



# University of Dallas Policy CRR

## CIVIL RIGHTS POLICY – PROTOCOL FOR REPORTING

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1. **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. **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. **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 CRR, including whether or not to report to law enforcement.
  - 4.1. 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 doing so.
  - 4.2. 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.
    - 4.2.1. 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.
    - 4.2.2. 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.

- 4.2.2.1. 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.
  - 4.2.2.2. Also, the University will not discipline or otherwise discriminate against an Employee who in good faith makes a report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking or cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to a report of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking made by the Employee.
  - 4.2.2.3. The amnesty provided in Section 4.2.2, 4.2.2.1, and 4.2.2.2 does not apply to a person who perpetrates or assists in the perpetration of the incident in violation of the University Civil Rights Policy.
    - 4.2.2.3.1. The amnesty provided in Section 4.2.2.2 does not apply to an Employee who cooperates with an investigation, a disciplinary process, or a judicial proceeding relating to an allegation that the Employee perpetrated an incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking.
  - 4.2.2.4. The University may investigate to determine whether a report was made in good faith. A determination by the Civil Rights Coordinator that a Reporting Party or other person is entitled to the amnesty provided in Section 4.2.2, 4.2.2.1, or 4.2.2.2 is final and may not be revoked.
- 4.3. Each victim is entitled to report an incident to the University and to receive a prompt and equitable resolution of the report. 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.

4.3.1. The President of the University shall designate an option for Students and Employees to electronically report to the University an allegation that a violation of the University Civil Rights Policy was committed against or witnessed by the Student or Employee, regardless of the location at which the alleged offense occurred. The electronic reporting option must:

4.3.1.1. Allow for anonymous reporting; and

4.3.1.2. Be easily accessible via a clearly identifiable link on the University's website home page.

5. **University Civil Rights Coordinator(s)** – The President shall designate one or more Employees as Civil Rights Coordinators, to receive, investigate, and oversee the investigation of Complaints of discrimination, Harassment and Retaliation as set forth in University Policy CRP.

5.1. The President may also designate one or more Employees as deputy Civil Rights Coordinators.

5.2. The Civil Rights Coordinator specially designated to receive and investigate Complaints of sex discrimination, Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking, is the Title IX Coordinator.

5.3. The Civil Rights Coordinator or deputy Civil Rights Coordinator, as applicable, will immediately report to the President of the University a reported incident if the Civil Rights Coordinator or deputy Civil Rights Coordinator has cause to believe that the safety of any person is in imminent danger as a result of the incident.

6. **Reporting to University Employees** – All Employees, other than a Confidential Reporter, are required to promptly report to the appropriate Civil Rights Coordinator any incident the Employee witnesses or receives information about that the Employee reasonably believes constitutes a violation of the University Civil Rights Policy, including, but not limited to, Sexual Harassment, Sexual Assault, Dating Violence, and Stalking. The Employee must report such an incident regardless of when or where the incident occurred.

6.1. A report from an Employee, other than a Confidential Reporter, must include all information concerning the incident known to the reporting person that is relevant to the investigation and, if applicable, redress of the incident, including whether an alleged victim has expressed a desire for confidentiality in reporting the incident.

6.2. An Employee is not required to make a report to the Civil Rights Coordinator concerning:

- 6.2.1. an incident in which the Employee was a victim of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking;
  - 6.2.2. an incident in which the Employee received information due to a disclosure made at a Sexual Harassment, Sexual Assault, Dating Violence, or Stalking public awareness event sponsored by the University or by a student organization affiliated with the University; or
  - 6.2.3. a Sexual Harassment, Sexual Assault, Dating Violence, or Stalking incident in which the Employee has either learned of the incident during the course of the University’s review or process or has confirmed with the person or office overseeing the review or process that the incident has been previously reported.
- 6.3. **Criminal Penalties for Failure to Forward Certain Reports** – Pursuant to Texas law [especially TEX. EDUC. CODE §§ 51.251(3), 51.252(a), which modify the definition of ‘employee’], 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 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 Coordinator or a deputy Title IX Coordinator.
- 6.3.1. Pursuant to Texas law, an employee [TEX. EDUC. CODE §§ 51.251(3), 51.252(a)] may be subject to criminal penalties if the employee fails to make the report to the Title IX Coordinator or a deputy Title IX Coordinator or, with intent to harm or deceive, knowingly makes a report that is false.
  - 6.3.2. Pursuant to Texas law, if the University determines, in accordance with the University’s disciplinary process, that an employee [TEX. EDUC. CODE §§ 51.251(3), 51.252(a)] has committed a criminal offense by failing to fulfill this reporting obligation or by knowingly making a false report with the intent to harm or deceive, the University will terminate that person’s employment.

7. **Confidential Reporters** –

- 7.1. **Confidential Reporters** – The President of the University shall designate one or more 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 Civil Rights Coordinator.

7.1.1. **Types of Confidential Reporters** – Confidential Reporters on the University campus typically include the following when working within the scope of their license or ordination:

7.1.1.1. Licensed Mental Health Counselors.

7.1.1.2. Licensed Medical Professionals.

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

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

7.1.1.5. As to reports from a specific person, Confidential Reporters includes an Advisor selected by that person or by the University to conduct cross-examination on behalf of that person. Advisors are only available during an investigation or disciplinary process under the Civil Rights Policy and are only available to the parties to that investigation or disciplinary process.

7.2. **Confidential Communications** – A Confidential Reporter may not disclose any communication made by a Student to the Employee unless the Student consents to the disclosure or the Employee is required to make the disclosure under state or federal law.

7.3. **Exceptions to Confidentiality** – Unless prohibited by law (including canon law), Confidential Reporters must disclose confidential communications in the following circumstances:

7.3.1. **Aggregated Reports** - A Confidential Reporter must provide regular reports to the Title IX Coordinator including aggregate data or other non-identifying information regarding incidents of alleged Sexual Harassment, Sexual Assault, Dating Violence, or Stalking. The aggregate data must include the type of incident reported, unless providing that data would violate the person's expectation of privacy.

7.3.1.1. When multiple Confidential Reporters receive information about the same incident (e.g., in the student health center or counseling center), only a single report stating the type of incident is required.

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

7.3.3. **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 University Community immediately to the University Police or to other local law enforcement.

8. **Authority of an Alleged Victim to Request that their Identity not be Disclosed or that the Complaint Not Be Formally Pursued by the University** – An alleged victim 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.

8.1. The Civil Rights Coordinator will inform the alleged victim that a request for Confidentiality may limit the University’s ability to respond, including pursuing disciplinary action against the accused. The Civil Rights Coordinator will also inform the alleged victim that University Policy includes protections against Retaliation.

8.2. In determining whether the alleged victim’s request not to investigate will be granted, the Civil Rights Coordinator will consider:

8.2.1. The seriousness / nature of the allegation.

8.2.2. Whether the alleged behavior or conduct presents a threat to individuals other than the alleged victim.

8.2.3. Whether effective measures can be put in place to protect the alleged victim against continued physical or psychological harm or retaliation;

8.2.4. Whether delaying an investigation could reasonably result in the destruction or deterioration of potential evidence to corroborate or refute the allegation;

8.2.5. Whether the University has received other reports allegedly committed by the same individual(s); and

8.2.6. Any other information that has a reasonable bearing on the decision.

- 8.3. The Civil Rights Coordinator shall inform the alleged victim who requests the University not to investigate a Complaint of the University's decision whether to investigate the Complaint.
  - 8.4. Subject to the provisions in Section 8.0 of this Policy, if the Civil Rights Coordinator approves the alleged victim's request not to investigate a Complaint, the University will still offer the alleged victim appropriate 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.
9. **Confidentiality** – The University seeks to maintain the privacy of alleged victims who have suffered violations of the University Civil Rights Policy, as well as of those who participate in the investigative process.
- 9.1. Unless waived in writing by the person, the identity of the following persons is confidential and not subject to disclosure under Chapter 552, Government Code [Texas Public Information Act]:
    - 9.1.1. an alleged victim of an incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking reported to the University;
    - 9.1.2. a person who reports to the University an incident of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking, who sought guidance from the University concerning such an incident, or who participated in the University's investigation of such an incident; and
    - 9.1.3. a person who is alleged in a report made to the University to have committed or assisted in the commission of Sexual Harassment, Sexual Assault, Dating Violence, or Stalking if, after completing an investigation, the University determines the report to be unsubstantiated or without merit.
  - 9.2. Unless waived in writing by the person, the identity of persons listed in Section 9.1 may be disclosed only to:
    - 9.2.1. persons employed by or under contract with the University to which the report is made who are necessary to conduct an investigation of the report or any related hearings;
    - 9.2.2. a law enforcement officer, as necessary, to conduct a criminal investigation of the report;
    - 9.2.3. a health care provider in an emergency, as determined necessary by the University;

- 9.2.4. the person or persons alleged to have perpetrated the incident, to the extent required by other law; or
- 9.2.5. potential witnesses to the incident, as necessary, to conduct an investigation of the report.
- 9.3. A disclosure under Section 9.2 is not a voluntary disclosure for purposes of Section 552.007, Government Code.

## 10. **Institutional Reporting**

- 10.1. Not less than once every three months, the Title IX Coordinator shall submit to the President a written statement detailing the reports of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking received during the prior three months, including information regarding:
  - 10.1.1. The investigation of those reports;
  - 10.1.2. The disposition, if any, of any disciplinary processes arising from those reports; and
  - 10.1.3. The reports for which the University determined not to initiate a disciplinary process.
- 10.2. At least once annually, during either the fall or spring semester, the President shall submit to the Board of Trustees and post on the University's website a report concerning the reports of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking. The President's report:
  - 10.2.1. May not identify any person; and
  - 10.2.2. Must include:
    - 10.2.2.1. The number of reports of Sexual Harassment, Sexual Assault, Dating Violence, and Stalking;
    - 10.2.2.2. The number of investigations conducted as a result of those reports;
    - 10.2.2.3. The disposition, if any, of any disciplinary processes arising from those reports;
    - 10.2.2.4. The number of those reports for which the University determined not to initiate a disciplinary process, if any; and
    - 10.2.2.5. Any disciplinary actions taken against an employee [TEX. EDUC. CODE §§ 51.251(3), 51.252(a)] under Section 6.3.2 of this Policy.