

University of Dallas Policy CRT

CIVIL RIGHTS POLICY – RELEVANT TERMS

1. Purpose –The University of Dallas has adopted the following uniform definitions to implement the University Civil Rights Policy (Policy CRP) and all related policies.
2. Implementing Policies and Procedures – The President of the University has the authority to adopt policies and procedures implementing this Policy.
3. Identification of Officials – Unless otherwise specified, a reference to a University official means that official, or that official’s designee.
 - 3.1. Substitute Designations – If a person designated by the President under the University Civil Rights Policy is unavailable or has a conflict that prevents the person from fulfilling their designated responsibilities, the President shall designate another person to fulfill those responsibilities in an acting capacity.
4. General Terms Related to Reporting and Parties Participating in Investigation of Complaints of Prohibited Conduct
 - 4.1. “Advisor” means a person chosen by a party, or by the University when the party does not have an Advisor present at a live hearing, to conduct cross-examination on behalf of that party.
 - 4.2. “Appeal Officer” means the University official designated by the President.

- 4.6. "Complainant" refers to the individual who is alleged to have been subject to Prohibited Conduct. Generally the Reporting Party and the Complainant will be the same individual.
- 4.7. "Confidential Reporter" – Refers to designated University Employees who are relieved of the obligation to report individualized information about a reported or witnessed incident of Prohibited Conduct to the Civil Rights Coordinator and to whom Students may speak confidentially.
- 4.8. "Day" means a calendar day, unless otherwise specified.
- 4.9. "Decision-maker" means a person designated to participate as a member of a Hearing Panel or as an Appeal Officer in connection with a Formal Complaint.
- 4.10. "Deputy Title IX Coordinator" means a University official designated to assist the Title IX Coordinator in receiving and investigating complaints of sex discrimination, Sexual Harassment, Sexual Assault, Dating and Domestic Violence, and Stalking. The President may designate one or more Deputy Title IX Coordinators.
- 4.11. "Document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.
- 4.12. "Formal Complaint" is a document filed by a Complainant or signed by the Civil Rights Coordinator alleging Prohibited Conduct by a Respondent and requesting that the University investigate the allegations of Prohibited Conduct.
- 4.13. "Employee" is a broad term used to encompass staff, faculty and administrators of the University, unless otherwise stated.
- 4.14. "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.
- 4.15. "Hearing Panel" means the members of the Civil Rights Pool who are designated to hear a Formal Complaint.

4.16. "Investigator" means the person designated by the Civil Rights

- 5.2.4. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.
- 5.2.5. A current or previous dating relationship is not sufficient to constitute consent.
- 5.2.6. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced.

- 5.4.6. The University is required to report Domestic Violence under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)).
- 5.5. "Fondling" means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the other person, including instances where the other person is incapable of giving valid consent.
- 5.6. "Force" refers to the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation ("implied threats"), and coercion that overcomes resistance

Rape. The University is required to report Sexual Assault under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. Section 1092(f)).

- 5.11. "Sexual Exploitation" refers to conduct in which an individual takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment or Sexual Assault. Examples of Sexual Exploitation include, but are not limited to:
 - 5.11.1. Sexual voyeurism, such as watching a person undressing, using the bathroom, or engaging in sexual acts, without the consent of the person observed.
 - 5.11.2. Taking pictures or video or audio recording of another in a sexual act, or in any other private activity, without the consent of all involved in the activity, or exceeding the boundaries of such consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
 - 5.11.3. Prostitution.
 - 5.11.4. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV), a sexually transmitted disease (STD) or sexually transmitted infection (STI)

require medical or other professional treatment or counseling.

5.13.1.3. A “reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

5.13.2. The Policy definition of Stalking also extends to cyberstalking

5.14. “Statutory Rape” means non-forcible sexual intercourse with a person who is under the statutory age of consent. The statutory age of consent in Texas is 17.