University of Delaware

Students and employees have a right to an environment free from harassment and discrimination.
Introduction
The purpose of this publication is to promote an academic and work environment that is free from all forms of harassment including race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, sexual orientation or any other characteristic protected by law. After reading this, you will be more informed about the sexual harassment and other discriminatory harassment policy, understand the avenues for forwarding complaints, and know what your obligations are for reporting incidents.

Notice of Non-Discrimination — The Policy
The University of Delaware does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, or sexual orientation in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and University policies. The University of Delaware prohibits sexual harassment, including sexual violence. Students, faculty, staff, vendors, and guests are permitted to file a complaint under this policy.

- Inquiries regarding the Americans with Disabilities Act, the Rehabilitation Act, and related statutes and regulations should be referred to the Office of Disabilities Support Services.
- Inquiries concerning the application of anti-discrimination and anti-harassment laws may be referred to the Title IX coordinators or to the Office of Equity and Inclusion.
- Inquiries concerning compliance with the Age Discrimination Act and the Age Discrimination in Employment Act should be referred to the Office of Labor Relations.

Discrimination & Harassment
TITLE IX: Title IX of the Educational Amendments of 1972 is the landmark legislation that bans sex discrimination in schools, whether it be in academics or athletics. Title IX states: “No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid.” Title IX of the Education Amendments and UD policy prohibits sexual harassment and sex discrimination in education and in education employment. For more information regarding Title IX at UD, visit www.udel.edu/titleix

SEXUAL HARASSMENT: Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or academic advancement; (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or (c) such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or unreasonably creating an intimidating, hostile, or offensive working or academic environment.
OTHER DISCRIMINATORY HARASSMENT: Other discriminatory harassment includes any unwelcome verbal or physical conduct toward another that is based on the other’s race, color, national origin, disability, religion, age, veteran status, gender identity or expression, or sexual orientation or any other characteristic protected by law, and that (a) unreasonably creates an intimidating, hostile, or offensive learning and/or working environment or (b) unreasonably interferes with an individual’s work or academic performance.

Discriminatory harassment goes beyond the mere expression of views or thoughts (spoken or written) that an individual may find offensive. The conduct must be sufficiently serious that it unreasonably limits an individual’s ability to participate in or benefit from the activities of the University.

Other Special Issues & Concerns

RETAIATION: Oftentimes victims are reluctant to come forward with complaints of discrimination and/or harassment because they fear retaliation. Retaliation is an adverse action that is harmful to the point that it could dissuade an individual from filing or supporting a complaint. Some examples of retaliatory behavior may include changes in job duties to less desirable job duties, temporary suspension, schedule changes, and exclusions from important meetings or job-related activities that are the result of an individual filing a complaint or participating in a complaint investigation.

It is a violation of University policy to retaliate in any way against students or employees because they have raised allegations of sexual or other discriminatory harassment. Person(s) against whom the complaint is lodged also bear a responsibility to abstain from retaliatory behavior toward the complainant(s) and/or any individual participating in the investigation.

Because a charge of discriminatory harassment may have serious consequences, complainant(s) must bring the charge in good faith and in accordance with University policy. A complainant whose allegations are found to be brought with malicious intent will be subject to disciplinary action.

CONSENSUAL RELATIONSHIPS: Romantic and/or sexual relationships that occur in educational or supervisory contexts present serious ethical concerns and can compromise the University’s academic and working environment. Relationships between students/employees and their teachers, advisors, teaching/graduate assistants, coaches, and/or supervisors should be conducted in a way that avoid potential conflicts of interest, exploitation, or bias. For example, a conflict of interest arises when an individual evaluates the work or performance of a person with whom he or she is engaged in a consensual relationship because of the inherent power differential. For more information regarding our consensual relationships policy, please see Personnel Policy 4-29.

HATE CRIMES: A hate crime is any act prohibited by law that is motivated because of the victim’s actual or perceived race, nationality, ethnicity, religion, gender, disability, or sexual orientation. If you think that you or someone you know has been the victim of such a crime, you may contact the local FBI office or your local police department to report the crime.
BULLYING: Bullying is any deliberately hurtful behavior, usually repeated over time, with the desired outcome of frightening, intimidating, excluding or degrading a person. While UD has no specific bullying policy, these behaviors may violate UD’s policies. Bullying may also be considered harassment when it is based on an individual’s race, color, national origin, sex, sexual orientation, disability, or religion. If there is a concern about conduct that may or may not rise to the level of harassment, we encourage you to talk to someone. Resource offices are listed in this publication.

Reporting Obligations

TITLE IX OBLIGATIONS: If you are contacted regarding allegations of sexual harassment, including sexual assault, you need to promptly notify the Title IX coordinator. UD’s Title IX coordinator is listed on www.udel.edu/titleix and on the “Legal Notices” link at the bottom of UD websites.

In order to meet the University’s legal obligations, the Title IX coordinator may determine that an investigation is warranted without a formal complaint if the University has sufficient notice that sexual harassment may have occurred and/or the allegations of sexual harassment are particularly serious (such as coerced sexual acts). Pursuant to its Title IX obligations, the University may take interim measures it deems necessary during an investigation to ensure the safety and well-being of the Complainant and/or University community.

CHILD ABUSE REPORTING: If you see, hear about or know about possible child abuse, including sexual abuse, on our campus, you must take the following three steps. Immediate action is essential to protect all children on our campus, and is required by Delaware law:

1. You must immediately contact University Police by calling 911 or (302) 831-2222.
2. You must immediately report what you know by calling the state’s child abuse reporting line at 1 (800) 292-9582 (available 24 hours a day, 7 days a week).
3. Once you have made your telephone reports to University Police and Delaware’s Department of Services for Children, Youth and Their Families, you must inform your immediate supervisor, who will in turn notify the appropriate vice president.

The Delaware Child Abuse Protection Act applies to ANY person in Delaware who knows about child abuse or has good-faith reason to suspect that someone has committed child abuse. This means ANY member of our University community, including any student, faculty member or staff member. “Child” means any person under the age of 18. If you have any questions regarding this obligation, please call the General Counsel’s Office at (302) 831-7366.

OTHER BEHAVIORS: Certain behaviors such as bullying, inappropriate language or language/conduct of a sexual nature may not rise to the level of discriminatory harassment but may nonetheless be unprofessional in the workplace, disruptive in the classroom, or violate other University policies and could warrant remedial actions and/or discipline. There are no legal obligations to report these behaviors, but we encourage you to take action and to discourage inappropriate behavior and conduct. Several offices are equipped to assist supervisors to take action.
Informal and Formal Complaint Procedures

An individual who believes that he or she has been discriminated against or harassed, by a University student, employee, or vendor, may seek resolution through a variety of complaint procedures. This next section details some of the informal and formal steps and processes set up to remedy complaints. As used in this section, the following terms shall have the meanings indicated:

- “Days” means business days when the University is open
- Specific individuals or offices named represent that individual/office or designee
- “Investigator” means the person designated to serve in that capacity
- “Complainant” is the person who initiates the complaint process, may be the victim but may also be a third party (such as a witness or unit acting on the victim’s behalf)
- “Respondent” is the person against whom a complaint is lodged against, whether in the formal or informal process

Initiating a Formal Complaint for Faculty/Staff and Students

- Manager/Supervisor Responsibility: Supervisors/department chairs/advisors who have been contacted by a complainant can notify and consult with one of the offices listed on the back panel for assistance in managing informal complaints. If a supervisor/department chair/advisor is contacted by a complainant regarding allegations of sexual harassment (including sexual assault), the supervisor/advisor should promptly notify the Title IX coordinator. In order to meet the University’s legal obligations, the Title IX coordinator may determine that an investigation is warranted without a formal complaint if the University has sufficient notice that sexual harassment may have occurred and/or the allegations of sexual harassment are particularly serious (such as coerced sexual acts). Pursuant to its Title IX obligations, the University may take interim measures it deems necessary during an investigation to ensure the safety and well-being of the Complainant and/or University community.

- If the Complainant wishes to pursue the matter beyond informal resolution, a formal complaint must be filed in writing with one of the following offices:
  - Students: Provost’s Office, Office of Student Conduct, Dean of Students, Office for Disability Support Services, Title IX Coordinator, Graduate Studies, Human Resources
  - Faculty/Staff: Human Resources, Provost’s Office, Professional Advisory Council/Salaried Staff Advisory Council (non-union staff), Union Grievance Officers, Title IX Coordinator

- Anonymous Complaints: The UD Compliance Hotline, serviced by EthicsPoint, provides an anonymous, confidential and independent resource for reporting suspected misconduct and other issues of concern in the workplace. Reports submitted via EthicsPoint will be handled promptly and discreetly. Facts will be made available only to those who need to know in order to address the issues reported. EthicsPoint and the
University are committed to safeguarding the confidentiality of individuals who submit reports. For information regarding about the hotline, what to report, and/or how to report, visit www.udel.edu/compliance.

Individuals may also contact the enforcement office of the Office of Civil Rights (OCR), Department of Education. The OCR office for Delaware is located at: Philadelphia Office for Civil Rights, U.S. Dept of Education, The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 197107; phone: (215) 656-8541

Once a formal complaint is filed, it will be subject to further investigation by the Investigator assigned to the matter. A complainant may work with an advocate at any point during the formal process. An advocate can also assist with filing the formal complaint.

*Every effort will be made to conclude the investigation within 60 days of the complaint.*

**Informal Advocacy Process – Faculty/Staff and Students**

1. Complainant talks with their supervisor, department chair or academic advisor about their concern with harassment or discrimination. Options of outcome from this conversation may include:

   - **INFORMAL → FORMAL OPTION**
     Supervisor/chair/advisor asks complainant if they’d like to formally complain about the issue and have the matter officially investigated. If complainant agrees, complainant referred to advocacy department for assistance in filing formal complaint or engages in the formal process individually. See “formal investigative flow chart” for procedures.
INFORMAL → DEPARTMENT
Complainant takes action with support of department/unit. This is most appropriate if the complainant is sure they do not want the matter officially investigated but want to do something about the issue. Department/unit should notify appropriate offices for reporting purposes. Identities can remain confidential.

- Complainant can write the respondent a letter or email addressing the issue
- Complainant can request to meet with respondent and supervisor/department chair/advisor to discuss the issue
- Complainant can request that department/unit addresses the issue on their behalf

INFORMAL → ADVOCACY OFFICE
Supervisor/chair/advisor refers complainant to advocacy office for support and next step options (see process #2 and list of advocacy offices). This is most appropriate if the complainant is unsure of what to do and does not want to formally come forward with a complaint.

2. Complainant talks with advocacy office staff about their concern with harassment or discrimination. Advocacy office staff can assist complainant by discussing options about resolution, decision-making counseling and crisis services, support and guidance in taking action, accompanying during formal process, as well as general well-being and emotional support.

Advocacy offices for students include:
- Residence Life department staff (including RAs)
- Center for Counseling and Student Development
- Dean of Students Office
- Student Services for Athletes
- Student Wellness and Health Promotion (formerly Wellspring)
- Sexual Offense Support (24/7 crisis hotline)
- Office of Equity and Inclusion
- Title IX Coordinator

Advocacy offices for faculty/staff include:
- Office of Equity and Inclusion
- Human Resources
- Faculty/Staff Assistance Program
- Office of Employee/Labor Relations
- Title IX Coordinator
Where to Turn to Report

There are many support and resource offices available to help individuals decide what to do and to take action. Individuals who would like assistance in taking action or filing a report can contact the Office of Equity and Inclusion, and a representative will aid them in the process.

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<thead>
<tr>
<th>Who?</th>
<th>What?</th>
<th>Where?</th>
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<tbody>
<tr>
<td>Faculty, Staff &amp; Students</td>
<td>Questions regarding the Americans with Disabilities Act, the Rehabilitation Act</td>
<td>Office of Disabilities Support Services 130 Alison Hall 302-831-4643</td>
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<tr>
<td>Faculty, Staff &amp; Students</td>
<td>Questions regarding age discrimination or the Age Discrimination in Employment Act</td>
<td>Office of Labor Relations 300 Hullihen Hall 302-831-2414</td>
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<tr>
<td>Faculty, Staff &amp; Students</td>
<td>Questions regarding the discrimination &amp; harassment policies and procedures, victim support and advocacy</td>
<td>Office of Equity &amp; Inclusion 305 Hullihen Hall 302-831-8063</td>
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<tr>
<td>Faculty, Staff &amp; Students</td>
<td>To report a bias-based crime such as a hate crime or threats</td>
<td>University of Delaware Police Department 413 Academy Street 302-831-2222</td>
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<tr>
<td>Faculty/Staff</td>
<td>To report a complaint regarding discrimination or harassment/Title IX</td>
<td>Title IX Coordinator 413 Academy Street 302-831-2171</td>
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<tr>
<td>Undergraduate Students</td>
<td>To report a complaint regarding discrimination or harassment/Title IX</td>
<td>Office of the Dean of Students 101 Hullihen Hall 302-831-8939</td>
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<tr>
<td>Graduate Students</td>
<td>To report a complaint regarding the discrimination or harassment/Title IX</td>
<td>Graduate Studies 234 Hullihen Hall 302-831-8697</td>
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<tr>
<td>All UD Community Members</td>
<td>To discuss sexual assault, intimate partner violence, abuse or stalking</td>
<td>SOS – Sexual Offense Support 24/7 confidential crisis support hotline 302-831-2226</td>
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The following person has been designated to handle inquiries regarding the Americans with Disabilities Act, the Rehabilitation Act, and related statutes and regulations: Avron Abraham, Interim Director, Office of Disabilities Support Services, 125 Academy Street, Suite 161, University of Delaware, Newark, DE 19716, 302-831-4643.

The following person has been designated to handle inquiries regarding the non-discrimination policies and to serve as the overall campus coordinator for purposes of Title IX compliance: Bindu Kolli, Director, Policy, Compliance & Equity, 413 Academy Street, University of Delaware, Newark, DE 19716, 302-831-2171.

The following individuals have been designated as deputy Title IX coordinators: for Athletics, Samantha Huge, Deputy Athletic Director, 122 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-5103; and for Student Life, Dawn Thompson, VP for Student Life, 101 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-8939. Inquiries concerning the application of anti-discrimination laws may be referred to the Title IX coordinators or to the Office for Civil Rights, United States Department of Education.

For further information on notice of nondiscrimination, visit http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm for the address and phone number of the U.S. Department of Education office that serves your area, or call 1-800-421-3481. 85/500/2-14/W