



# University of Dallas Policy CRI

## CIVIL RIGHTS POLICY – PROTOCOL FOR RESPONDING

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1. **Purpose** – This Policy provides the exclusive process for investigating and responding to complaints of violations of the University Civil Rights Policy, including, but not limited to, Non-Title IX Sexual Harassment, Title IX Sexual Harassment, Sexual Assault, Dating Violence and Stalking.
2. **Definitions** – Relevant terms for implementation of this Policy are set forth in University Policy CRT – Civil Rights Policy – Relevant Terms.
3. **Implementing Policies and Procedures** – The President of the University has the authority to adopt policies and procedures implementing this Policy.
4. **Jurisdiction**
  - 4.1. 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 or Employee.
  - 4.2. Proceedings under this Policy are separate from any criminal investigation or proceedings and may occur while criminal proceedings are ongoing.
  - 4.3. 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.
  - 4.4. Proceedings under this Policy may continue even if a party is no longer employed by or enrolled as a Student at the University.
  - 4.5. The University does not limit the timeframe for filing a complaint of violation of the University Civil Rights Policy. Complaints may be submitted at any time following an incident, although the University's ability to take action may be limited by the passage of time.
5. **Supportive Measures** – In accordance with University Policy CRS, the Civil Rights Coordinator may institute, revoke, or modify Supportive Measures at any point after receiving a report of an alleged violation of the University Civil Rights Policy.
  - 5.1. Upon receipt of a report of Prohibited Conduct, the Civil Rights Coordinator will promptly contact the Complainant, if known, to discuss

the availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

- 5.2.** Disciplinary sanctions and measures that are not Supportive Measures are not imposed on a Respondent except pursuant to the complaint process for Formal Complaints.
- 6. Training** – The University shall ensure that all individuals designated to participate in the University's processes for responding to allegations of Prohibited Conduct, including the Civil Rights Coordinators, Investigators, Decision-makers, and persons designated to facilitate informal resolution, receive regular training.
    - 6.1.** The training must include, but is not limited to, training regarding the scope of the University's education program or activity, how to conduct an investigation and disciplinary process(including hearings, appeals, and informal resolution processes, as applicable), and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
    - 6.2.** The University must also ensure that Decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant.
    - 6.3.** The University must also ensure that Investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
    - 6.4.** Any materials used to train individuals designated to participate in the University's processes for responding to allegations of Prohibited Conduct must not rely on stereotypes and must promote and promulgate impartial investigations and adjudications.
  - 7. Formal Complaint** – Upon receiving a Formal Complaint, the Civil Rights Coordinator will initiate the investigation process.
    - 7.1. Filing** – A Formal Complaint is a document filed by a Complainant or initiated and signed by the Civil Rights Coordinator alleging Prohibited Conduct by a Respondent and requesting that the University investigate the allegations of Prohibited Conduct.

- 7.1.1. When deciding whether to sign the Formal Complaint, the Civil Rights Coordinator will consider factors such as:
  - 7.1.1.1. The seriousness / nature of the allegations;
  - 7.1.1.2. Whether the alleged behavior or conduct presents a threat to individuals other than the Complainant;
  - 7.1.1.3. Whether effective measures can be put in place to protect the Complainant against continued physical or psychological harm or retaliation;
  - 7.1.1.4. Whether delaying an investigation could reasonably result in the destruction or deterioration of potential evidence to corroborate or refute the allegations;
  - 7.1.1.5. Whether the University has received other reports allegedly committed by the same individual(s); and
  - 7.1.1.6. Any other information that has a reasonable bearing on the decision.
- 7.2. **Investigator** – The Civil Rights Coordinator will assign an Investigator, who will be responsible for conducting a prompt and equitable investigation of the allegations in the Formal Complaint.
- 7.3. **Consolidation** – The Civil Rights Coordinator may consolidate Formal Complaints as to allegations against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.
- 7.4. **Opening of Investigation** – The Investigator shall provide contemporaneous notice to the Complainant and Respondent that an investigation has been opened.
- 7.5. **Dismissal** – The Civil Rights Coordinator may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:
  - 7.5.1. The Complainant notifies the Civil Rights Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
  - 7.5.2. The Respondent is not affiliated with the University or is no longer enrolled at or employed by the University;

- 7.5.3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein; or
- 7.5.4. Other reasons set out in policies or procedures adopted by the President of the University.
- 7.5.5. **Exceptions** – If a Respondent withdraws or graduates from the University pending a charge that the Respondent violated the University Civil Rights Policy by committing Non-Title IX Sexual Harassment, Title IX Sexual Harassment, Sexual Assault, Dating Violence, or Stalking, the University:
  - 7.5.5.1. may not end the investigative and disciplinary process until the University makes a final determination of responsibility; and
  - 7.5.5.2. shall expedite the University’s investigative and disciplinary process as necessary to accommodate both the Respondent’s and the Complainant’s interest in a speedy resolution.
- 7.5.6. Upon dismissal of a Formal Complaint, the Investigator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

**7.6. Investigation Report** – At the conclusion of the investigation, the Investigator will provide the investigation report and evidence to the Civil Rights Coordinator and will make the investigation report and evidence available to the parties.

**8. Disciplinary Process** – A Hearing Panel is responsible for overseeing the disciplinary process as to an alleged violation of the University Civil Rights Policy.

**8.1. Decision-maker** – The Formal Complaint shall be heard by a Hearing Panel, in accordance with procedures adopted by the President of the University.

**8.2. Process** – During the disciplinary process,

8.2.1. the Complainant and Respondent shall have a prompt and equitable opportunity to present witnesses and other evidence relevant to the Complaint;

8.2.2. the Complainant and Respondent shall have reasonable and equitable access to all evidence relevant to the alleged violation in the University’s possession, including any statements made by the alleged victim or by other persons, information stored

electronically, written or electronic communications, social media posts, or physical evidence, redacted as necessary to comply with any applicable federal or state law regarding confidentiality; and

8.2.3. the Civil Rights Coordinator shall take reasonable steps to protect the Complainant and Respondent from Retaliation and Harassment during the pendency of the disciplinary process.

**8.3. Decision** – The Hearing Panel shall provide the Complainant and Respondent with contemporaneous written notice of the decision of the Hearing Panel. The written notice must include findings of fact, conclusions, and a rationale for any determination regarding responsibility and any disciplinary sanctions imposed on the Respondent.

**8.4. Appeal of Final Decisions** – The Complainant and Respondent may appeal all final decisions of the Hearing Panel, as well as any dismissal, to the Appeal Officer.

8.4.1. The University shall notify the other party of the appeal.

8.4.2. Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

8.4.3. The Appeal Officer shall issue simultaneously to the parties a written decision describing the result of the appeal and the rationale for the result.

9. **Informal Resolution** – At any point after a Formal Complaint is filed, the University and the parties may agree to resolve the Formal Complaint through an informal resolution process.

**9.1.** The parties are not required to participate in an informal resolution process.

**9.2.** If the parties voluntarily agree to participate in an informal resolution process, either party may withdraw their consent at any time prior to agreeing to a resolution. If consent is withdrawn, the Formal Complaint process is resumed.

**9.3.** Informal resolution is not available to resolve allegations that an Employee sexually harassed a Student.

10. **Disclosure to Outside Institutions** – On request by another postsecondary educational institution, the University shall, as permitted by state or federal law, including the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C.

§ 1232g, provide the requesting institution information relating to a determination by the University that a Student enrolled at the University violated

the University's policy or code of conduct by committing Sexual Harassment, Sexual Assault, Dating Violence, or Stalking.