is a University employee (faculty or staff). Normally, the investigation will include interviews with witnesses as appropriate, and collecting relevant documentary, electronic or other evidence.

At the conclusion of the fact-finding investigation, the results will be shared with the University authorities empowered to act on the violation of the University Policy. The specific resolution process will be determined based on the role of the Accused Person. Both the Responding Party and the Accused Party will be provided written notification of the outcome of the investigation and a thorough explanation of the subsequent procedures to be followed.

2. Procedures Specific to Sexual Violence and Relationship Violence - In cases where the Accused Person is a student, complaints of sexual assault and relationship violence will be addressed through the Student Conduct Procedures set forth in this Student Handbook. To the extent that anything set out in the Student Handbook is inconsistent with this policy, the process set out in this policy will apply. These procedures include:
  - a. All University officials participating in the student discipline process will receive training specific to sexual assault and relationship violence cases, with comprehensive training conducted prior to the beginning of each fall semester and refresher training prior to a hearing.

- b. The Director of Student Affairs or a designee of the Director will advise both the Reporting Person and the Accused Person of available campus and off-campus resources.
- c. The Director of Student Affairs or a designee of the Director may issue a written No Contact Order to all parties identified in a sexual or relationship violence complaint. In consultation with other appropriate University officials, including the Title IX Coordinator, the Director of Student Affairs or a designee will also consider additional interim measures that may be appropriate including but not limited to, counseling, academic assistance and alternative housing.
- d. The Director of Student Affairs or a designee of the Director will give both the Reporting Party and the Accused Party an opportunity to meet with him or her, accompanied by a representative from the University community or a family member. The Reporting Party and the Accused Party will be given advance notice of the alleged misconduct to afford both parties a reasonable opportunity to prepare a response including witness information, documents or other information that will assist the Director or a designee in reviewing the alleged misconduct.
- e. Any opportunity for a meeting will be afforded to both the Reporting Person and the Accused Person.
- f. Both the Reporting Person and the Accused Person will be afforded the same, timely access to any information that the University will consider or review as part of the student disciplinary process.
- g. The Director of Student Affairs or a designee of the Director will determine responsibility for sexual or relationship violence using a clear and convincing evidence standard (i.e., is substantially more likely than not to have occurred).
- h. Both the Reporting Person and the Accused Person will receive contemporaneous written notice of the final outcome of any University disciplinary proceeding to consider sexual or relationship violence, including a description of the process for any appeal(s). Both will receive notification if changes are made and when the result become final.
- i. In addition to disciplinary sanctions, the University may take other remedial actions including delivery of additional services for the Reporting Party (in addition to those already provided as interim measures) and changes to University services and policies. Any remedies offered or provided to the Reporting Party will not be detailed in the final notice provided to the Accused Party.
- j. In instances in which an appeal is provided by the Student Code of Conduct, the opportunity to seek appeal will be available to both the Reporting Person and the Accused Person.
- k. In general, information regarding a Reporting Party's sexual history and behavior will not be considered in the student conduct process to determine whether an Accused Person is responsible for alleged sexual or relationship violence. However, where the Accused Person and the Reporting Person have a prior intimate or sexual relationship, this information may be deemed relevant to a determination of responsibility.
- l. Information that may demonstrate a pattern of behavior regarding the commission of sexual or relationship violence by an Accused Person may be considered to determine

whether the Accused Person is responsible for the current alleged sexual or relationship violence.

- m. Alcohol or drugs use by the Reporting Person at the time of the incident will not be considered a mitigating circumstance.
3. Time Frame for Resolution - Except in extraordinary circumstances, the University will conclude its investigation and student conduct process (except for any related appeal) within sixty (60) calendar days following receipt of a complaint. Timeframes may be extended based on the complexity of an investigation and the severity and extent of the alleged misconduct. An extension of the stated timeframe will be communicated to the Reporting and the Accused Persons with regular notice to be provide to both regarding the status of the University's investigation.

### **Non-Retaliation**

The University will not tolerate retaliation against any student, faculty member, or staff member who makes a report of sexual or relationship violence, participates in an investigation related to a report of sexual or relationship violence, or participates in a student conduct process related to a report of sexual or relationship violence. Examples of retaliation include, but are not limited to, intimidation, threats, stalking, coercion or discrimination because of a person's complaint or participation in an investigation or the student discipline process. Any allegations of retaliation should be reported to the Title IX Coordinator or a designated Reporting Contact and may be subject to the same investigation, hearing and appeal process as set forth above.

### **Warning to Campus Community (Timely Warning)**

If a report under this Policy discloses a serious or continuing threat to the University campus community, the University may issue a timely warning to protect the health or safety of the broader campus community. Any such warning to the campus community, when determined by the University to be appropriate under the circumstances, is limited to a brief account of the incident, a description of the alleged assailant when needed to apprehend, and the name of any individual who has been arrested and charged with a crime. The name of the Reporting Party will be maintained as confidential and will not be included in the warning.

### **Obligation to Report Child Abuse**

Texas law requires any person having cause to believe that a child's physical or mental health has been adversely affected by abuse or neglect to make an immediate report to appropriate authorities, including local law enforcement. To the extent that a report of sexual or relationship violence involves a victim under the age of eighteen (18), the individual receiving the report must file an immediate report with appropriate law enforcement agencies in accordance with state law.

### **Annual Campus Security Reporting**

All reports of sexual assault and relationship violence whether reported to a Responsible Employee or a Reporting Contact are included in the annual crime statistics of the institution. Statistics are reported in an aggregate format without any personal detail or designation.

### **Title IX Statement**

The University does not discriminate on the basis of sex in its programs and activities. The University of Dallas has designated a Title IX Coordinator to oversee the University's response to Title IX reports and complaints and to address any patterns or systematic problems revealed by such reports and complaints. The Title IX Coordinator has specific knowledge of the

requirements of Title IX, of the University policies and procedures related to sexual harassment and sexual and relationship violence and of all complaints raising Title IX issues at the University. Any person alleged to have been discriminated against in violation of Title IX may present a complaint to the Title IX Coordinator. The Coordinator assists in informal resolutions of complaints or guides the Reporting Party to the appropriate University official or process for resolving the complaint. Questions regarding Title IX may be directed to the designated University of Dallas Title IX Coordinator, Dr. Sherry Dellinger or Title IX Deputy Coordinator, Dr. Heather Kissack.

- Dr. Sherry Dellinger, Asst. Vice President of Student Affairs  
1845 E. Northgate Drive Irving, TX 75062  
(972) 721-5382
- Dr. Heather Kissack, Director of Human Resources  
1845 E. Northgate Drive Irving, TX 75062  
(972) 721-5094

Questions related to Title IX may also be directed to the

- Office for Civil Rights for the United States Department of Education, Region VI,  
1999 Bryan Street, Suite 1510, Dallas, Texas 75201-3136,  
Telephone (40) 974-9450,  
Facsimile (214) 661-9594.

Reports of possible violations of the above policy may also be made to:

- Mr. Seth Oldham, Director of Student Affairs  
(972) 721-5747
- Mr. Charles Steadman, Director of Campus Safety  
(972) 721-4041

### [Awareness Program](#)

All University of Dallas undergraduate and graduate students will take an online course about sexual and domestic violence. The course, from Campus Clarity, is titled "Think About It: Traditional Values." This online course contains basic statistics about sexual assault and domestic violence, as well as bystander awareness, situational awareness, what constitutes consent, and the role alcohol plays in sexual assault.

The Office of Student Affairs will hold various trainings and awareness events throughout the school year.

More information personal or sexual violence can be on the [Office of Student Affairs webpage](#).

