

# University of Dallas Policy CRI-I

## CIVIL RIGHTS PROCEDURE – INVESTIGATION OF FORMAL COMPLAINTS

1. Purpose – This Procedure provides the exclusive process for investigating Formal Complaints of violations of the University Civil Rights Policy, including, but not limited to, Sexual Harassment, Sexual Assault, Dating Violence and Stalking.
2. Definitions – Relevant terms for implementation of this Procedure are set forth in University Policy CRT – Civil Rights Policy – Relevant Terms.
3. Initial Response to a Formal Complaint – Upon receiving a Formal Complaint alleging a violation of the University Civil Rights Policy, the Civil Rights Coordinator will initiate the investigation process.
  - 3.1. The Civil Rights Coordinator will assign an Investigator to conduct an investigation and prepare a formal written report regarding the incident.
    - 3.1.1. The Civil Rights Coordinator may be the Investigator.
    - 3.1.2. The Civil Rights Coordinator and the Investigator may assign additional persons to assist in the investigation.
    - 3.1.3. If a Complainant requests that no investigation be conducted, the Civil Rights Coordinator will evaluate whether the request may be granted, in accordance with University Policy CRR.
  - 3.2. If a party believes that the Investigator should be replaced because the Investigator has a conflict of interest or is biased for or against the party, either individually or because of the party's status as a Complainant or Respondent, the party may submit a written request to the Civil Rights Coordinator, within three (3) days of notice that the person has been assigned as the Investigator, that the Investigator be replaced.
    - 3.2.1.

- 4.1.1. The notice must include sufficient details known at the time and provide the Respondent with sufficient time to prepare a response before any initial interview.
  - 4.1.1.1. Sufficient details include (1) the identities of the parties involved in the incident, if known, (2) the conduct allegedly constituting Prohibited Conduct, and the date and location of the alleged incident, if known.
  - 4.1.1.2. The notice must include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the investigation and hearing process.
  - 4.1.1.3. The notice must include a statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney.
  - 4.1.1.4. The notice must include a statement that the parties will be provided with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint.
  - 4.1.1.5. The notice must include a statement that the University's

4.4.





5.1.3. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal

exercised substantial control over both the Respondent and the context in which the Sexual Harassment under Title IX occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

6.2.3. "Sexual Assault under Title IV" means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.<sup>1</sup>

6.2.4. "Sexual Harassment under Title IX" means conduct on the basis of sex that satisfies one or more of the following: