

***University of Delaware***  
***2015 Campus Security and Fire Safety Report***



***University of Delaware Police***  
***Department of Public Safety***  
***[www.udel.edu/police](http://www.udel.edu/police)***

# Table of Contents

<b>A Message From the Chief</b>	3
<b>Section One: Campus Security Report</b>	
University of Delaware Police Department of Public Safety	5
Reporting of Criminal Actions or Emergencies	5
Access to Campus Facilities	6
Maintenance and Security of Campus Facilities	6
Emergency Response Procedures	6
Security Awareness and Crime Prevention Programs	7
Crime Reporting	8
Off-Campus Conduct	8
Harassment/Violence/Sexual Misconduct	8
Definitions	9
Resources	9
Statement of Victims' Rights	10
Prevention and Education	10
Sex Offender Registration in Delaware	10
Drug and Alcohol Policies	11
Reportable Crimes	11
<b>Section Two: Fire Safety Report</b>	
Fire Statistics for On-Campus Student Housing Facilities	13
Description of On-Campus Student Housing Fire Safety Systems	14
Number of Regular Mandatory Supervised Fire Drills	14
Policies on Portable Electronic Appliances, Smoking and Open Flames	14
Fire Safety Education and Training Programs for Students, Faculty and Staff	15
Plans for Future Improvements in Fire Safety	15
<b>Section Three: Referenced Student Policies</b>	17
<b>Attachments:</b>	
A - Newark Campus Crime Statistics	
B - Lewes Campus Crime Statistics	
C - Wilmington Campus Crime Statistics	
D - Other Crime Statistics	
E - Emergency Preparedness	
F - Policy #7-52	
G - Policy #7-6	
H - Policy #7-51	
I - Valuable Property and Lost & Found	
J - Valuable Property Form	
K - Policy #4-29	
L - Sexual Misconduct Policy	
M - Drug Free Schools Notification	
N - Policy #4-35	
O - Definitions	

# A Message From the Chief



On behalf of the University of Delaware Police, Department of Public Safety, welcome to the University of Delaware. We hope you find this report helpful as it regards your safety and security on campus.

As a community, we recognize that safety is everyone's responsibility. We appreciate the opportunity to share with you information regarding Public Safety policies, programs, and services; campus crime statistics; and fire safety statistics, education and training, and evacuation policies and procedures.

The safety and well-being of all members of the University of Delaware community—students, faculty, staff and visitors—is of utmost importance to the University and a primary responsibility of the University of Delaware Police, Department of Public Safety. The Department is responsible for the protection of life and property, the enforcement of state laws and University policies, the prevention and detection of on-campus crimes and other violations, emergency response management, and fire and other safety services.

This information is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 and has been prepared by the Administrative Services division using statistical and other information supplied by Environmental Health and Safety, Newark Police, Wilmington Police, Lewes Police, Department of Natural Resources Police, Delaware State Police, Student Life, Residence Life, and Campus Security Authorities.

Statistics on crimes reported to the University Police for the past three years that occurred on campus, on public property adjacent to the campus and on university property located off campus, as well as arrests for selected offenses can be found at: [www.udel.edu/police/crime-stats](http://www.udel.edu/police/crime-stats) [Attachments A-D]

Fire safety statistics, in compliance with the Higher Education Opportunity Act of 2008, can be found at: <http://www.udel.edu/ehs/generalhs/fire/fire-prevention.html> [Page 13]

UD's Missing Student Policy [Page 17], in compliance with the Higher Education Opportunity Act of 2008, can be found at: <http://www.udel.edu/police/policies/missing-student.html>

The University of Delaware is a state-assisted, privately controlled institution of higher education. The main campus is located in Newark, Delaware and there are branch campuses located in Wilmington, Delaware and Lewes, Delaware. Over half of the 14,500 undergraduates live in residence halls on the Newark campus. The University of Delaware community is made up of over 24,000 people.

Thank you for taking the time to review this report. If you have questions or would like further information about safety and security at the University of Delaware, please contact the University of Delaware Police, Department of Public Safety at 302-831-1204.

Sincerely,

A handwritten signature in black ink that reads "Chief Patrick A. Ogden". The signature is written in a cursive, flowing style.

Patrick A. Ogden  
Chief of Police

# *Section One*

## *Campus Security Report*



## University of Delaware Police Department of Public Safety



The main office of the University of Delaware Police, Department of Public Safety is located at 413 Academy Street in Newark, Delaware and is open 24-hours-a day, seven days a week.

The well-being of all who attend, work or visit the University of Delaware is vitally important to the University of Delaware Police. While Newark is a relatively safe place, crimes do occur both on and off campus. Our police officers are trained to understand the needs of students, faculty and staff. Officers patrol the campus by vehicle, foot and bicycle. Public Safety security officers and student cadets assist the University Police in their preventive patrols. Everyone must do his or her part to maintain a safe environment. All members of the University Community have a responsibility to themselves and to others to use due care for their safety and to comply with all local, state and University regulations. The University Community is encouraged to promptly report crimes to the University and/or local police departments; timely reports of information make it easier for the police to gather critical evidence and increase the odds of recovering stolen property and successfully prosecuting a criminal.

The University Police are law enforcement officers of the State of Delaware and are certified by the Delaware Council on Police Training. They have full investigative and arrest authority on campus, as well as on contiguous streets and highways and elsewhere in the state as provided by law.

A criminal or traffic summons issued by the University Police will be adjudicated by the court system of the City of Newark or the State of Delaware, as appropriate. The

University Police work closely with federal, state, county and municipal law enforcement agencies to provide the best possible service.

The University of Delaware Police department has working relationships with state and local law enforcement agencies. UDPD also has jurisdictional agreements and or MOU's with several agencies. In addition, Delaware Code outlines mutual aid between law enforcement agencies within the state. All members of the University of Delaware Police are empowered to enforce University rules and regulations.

## Reporting of Criminal Actions or Emergencies

Like any other community of its size, the University of Delaware experiences accidents, injuries, crimes and other emergencies. To report a crime or emergency, the UD Police should be notified at 911 or 831-2222 as soon as possible. These telephone numbers are staffed 24-hours a day by trained telecommunications officers. The University of Delaware does not have a confidential reporting program and all victims are encouraged to report crimes and emergencies to the UD Police.

The University of Delaware campuses are equipped with over 100 outdoor emergency telephones. These telephones are programmed to automatically dial the Department of Public Safety when activated. The emergency phones located outdoors are identified by blue lights and are activated by picking up the receiver or pushing a button.



## Access to Campus Facilities

The University restricts access to its facilities to members of the academic community and bona fide guests. Access times vary depending on the building and the activity, except for those students, faculty and staff with keys or appropriate access authority.

Entry to Residence halls with central corridors is controlled electronically with card access 24 hours a day. They are equipped with special electronic systems intended to indicate a propped door condition that will sound a local alarm if the alarmed doors are not closed promptly.

All students, faculty and staff are required to possess ID cards and to present them when requested by a University official. Individuals who do not have legitimate reasons for being on campus or in a University building and who refuse to leave may be arrested pursuant to Section 22-39 (Criminal Trespass) of the Code of the City of Newark or Title 11 Section 821 of the Delaware Code.

## Maintenance and Security of Campus Facilities

Lighting and landscaping on the University of Delaware campuses are important considerations. Motor vehicle parking lots, pedestrian walkways and building exteriors are well lighted. Public Safety officers, paying attention to any burned out lights, check exterior lights periodically.

Deficiencies are reported to the Facilities Division. Members of the campus community are also encouraged to report any exterior lighting deficiencies to the Department of Public Safety at 831-2222 or via email to [Fixit@udel.edu](mailto:Fixit@udel.edu).

Each summer the UD Police conduct a lighting survey of the main campus in concert with representatives of the Facilities Division and other members of the University Community. Additionally, a campus wide security survey is conducted annually with representatives of the Resident Student Association, Facilities Division and members of the university administration.

Security officers employed by the Department of Public Safety are responsible for patrolling designated areas of the campus on foot and in vehicles, locking and unlocking buildings, providing escorts and transportation to students and staff, reporting security deficiencies and providing courier service to the campus community.



## Emergency Response Procedures

The University of Delaware's primary emergency notification tool, UD Alert, allows us to send emergency messages to students and staff within minutes. These notices will be sent in a variety of ways: voice messages (to local, cell or home phone), e-mail, and text message (to a pager or cell phone). The University of Delaware will test its UD Alert System once each semester during the academic year. Information will be posted on UDaily prior to the test so as not to alarm the campus community.

Information on additional methods that may be used to communicate emergency information can be found at:

[http://www.udel.edu/emergency/stay\\_informed.html](http://www.udel.edu/emergency/stay_informed.html)  
[Attachment E]

The University recognizes its responsibility to provide accurate and timely information to the campus community and the public during emergencies. The University also recognizes its responsibility to students, faculty, and staff to respond to concerns about personal safety and security, and to follow university policies concerning the release of personal information. In order to guide this process the Emergency Communications Policy was implemented; for additional information please see the full policy [#7-52](#) [Attachment F]. Please also see [#7-06](#) and [#7-51](#) [Attachments G and H] for details on processes that will be followed when an emergency is declared, and for the persons/positions responsible for carrying out the process.

## Security Awareness and Crime Prevention Programs

The following is a listing of the crime prevention programs and projects employed by the University of Delaware.

- **Escort Program:** The Department of Public Safety provides an escort service to the campus community. This service is staffed by student cadets who are employed and trained by the department. This free service is available during hours of darkness seven days a week.
- **New Student Orientation:** The UD Police Department participates in new student orientation held each summer; meeting new students and their parents and making available to them printed materials dealing with campus safety.
- **Emergency Telephones:** As previously indicated, exterior emergency telephones linked directly to the Department of Public Safety are located throughout the University's three campuses.
- **Crime Prevention Presentations:** Crime prevention presentations are made to various campus departments, student groups and organizations such as commuter students, international students, resident student association and other recognized student organizations.
- **Electronic Alarm Systems:** The campus wide network of intrusion, duress, elevator and fire alarm systems is monitored by the Public Safety Communications Center.
- **Security Surveys:** Security surveys are conducted for selected campus departments each year.
- **Valuable Property Identification:** The UD Police provides engraving tools for members of the University community to engrave their personal property. In addition, on campus students may register their valuable property [Attachments I and J] with the Department of Public Safety.



- **Bicycle Registration:** Students and staff who bring bicycles to the campus are encouraged to register their bicycles with Parking Services. Registration forms are available at the department or electronically at: <http://www.udel.edu/transportation/parking>

- **Rape Aggression Defense (R.A.D.) Systems:** RAD is designed to help women learn self-defense. It consists of tactics that help women become more aware of the possible dangers that can develop at any time. It teaches them to be preventive, and to reduce or avoid high-risk situations. RAD classes are conducted throughout the school year and there is no charge for this program.
- **Community Policing Program:** The UD police are committed to providing quality service and protection to the students, staff, faculty and visitors of the University of Delaware. The Community Policing Program is an integral part of this quality service. It is based upon the concept that police officers and the campus community as a whole can work together in creative ways to solve problems related to crime prevention. The primary focus of community policing is to foster positive interaction between the police, students and staff. Officers have been assigned to specific campus areas and have designated offices in the residence halls to better serve the security needs of the student population.
- **Web Site:** The UD Police, Department of Public Safety has developed a web site at [www.udel.edu/police](http://www.udel.edu/police) for quick and up-to-date information on services it provides.



- **Statistics** on crimes reported to the University Police for the past three years that occurred on campus, on public property adjacent to the campus and on university property located off campus, as well as arrests for selected offenses can be found at: [www.udel.edu/police/crime-stats](http://www.udel.edu/police/crime-stats) [Attachments A-D]

## Crime Reporting

Programs are in place to advise members of the campus community on a timely basis about campus crime and crime-related problems. The media used include the following:

- **Daily Crime Report:** A crime report log is prepared daily describing incidents reported to the University Police and reports made. Information contained in the log can be searched at a public computer site in the lobby of the public safety building or via any computer with Internet access.
- **Student Newspaper:** The University of Delaware student newspaper, The Review, has access to all the information contained in the daily crime report log. If a serious or unique crime has occurred, a special article may be printed in the newspaper.
- **UDaily:** The University of Delaware's online news service provides daily e-mail news updates and can be accessed at [www.udel.edu/udaily](http://www.udel.edu/udaily)
- **Timely Alerts:** If circumstances warrant it, special timely crime alerts are prepared and distributed through the UDaily online news reporting service. These alerts advise the community of the situation, steps to take to avoid being victimized and the number to call for more information. The Chief of Police or his designee, with assistance from the Office of Communications and Marketing, is responsible for preparing the alerts for dissemination to the university community.
- **Web Site:** The University maintains its own website ([www.udel.edu](http://www.udel.edu)) which all University faculty, staff and students, as well as the general public, have access to via their personal or University computers. The UD Police, Department of Public Safety maintains its own website ([www.udel.edu/police](http://www.udel.edu/police)) within this system which is also available as listed above.
- **Uniform Crime Reports:** The University Police annually contribute crime statistics to the State Bureau of Identification for the state of Delaware to be included in the Uniform Crime Report published yearly by the Federal Bureau of Investigation. The yearly report provides detailed statistical information and is available at academic and public libraries.

## Off-Campus Conduct

Students are reminded that all violations of local, state or federal law are subject to University action. A student is responsible for notifying the University of any off-campus arrest.

A student may be subject to withdrawal or emergency suspension from the University under certain circumstances.

For more information, see the [Student Guide to Policies: Code of Conduct, Section L.](#)

## Harassment/Misconduct

The University of Delaware prohibits all forms of violence and harassment; please review UD Policy [#4-29](#) [Attachment K], the [UD Sexual Misconduct Policy](#) [Attachment L] and visit [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct) for additional information.

**Confidentiality** - The University will maintain confidentiality to the fullest extent possible. When it is required to conduct an investigation without the consent of the victim, every effort will be made to keep information private.

**Procedure** : The procedure followed for assistance with instances of harassment or violence depend on the course of action the victim would like to take. If you are seeking:

**Care and Support** - you have many options available both on and off campus; for a full list of those resources please visit [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct).

**University Charges** - you can report to the Title IX Coordinator, Office of Equity and Inclusion, Office of the Dean of Students, Residence Life staff, Office of Graduate and Professional Education, Vice Provost for Faculty Affairs, or UD Police. If you are unsure which area your complaint should be referred to please call any of the offices listed above and they will assist you.

**Criminal Charges** - University of Delaware Police. If the incident occurred off campus the police jurisdiction will depend on the location; the UD Police can assist you with determining which agency to contact. For the Newark campus most incidents will fall under Newark Police or New Castle County Police jurisdiction; for Lewes Campus, Lewes Police Department; for Wilmington Campus, Wilmington Police Department.

## Definitions

**Sexual assault** is any unwanted non-consensual physical contact of a sexual nature, whether by an acquaintance or a stranger. Sexual assault can occur under physical force and/or coercion or when a person is physically or mentally unable to give consent. Sexual assault includes but is not limited to rape, forcible sodomy, forcible oral copulation, sexual assault with an object, sexual battery, and forcible fondling (i.e., unwanted touching or kissing of a sexual nature). The University of Delaware will not tolerate sexual assault and will adjudicate such acts of violence through the campus judicial system as well as encourage the accuser to pursue criminal and/or civil remedies. Judicial sanctions for violations of the Code of conduct range from deferred suspension to expulsion from the University.

**Domestic Violence** includes physical, sexual, or psychological harm by a current or former spouse (partner).

**Dating Violence** includes physical, sexual, or psychological harm by a current or former dating partner.

**Stalking** is generally defined as repeated (two or more occasions) visual or physical proximity, nonconsensual communication, or verbal, written, and/or implied threats, that would cause a reasonable person fear. Cyber-stalking, or stalking through technology such as texting, Facebook, and GPS trackers, is increasingly prevalent. The University of Delaware's policy defines stalking as "Purposely and repeatedly engaging in behavior directed at a specific person which reasonably causes that person alarm, distress, fear or a change of normal behavior" and it is a prohibited activity.

**Consent** is an affirmative decision to willingly engage in mutually acceptable sexual activity given by clear words or actions. It is an informed decision made freely and actively by all involved parties. In order for a sexual encounter to be consensual, each participant must agree to engage in each act of sexual activity in the sexual encounter.

## Resources

No matter when or where the incident occurred, support and referral resources are available to help you. Visit [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct) for more information on receiving assistance from the offices listed below.

The University understands that not everyone wishes to file an official incident report with the police; however, would like to ensure that assistance and resources are available to those who need them. The following offices can assist you with options, rights, and resources:

### Campus

**UD Police:** 911 or (302) 831-2224

**Counseling Center:** (302) 831-2141

**Student Life Office:** (302) 831-8939

**Office of Equity and Inclusion:** (302) 831-8063  
Faculty/Staff Assistance Program (302) 831-

Human Resources (302) 831-

Office of Student Conduct (302) 831-

**Sexual Offense Support Services (S.O.S.):**  
(302) 831-2226

(The 24-hour S.O.S. provides round-the-clock, immediate personal support on a confidential basis. Members are trained to listen, advise and counsel victims of rape and sexual assault. They can also refer you to other services.)

### Community

**State of Delaware:** (800) 842-8461

**Newark Police Department:** (800) 842-8461

**Wilmington Police Department:** (800) 262-9800

**Lewes Police Department:** (302) 645-6264

**Crisis Intervention:** (302) 577-2484

**Domestic Violence Hotline:** (302) 762-6110 or (302) 762-6111 (These numbers also put you in touch with the battered women's shelter)

**Rape Crisis Contact:** (302) 761-9100

**Suicide Hotline:** 1-800-652-2929

**Victim Crisis Center:** 1-800-842-8461

## Statement of Victim's Rights

- Victims have the right to choose counseling and medical treatment, and to prosecute and report their case through the University Judicial System and/or the off-campus court system. They also have the right to refuse all these options without reproach from any University personnel.
- Victims have the right to be treated with dignity and seriousness by campus personnel.
- Victims of crimes against an individual have the right to be reasonably free from intimidation and harm.
- University personnel are encouraged to inform all victims that (1) victims are not responsible for crimes committed against them; (2) victims are not negligent toward their own safety and thus do not assume the risk of crime; and (3) victims should always report their crime, despite the possibility of adverse publicity for the University.
- Victims will be made aware of appropriate student services, including counseling.
- Victims are entitled to the same support opportunities available to the accused in a campus disciplinary proceeding.
- If the accused is prohibited from contacting the victim or entering the victim's residence, the victim will be notified that the ban is in effect.
- Any victim who does not wish to remain in his/her present residence hall or class section may be granted a transfer to any available housing or class section.
- The victim has the right to information regarding the status of his/her case, including the results of any disciplinary proceedings.<sup>1</sup>
- Both the accused<sup>2</sup> and the victim<sup>3</sup> are entitled to have an advisor/advocate present during the student conduct process.

1. See Student Guide to Policies, Student Conduct System, Section D, 2, a, xiii

2. See Student Guide to Policies, Student Conduct System, Section C, 1, i

3. See Student Guide to Policies, Student Conduct System, Section C, 2, g

## Prevention and Education

Programs in the prevention of gender based violence are offered regularly throughout the year to students, faculty, and staff. Programs are offered throughout the year by many departments and committees; Sexual Assault Prevention and Education, Office of Equity and Inclusion, Human Resources, UD Police Community Resource Unit, Student Wellness, and Residence Life to name a few. During 2013 there were numerous programs presented to the University community (faculty/staff/students) covering the following topics: bystander intervention, sexual assault, dating violence, stalking, harassment, discrimination, consent, diversity and inclusion, rights and responsibilities, sexual assault myths, decision-making, alcohol, hate-based discrimination, and substance abuse.

## Sex Offender Registration in Delaware

In accordance with Title 11, Chapter 41 of the Delaware Code, information regarding registered sex offenders is maintained by the Delaware State Police. The Delaware State Police have created the Sex Offender Central Registry, a searchable database that may be accessed via an internet website. This database located at [www.state.de.us/dsp/sexoff/](http://www.state.de.us/dsp/sexoff/) may be used to locate registered sex offenders by name, address, city, county, or zip code. Convicted sex offenders from out of state must register with the Delaware State Police within 7 business days of establishing permanent or temporary residency within the State of Delaware and all registrants must indicate where they intend to reside, be employed and/or study. A list of registered offenders who have identified the University of Delaware as their place of employment, residence, or study can be found at the above listed website.

## Drug and Alcohol Policies

The abuse of alcohol and the use of illegal drugs by members of the University community are incompatible with the goals of an academic institution. In order to ensure that alcohol and illegal drugs do not interfere with the goals of the University, substance abuse programs have been developed that apply to the University as both an educational institution and a work place.

UD Administrative Policy [#4-35] prohibits the unlawful possession, use or distribution of illegal drugs and alcohol on campus. Please also see the **2015 Drug Free Schools Notification** [Attachment N].

The student policies of the University of Delaware on alcohol and drugs can be found in the University of Delaware Student Guide to University Policies <http://www.udel.edu/stuguide/15-16/index.html> University regulations clearly prohibit the unauthorized possession, use, manufacture, distribution, or sale of alcoholic beverages on University property or in University facilities. In addition, students are prohibited from using drugs, possessing drugs or drug paraphernalia, and from selling or otherwise distributing drugs.

Violations of these policies will result in immediate sanctions within the University's Student Judicial System. Students may receive penalties that include mandatory alcohol and drug evaluations and other sanctions from disciplinary probation to expulsion.

If students are found guilty of violating any local, state or federal laws concerning alcohol and drugs, they will receive significant sanctions. These penalties may include fines and mandatory prison terms. The State of Delaware, in particular, has very strict minimum mandatory sentencing laws for the selling of drugs. State and local laws concerning drugs and alcohol are summarized in the Student Guide to University Policies.

The University of Delaware is committed to educating its students in the areas of drug and alcohol use. Student Wellness in Laurel Hall provides education on substance use and abuse. If students have any questions concerning the health risks associated with the illicit use of drugs and the abuse of alcohol, or would like more information on drug/alcohol abuse education programs offered by the

University, they should contact Student Wellness or visit: [www.udel.edu/studentwellness/drugs\\_alcohol.html](http://www.udel.edu/studentwellness/drugs_alcohol.html) .

The University of Delaware employs licensed psychologists and psychiatrists in the Center for Counseling and Student Development who will assist students having problems with alcohol and drug abuse.

Every student at the University should read and become familiar with the policies on drugs and alcohol use and abuse that are discussed in the Student Guide to University Policies. In addition, more information is available on the health risks associated with drugs at the Wellspring Office in the Student Health Service.

If you have any questions concerning alcohol and drug regulations or health risks, please feel free to contact the following offices:

**Student Wellness:** (302) 831-8992

**Student Life Office:** (302) 831-8939

**Counseling and Student Development:**

## Reportable Crimes

Definitions [Attachment O]

Criminal Homicide - Murder, Non-negligent Manslaughter, Negligent Manslaughter

Sexual Assault (Rape, Fondling, Incest, Statutory Rape)

Robbery

Aggravated Assault

Burglary

Motor Vehicle Theft

Arson

Dating Violence

Domestic Violence

Stalking

Hate/Bias

Alcohol, Drug, Weapon - Violation of Law; arrest and student judicial referrals only.

# *Section Two*

## *Fire Safety Report*



# University of Delaware 2015 Annual Fire Safety Report



ENVIRONMENTAL  
HEALTH &  
SAFETY

A Safe and Healthful Campus Environment



## Higher Education Opportunity Act Reporting

The **Higher Education Opportunity Act**, enacted on August 14, 2008, requires institutions that maintain on-campus student housing facilities to publish an annual fire safety report that contains information about campus fire safety practices and standards of the institution.

### 2014 Fire Statistics for On-Campus Student Housing Facilities

Location	Date/Time	Cause	Injuries	Deaths	Property Damage
Rodney Hall D 2nd Floor	03/17/14 7:18 p.m.	Restroom Waste Can, Criminal Mischief	0	0	\$ 30
Independence Hall Rom #442	6/25/14 7:08 a.m.	Overheated Fan Coil Unit Motor	0	0	\$100
Christiana East Room #704	8/22/14 12:15 p.m.	Fan Coil Unit Pipe Insulation	0	0	\$ 50
175 W. Main Street Greek Housing	11/19/14	Oven Contents Fire	0	0	\$0
Christiana East Room #508	12/08/14 12:08 p.m.	Oven Appliance and Contents Fire	0	0	\$600

# University of Delaware 2015 Annual Fire Safety Report

## A. Description of On-Campus Student Housing Fire Safety Systems:

- All On-Campus Student Housing, Graduate Student Housing and On-Campus Fraternity/Sorority Housing is equipped with the following fire safety features:
  - Complete automatic sprinkler system
  - Fire alarm system monitored by the UD Police, Department of Public Safety
  - Smoke alarm in each sleeping room, interconnected within common areas of suites and apartments. Activation is initially local to the room of origin and transmits a fire alarm signal to UD Department of Public Safety. After 15-minutes of local alarm activation, or activation of a second smoke alarm, the alarm will sound a General Fire Alarm within the building. All fire alarm events, troubles and supervisory signals are monitored by UD Police, Department of Public Safety.
  - Egress corridors and stairwells are fire rated
  - Residents with disabilities are accommodated according to their needs
- Each UD Owned Off-Campus Fraternity and Sorority housing facility has the following:
  - Automatic sprinkler system
  - Fire alarm system monitored by the UD Police, Department of Public Safety
  - Smoke alarm in each sleeping room
  - Egress corridors and stairwells are fire rated
  - Residents with disabilities are accommodated according to their needs

## B. Number of regular mandatory supervised fire drills:

Each on-campus undergraduate student housing facility has two fire evacuation drills conducted and evaluated by the University Police and the University Fire Protection Engineer each semester.

## C. Policies on portable electrical appliances, smoking and open flames:

On-campus housing facilities have prohibitions against the following activities:

- 1.Smoking.
- 2.Using lighted candles or other open flames devices.
- 3.Cooking in unapproved areas (bedrooms) including use of toaster ovens and appliances with an open heating element. Microwaves are allowed in Student Housing Rooms.
- 4.Use of space heaters (Except when issued by Residential Facilities for emergency outages of heat).
- 5.Use of extension cords.
- 6.Tampering with or blocking any fire protection equipment.
- 7.Possession of fireworks.
- 8.Use of halogen lamps or halogen bulbs.

Additional information is available on the following web sites:

Fire Safety Program in Residence Halls: [http://www.udel.edu/reslife/community\\_living/prohibited.html](http://www.udel.edu/reslife/community_living/prohibited.html)

Residential Facilities - Safety and Environment: [http://www.udel.edu/reslife/community\\_living/safety.html](http://www.udel.edu/reslife/community_living/safety.html)

Facilities Management Guidelines for Student Housing: <http://www.facilities.udel.edu/students.aspx>

# University of Delaware 2015 Annual Fire Safety Report

## **D. Fire safety education and training programs for students, faculty and staff:**

The Fire Protection Element within the Department of Environmental Health & Safety provides training to housing staff including Resident Assistants, Complex Coordinators, Hall Directors and Greek House Directors. The training includes annual R/A Fire Safety Training. Training provides information on fire protection features of facilities, fire prevention, emergency procedures, and conducting fire safety education sessions for residents, and hands-on fire extinguisher training. Graduate students and staff for Chemical, Engineering and Biology Lab Programs were provided fire safety and hands-on fire extinguisher training.

The Fire Protection Engineering Element is also involved in public education programs like New Student Orientation, AG-Day, Grad Fair, Grad Student Lab Fire Safety, ARAMARK Employee Training; Public Safety In-Service Training, Transportation Bus Drivers and General Population Fire Extinguisher Training. A web-based Student Resident Fire Safety Pilot Training Program was developed and provided by the National Institute of Fire and Safety Training (NIFAST). The training was tested by Residence Life professionals and staff and offered to on and off-campus student residents.

## **E. Plans for future improvements in fire safety:**

UD continually evaluates the fire protection systems within student housing facilities. Evaluations culminate in the incorporation of fire safety upgrades. Such upgrades occur through replacements or building renovations. Current plans include:

- o Completed construction of new 3-story Combination Dining/Student Housing building is ready for occupancy in September 2015; fire safety features being incorporated are state of the art fire alarm detection and automatic fire sprinklers.
- o Completed renovation project for Harrington Complex which included but was not limited to installation of Emergency Voice Evacuation Fire Alarm System, improved fire department fire lane access and compliance upgrade for all stairwells.
- o A joint effort by Facilities Maintenance & Operations Electronics and Campus Fire Marshal is being made to replace older fire detection and alarm systems in student housing. New UD Fire Alarm Design Standard will upgrade selected buildings with Emergency Voice Evacuation Systems.
- o Continuing to provide enhanced fire extinguisher training with the BULLEX Bull's-eye laser fire extinguisher training system. Hands-on fire extinguisher training at Sorority and Fraternity Houses is provided on-location at each residence.
- o Achieved the highest participation rate to date with the web based (NIFAST) Residential Fire Safety Training Program, which included Safety/Security Elements, and Alcohol Awareness. Student participation of NIFAST was raised through the collaborative efforts of Residence Life and Campus Fire Marshal by adding student incentives with Residence Hall and Greek Housing residents. The goal is to have all student residents successfully complete this valued training.

**Access to UD Department of Public Safety Clery Reporting at:**

<http://www.udel.edu/police/clery>

# *Section Three*

## *Referenced Student Policies*



## Missing Student Policy

- 1.** The University of Delaware (UD) takes student safety seriously. To this end, and in compliance with the Missing Student Notification Policy and Procedures (Section 488 of the Higher Education Opportunity Act of 2008), the following policy has been developed in order to assist in locating UD students, who, based on the facts and circumstances known to the University, are determined to be missing. It is the policy of UD to actively investigate any report of a missing student. All students will be notified of the missing student policy and the procedures UD would follow in the event that they are reported missing.
- 2.** Each student will be asked to identify the name and contact number of the individual(s) whom UD will notify within 24 hours of the determination that the student is missing. For any student under the age of 18, and not an emancipated individual, the institution is required to notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student. Students' contact information will be registered confidentially, made accessible only to authorized campus officials, and will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.
- 3.** If a member of the University community has reason to believe that a student is missing, he or she must report it to the University of Delaware Police Department (UDPD), located at 413 Academy Street, Newark DE 19716. For non-emergencies call 831-2222; for emergencies call 911. All efforts will be made immediately (no waiting period) to locate the student to determine his or her state of health and well-being. These efforts include, but are not limited to, calling the student's cell phone and sending a text message, looking at social networking sites, checking the student's room, interviewing roommates and friends, checking attendance in class, checking ID card access and key fob use, and locating the student's vehicle.
- 4.** If upon investigation by UDPD, the student is determined missing for at least 24 hours, the Dean of Students will contact the student's designated emergency contact (or custodial parent or legal guardian if the student is under the age of 18 or has failed to designate an emergency contact). UDPD will notify the Newark Police Department within 24 hours of the determination that a student is missing, unless Newark police was the entity that made the determination that the student is missing. UDPD will continue to investigate utilizing established police investigative procedures and in collaboration with staff from the Dean of Students' Office and Residence Life. UDPD will also co-ordinate its efforts with outside law enforcement agencies in full compliance with legal obligations and good police practice.
- 5.** The Missing Student Policy will be included in the following documentations:

  - a. Student Guide to University Policies;
  - b. Residence Life Website;
  - c. Information provided to students at point they complete emergency contact information (SIS);
  - d. Annual email to all students from Dean of Students; and
  - e. Annual Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act

## Student Guide to Policies: Student Conduct System, Section D, 2, a, xiii

*The Office of Student Conduct will notify the charged student and the complainant via e-mail of the outcome, rationale, proposed sanction(s) (if any), and the right of appeal. The Office of Student Conduct will notify the victim of sexual assault or sexual harassment of the outcome and sanctions applied and the right of appeal.*

## Student Guide to Policies: Student Conduct System, Section C, 1, i

*A charged student is entitled to. . . .*

*i. Be assisted by a student conduct advisor of his or her choice from among the members of the University community. For undergraduate students, names of advisors familiar with the student conduct process are available upon request through the Office of Student Conduct. It is the responsibility of the charged student to obtain an advisor if so desired and to provide the advisor's name to the Office of Student Conduct (for undergraduate students) or the Office of Graduate and Professional Education (for graduate students) at least 3 business days prior to the Administrative Hearing. An advisor should be selected promptly. The advisor may:*

- Advise the charged student on the presentation of a response to the allegations;*
- Accompany the charged student at all student conduct meetings; and*
- Advise the charged student in the preparation of any appeal.*

## Student Guide to Policies: Student Conduct System, Section C, 2, g

*A victim of sexual assault or sexual harassment is entitled to. . . .*

*g. Have an advocate throughout the conduct process, with the advocate serving the same role as a student conduct advisor to the charged student. It is the responsibility of the victim to obtain an advocate if so desired and to provide the advocate's name to the Office of Student Conduct (for undergraduate students) or the Office of Graduate and Professional Education (for graduate students) at least 3 business days prior to the hearing.*

## Student Guide to Policies: Code of Conduct, Section L

### *L. Off-Campus Conduct*

#### *1. Statement of Policy*

*Violations of local, state, or federal law are subject to University action. A student who has pleaded guilty to or otherwise accepted responsibility for a violation (e.g. Probation Before Judgment or no lo contendere) should be aware that the University may also sanction the student.*

#### *2. Notification of Criminal Arrest*

*a. A student is responsible for notifying the University of any off-campus arrest.*

*b. When the Office of Student Conduct (for undergraduate students) or the Office of Graduate and Professional Education (for graduate students) is informed of the arrest of a student, the University will send a letter to the student requiring that he or she make an appointment for an interview with the Office of Student Conduct or Office of Graduate and Professional Education. During this interview, the facts involved in the student's arrest, the student's obligation to keep the University informed of the progress of the criminal charge(s), and the student's obligation to advise the University of the final disposition of the criminal charge(s) will be discussed with the student.*

#### *3. Withdrawal When Certain Criminal Charges are Pending*

*The University may withdraw any student when certain charges are pending against that student, subject to the procedures set forth in the Student Conduct System section of this Guide.*

*Specifically, withdrawal may be mandated where the crime involves an act of violence, the sale, manufacture or delivery of drugs or any other conduct that is egregiously offensive to the University's mission.*

*4. Emergency Suspension The University may remove any student where the continued presence of the student on-campus poses a threat to safety or the rights, welfare, or property of another, subject to the procedures set forth in the Student Conduct System section of this Guide.*



**University of Delaware  
Crime Statistics - Newark Campus  
2012-2014**



Crime Reports	Year	On-Campus	On-Campus	On-Campus	Non-Campus*	Public Property*
			Residence Hall	Total		
Murder	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Non-Negligent Manslaughter	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Sexual Assault* (Rape, Fondling, Incest, Statutory Rape)	2014	4	8	12	0	2
	2013	0	3	3	0	0
	2012	1	1	2	1	0
Robbery*	2014	3	0	3	0	4
	2013	0	0	0	0	1
	2012	2	0	2	0	2
Aggravated Assault	2014	3	0	3	0	3
	2013	3	0	3	0	6
	2012	1	0	1	1	1
Burglary*	2014	17	10	27	0	0
	2013	6	16	22	1	0
	2012	5	6	11	0	0
Motor Vehicle Theft	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	1	0	1	0	2
Arson	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Dating Violence	2014	3	2	5	0	1
	2013	0	0	0	0	0
Domestic Violence	2014	1	0	1	0	0
	2013	0	0	0	0	0
Stalking	2014	3	0	3	0	0
	2013	1	0	1	0	0

Hate Crimes	Year	On-Campus	On-Campus	On-Campus	Non-Campus*	Public Property*
			Residence Hall	Total		
	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0

Arrests	Year	On-Campus	On-Campus	On-Campus	Non-Campus*	Public Property*
			Residence Hall	Total		
Liquor Law	2014	86	26	112	0	31
	2013	116	31	147	4	52
	2012	127	26	153	2	4
Drugs	2014	85	27	112	0	3
	2013	112	58	170	0	6
	2012	80	38	118	2	0
Weapons	2014	2	0	2	0	1
	2013	5	0	5	0	2
	2012	2	1	3	0	0

Campus Judicial Referrals	Year	On-Campus	On-Campus	On-Campus	Non-Campus*	Public Property*
			Residence Hall	Total		
Liquor Law	2014	610	148	758	0	0
	2013	708	124	832	2	0
	2012	725	114	839	0	0
Drugs	2014	12	24	36	0	0
	2013	30	44	74	0	0
	2012	70	43	113	0	0
Weapons	2014	0	0	0	0	0
	2013	0	1	1	0	0
	2012	1	0	1	0	0

\*These incidents/arrests occurred on property adjacent to campus or at off-campus student organization locations, and may have been handled by the Newark Police Department.

\*9 of the reported sexual assault offenses for 2012-2014 were reported to CSA's and were not investigated by the UD Police Department.

\*1 of the reported robbery incidents for 2012 was reported to a CSA and was not investigated by the UD Police Department.

\*13 of the 2013 burglaries were attributed to two suspects; both arrested and prosecuted; the non-campus burglary was reported to a CSA and not investigated by the UD Police (study abroad).

\*19 of the 2014 burglaries were attributed to four suspects; three arrested, one sent through the student judicial system.

Unfounded Crimes: One of the three robberies reported on campus in 2014 was unfounded by law enforcement.



**University of Delaware  
Crime Statistics - Lewes Campus  
2012-2014**



Crime Reports	Year	On-Campus	On-Campus Residence Hall	On-Campus Total	Non-Campus*	Public Property*
Murder	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Non-Negligent Manslaughter	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Sexual Assault (Rape, Fondling, Incest, Statutory Rape)	2014	0	0	0	0	1
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Robbery	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Aggravated Assault	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Burglary	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Motor Vehicle Theft	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Arson	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Dating Violence	2014	0	0	0	0	0
	2013	0	0	0	0	0
Domestic Violence	2014	0	0	0	0	0
	2013	0	0	0	0	0
Stalking	2014	0	0	0	0	0
	2013	0	0	0	0	0

Hate Crimes	Year	On-Campus	On-Campus Residence Hall	On-Campus Total	Non-Campus*	Public Property*
	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0

Arrests	Year	On-Campus	On-Campus Residence Hall	On-Campus Total	Non-Campus*	Public Property*
Liquor Law	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Drugs	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Weapons	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0

Campus Judicial Referrals	Year	On-Campus	On-Campus Residence Hall	On-Campus Total	Non-Campus*	Public Property*
Liquor Law	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Drugs	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0
Weapons	2014	0	0	0	0	0
	2013	0	0	0	0	0
	2012	0	0	0	0	0

\*These incidents/arrests occurred on property adjacent to campus or at off-campus student organization locations, and may have been handled by the Lewes Police Department or DNREC Police Department.



**University of Delaware  
Crime Statistics - Wilmington Campus  
2012-2014**



Crime Reports	Year	On-Campus	Non-Campus*	Public Property*
<b>Murder</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
<b>Non-Negligent Manslaughter</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
<b>Sexual Assault</b> (Rape, Fondling, Incest, Statutory Rape)	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
<b>Robbery</b>	2014	0	0	1
	2013	0	0	0
	2012	0	0	0
<b>Aggravated Assault</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
<b>Burglary</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
<b>Motor Vehicle Theft</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
<b>Arson</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
Dating Violence	2014	0	0	0
	2013	0	0	0
Domestic Violence	2014	0	0	0
	2013	0	0	0
Stalking	2014	0	0	0
	2013	0	0	0

Hate Crimes	Year	On-Campus	Non-Campus*	Public Property*
	2014	0	0	0
	2013	0	0	0
	2012	0	0	0

Arrests	Year	On-Campus	Non-Campus*	Public Property*
<b>Liquor Law</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
<b>Drugs</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	1
<b>Weapons</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0

Campus Judicial Referrals	Year	On-Campus	Non-Campus*	Public Property*
<b>Liquor Law</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
<b>Drugs</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0
<b>Weapons</b>	2014	0	0	0
	2013	0	0	0
	2012	0	0	0

\*These incidents/arrests occurred on property adjacent to campus or at off-campus student organization locations, and may have been handled by the Wilmington Police Department.



**University of Delaware  
Crime Statistics - Other Locations  
2012-2014**



**Associate in Arts Program**

The University of Delaware's Associate in Arts Program offers qualified applicants the opportunity to pursue a University of Delaware Associate in Arts (AA) degree by taking UD courses at the UD Academic Centers on the campuses of Delaware Technical & Community College in Wilmington, Dover, and Georgetown. The University provides advisement and academic support services for Associate Degree Program students at all sites at which instruction is provided. The Associate Degree Program is a nonresidential program; campus housing is not provided.

Incidents for this location are compiled by DTCC and their most recent report can be found at:

<https://www.dtcc.edu/about/public-safety/your-right-know>

**Carvel Research & Education Center**

The University of Delaware's Elbert N. and Ann V. Carvel Research and Education Center in Georgetown is a research and educational facility located in southern Delaware; the 24,000-square-foot facility, adjacent to Lasher Laboratory on the north side of Route 9, serves as the central office building and meeting facility for UD in Georgetown, and also is used by Sussex County Cooperative Extension, 4-H, state Cooperative Extension, Master Gardeners and the Expanded Food and Nutrition Education Program, among other programs. Lasher Lab houses facilities dedicated to poultry health research, weed research and soil and environmental studies.

**There were no incidents to report for this location during 2012-2014**

**Paradee Center**

The W. Charles, Sr. and Eleanor Clement Paradee Center in Dover is a 10,000-square-foot, Georgian-style building on Route 113 (69 Transportation Circle, Dover, DE), which since 1998 has given the University of Delaware a presence and visibility in Kent County. The Paradee Center is a hub for educational programming for the University, business, government, and civic and corporate institutions throughout the county. The facility has a conference room, two UD classrooms, two classrooms scheduled and coordinated by the state of Delaware, and accommodates UD Cooperative Extension staff. Extension disciplines represented in Dover include youth development commercial agriculture, animal science, renewable resources, family and consumer sciences and home gardening.

**There were no incidents to report for this location during 2012-2014**

## Attachment E

# EMERGENCY PREPAREDNESS

### Things to Remember

1. Remain calm, use common sense, and provide aid. Take time to think before acting.
2. Always evacuate the building immediately when you hear an audible alarm or see a visible alarm, when directed by authorities, or when the building becomes life-threatening, e.g., smelling natural gas.
3. Proceed to the emergency gathering point for further instructions.
4. Do not use the telephone for reasons other than emergency purposes.
5. Do not enter elevators during an emergency. If stuck in an elevator do not attempt to force open stalled elevator doors, use the emergency phone to contact Public Safety.
6. Keep a flashlight handy if you are in an area that does not have emergency lighting or natural lighting.
7. Know the location of all marked exits from your working area.

### Emergency Reporting

Dial 911 to reach the emergency dispatcher who can summon medical, fire or police response. These individuals can also contact emergency personnel who are not “first responders” but will oftentimes be needed to assist the first responders with incident resolution.

1. If you are in a hazardous situation, don't endanger yourself further. Avoid unstable structures, smoke, electrical hazards, fire, radiation, chemical, or biological exposure, etc. Do not risk your well being to save personal or University property.
2. When you call, give your name, telephone number and location, and the nature and location of the emergency.
3. Don't hang up until the dispatcher ends the conversation.
4. If phone lines are dead, take the message to 413 Academy Street in person or use a cell phone if available and dial 831-2222.

### Medical emergencies

1. Summon help by dialing 911 to report the illness or injury.
2. Provide the level of first aid for which you are trained and equipped.

3. Whenever possible, have someone meet the ambulance or Public Safety officer at a clearly visible location to quickly direct them to the injured person.
4. Never put yourself at risk to help the injured or ill person.
5. Whenever possible, have someone accompany the injured or ill person to the emergency care facility.
6. Inform department personnel about the incident to assure proper documentation and investigation of the incident are performed.

## **Fire emergencies**

1. Be prepared. Practice by holding a fire drill in your building at least once a year.
2. Know where the fire alarm pull stations are and how to activate them.
3. Know your evacuation routes and keep them clear at all times.
4. Know where your emergency telephones are to contact Public Safety.
5. Know where the closest fire extinguishers are and how to use them.
6. Never use the elevator to evacuate.

### **If fire or smoke is detected:**

1. Activate the building alarm system.
2. Evacuate the building moving a distance of at least 200 feet from the building. Check your building evacuation plan to determine your gathering point. When outside notify public safety by using a blue light phone or cell phone giving as much information as possible. Persons knowing the reason for the fire should go to the command post established by Public Safety to provide this information.
3. If there is no alarm system, notify others as you leave the building by shouting "fire" and knocking on doors.
4. If possible, close doors and windows as you leave to prevent the fire's spread.
5. If there is smoke in the area, get down on the floor and crawl out of the building.
6. Feel all doors before opening them. If a door is hot, don't open it. Move to a second exit, or if one is not available, stay there and try to open a window for fresh air.
7. Open doors slowly. If you encounter smoke, close the door quickly and stay in the room. Call 911 and give your location. Try to do something to help identify your location from the outside of the building.
8. Never try to fight a fire alone unless it is required to exit the building.

## **Your Response in a Shooting**

Please note that such incidents are highly unpredictable and your response will depend on the exact circumstances. Your first priority is to have an "out" strategy. If you can do so safely, leave the building or area immediately, via door, window or emergency exit. Move away from the immediate path of danger, and take the following steps:

1. Notify anyone you may encounter that they should leave the building or area immediately.
2. Get to a safe area away from the danger, and take protective cover. Stay there until assistance arrives.
3. Call 911, providing dispatchers your name, the location of the incident (be as specific as possible), the number of shooters (if known), identification or description of the shooter or shooters, the number of persons who may be involved, your exact location, and information about wounds and injuries to anyone, if known.
4. If you are not immediately affected by the situation, take protective cover, staying away from windows and doors until notified otherwise.

### **If you are directly involved in an incident and cannot leave the building:**

1. Go to the nearest room or office, close and lock the door, turn off the lights and seek protective cover. If possible barricade the door. Students should scatter when in the same room, rather than huddle in a corner, which can provide an easy target for a shooter.
2. Keep quiet, act as if no one is in the room, and do not answer the door.
3. If possible, pull the fire alarm to alert authorities to an emergency situation.
4. If you have a cell phone at hand and if it is safe to do so, notify 911, providing dispatchers with as much pertinent information as possible.
5. Wait for University Police and other police officials to assist you out of the building.

## **Bomb Threats**

1. Take all calls seriously and report them to Public Safety at 911 immediately.
2. Notify your supervisor or the person responsible for the building.
3. Try to obtain as much information from the caller as possible, such as location of the bomb; detonation time; reason for threat; information about the caller, age, affiliation with any organization, etc.
4. Do not try to locate the bomb and never touch suspicious objects.

5. Do not use portable radios in the facility where the bomb is located.

## **Robbery/Assault**

1. Cooperate, giving the person exactly what they are asking for, nothing more.
2. Try to notice distinguishing traits: clothing, race, height, weight, age, eye color, facial hair, or other identifying features such as scars, moles, etc.
3. Pay attention to the type of weapon used, if applicable.
4. Listen carefully to their voice for distinguishing characteristics.
5. Record what direction they go after the confrontation. If they use a vehicle, record the license plate number and make and model of the vehicle.
6. Call Public Safety at 911 immediately following the confrontation.

## **Motor Vehicle accidents**

1. Report all accidents involving University vehicles immediately to Public Safety at 911 and to Transportation Services at 831-1187 regardless of the amount of damage.
2. Collisions that occur after hours are reported to Transportation Services on the next business day.
3. If you collide with a parked vehicle, stop immediately and attempt to locate the owner after notifying Public Safety while on campus. If the collision occurs on the street, notify Newark Police Department.

## **Severe Weather**

1. The Vice President for Administration in consultation with the President decides when to cancel class and dismiss employees from work due to extreme weather. Unit managers are not authorized to make this decision unilaterally.
2. In general, the University will remain open unless the conditions are very severe. However, if an employee believes they are placed in an unnecessary risk by staying at work or coming to work during severe weather they are permitted to take annual leave or leave without pay, whichever is appropriate.
3. Listen to local radio stations for notifications regarding cancellation of campus activities. Other options include checking the University's home page [\[www.udel.edu\]](http://www.udel.edu) or calling 831-2000.

## Utility failure

When a building loses power, it is no longer considered a controlled environment. Normally emergency power is supplied to buildings to provide for safe evacuation and not for continued occupancy. Except in situations where leaving the building would be more hazardous, take the following steps:

1. Evacuate laboratory buildings immediately since most fume hoods will not operate when building power ceases.
2. Persons in non-laboratory buildings may occupy for periods up to one hour provided they have a sustainable source of emergency lighting or natural lighting to allow for continued occupancy and safe evacuation. Battery powered emergency lighting generally lasts only 90 minutes.
3. Report the outage to Facilities by calling 831-1141.

More information regarding power outage procedures: <http://www.udel.edu/ehs/generalhs/power-outage.html>.

## Fumes, vapors or gas leaks

1. If an odor of gas, toxic or noxious material is detected in your work area, leave the area immediately and call Public Safety at 911.
2. If the hazard is thought to place all occupants at risk, i.e. natural gas, pull the building fire alarm to evacuate the building.
3. Do not re-enter the building until it is determined safe by the emergency responders.

Reporting unsafe conditions

The University is committed to maintaining a safe campus environment. To this end, everyone in the campus community is urged to help by reporting conditions that may pose a serious risk of injury or property damage. Do not assume that someone else will report observed concerns. Report them to one of the following departments:

**Facilities Management 831-1141**

**Public Safety 831-2222**

## Hazardous material spills

1. Report the spill or other incident involving these hazards to Public Safety immediately at 911.
2. Leave the area taking precautions to contain the spill without putting yourself at additional

risk if possible and if you know how.

3. Secure the area to prevent others from entering.

4. Remain in a safe area until emergency responders arrive and release you from the scene.

Provide all information requested by emergency responders including MSDSs if available. Notify department personnel as appropriate.

## Attachment F

**Section:** Safety and Security

**Policy Number:** 7-52

**Policy Name:** Emergency Notification Policy

**Date:** April 23, 2008

**Revisions:** May 8, 2012; January 2013

### I. INTRODUCTION

The University of Delaware is responsible for providing accurate and timely information to the campus community and the public during emergencies. The University is also responsible to students, faculty, and staff when they express concerns about personal safety and security, and consistent with University policies concerning the release of personal information. This Emergency Notification Policy specifies policies and procedures for facilitating the communication of critical emergency information. The policy utilizes the best science and technology available in order to ensure that the University can notify both University and other interested parties of an emergency and provide appropriate direction on how to avoid potential harm.

### II. PURPOSE

The University's approach to crisis incidents follows the Phases of Emergency Management as addressed in the full University Emergency Operations Plan (EOP) and Critical Incident Management Plan (CIMP). These documents can be found online at [www.udel.edu/safety/plans](http://www.udel.edu/safety/plans). This supplemental document builds on the principles found in these documents and is designed to achieve a comprehensive, coordinated approach to communications that will:

1. Disseminate clear and accurate information to interested constituencies and the public at large.
2. Assist in the management of crises.
3. Provide direction to faculty, staff, and students.
4. Reduce rumor and uncertainty and,
5. Maintain the institution's credibility and minimize damage to its reputation.

### III. DEFINITIONS

1. **Urgent message** means a message related to an event, expected or unexpected, that threatens life or safety and require immediate action. An urgent message is a message that requires the recipient to react immediately.
2. **Informational message** means a message related to a situation that does not present a threat, but as to which the campus community has a right to know. This adheres to the requirements in the Clery Act.
3. **Quick acting tool** means a notification tool that can be promptly initiated, take minimal time to deploy and reach a broad audience.

4. **Additional tool** means a notification tool that may be time consuming to deploy, take longer to initiate, and have a limited audience.

#### IV. ACTIVATION DECISION TREE

1. The process to activate a quick acting tool employs the following work flow:
  - a. Situation is identified by a University Department/Unit.
  - b. Situation is related to Public Safety or Communications and Marketing.
  - c. A conference occurs between:
    - i. Chief of Police;
    - ii. Executive Director of Campus and Public Safety
    - iii. Vice President for Communications and Marketing
    - iv. General Counsel;
    - v. Dean of Students; and
    - vi. Other Subject-Matter Experts (SMEs) as needed.
  2. Decision is made whether to send a notification or not.
    - a. If yes:
      - i. Determination of type of notification urgent message or informational message;
      - ii. Determination of speed of delivery (quick acting or additional);
      - iii. Determination of content of message;
      - iv. Notification tool or tools are chosen based on the discussion above and;
      - v. A member of Campus and Public Safety or Communication and Marketing is delegated to activate notification tool or tools
    - b. If no:
      - i. the decision is documented.

#### 3. **TABLE AND LIST OF NOTIFICATION TOOLS**

Table of Notification Tools

Situation/Tools	Quick Acting	Additional
Urgent	Send Word Now Classroom Projection Override Emergency Homepage Facebook Twitter	Carillon System Local Radio Stations Area TV Stations Digital Signs Voicemail System
Informational	UD Homepage Crime Alert Emails PO Box Group Email System Send Word Now (Email Only)	Variable Message Boards Digital Signs Voicemail System Safety Alert Postings

**List of Available University Notification Tools**

1. Sent Word Now (Text, Voice and Email Messaging System)
2. Classroom Projection Override
3. Emergency Homepage Override
4. Facebook/Twitter
5. Carillon
6. Local and Area Media (Radio, TV and News)
7. Digital Signs
8. UD Homepage
9. Crime Alerts
10. PO Box Group Email System
11. Voicemail System
12. Safety Alert Postings

**Submitted by:** Executive Director of Campus and Public Safety

## **Attachment G**

**Section:** Safety and Security

**Policy Number:** 7-6

**Policy Name:** Emergency Response/Fire--Other Emergencies

**Date:** November 15, 1978

**Revisions:** September 26, 2003; June 5, 1989; October 1, 1990; May 1, 1996

### **I. PURPOSE**

To establish uniform procedures throughout the University for the provision of reasonable life safety for employees, students, and guests of the University in case of a fire or other emergencies.

### **II. POLICY**

- A. Evacuate the building. The actions listed below in sections B-1, 2, 3, and 4 should be completed using reasonable judgement and provided no persons are endangered in the process.
- B. An individual who discovers a fire or other emergency, such as abnormal heating of material, hazardous gas leaks, hazardous material or flammable liquid spill, smoke, or burning odor, shall immediately follow these procedures:
  - 1. Don't risk self - leave the area if unsafe.
  - 2. Give the alarm by:
    - a. Sounding the building evacuation alarm by pull box or, if not available, orally notifying occupants of the building.
    - b. Notifying Public Safety by University telephone (911) or by an Emergency Phone.
  - 3. Isolate the area by closing all doors and windows.
  - 4. Shut down all equipment in the area if possible.
  - 5. Use a portable fire extinguisher to:
    - a. assist oneself to evacuate,
    - b. assist another to evacuate, or
    - c. control a small fire, if you are properly trained.
- C. When notified of fire or other emergency alarm system or orally, personnel must evacuate the building and move to an area at least 200 feet from the building. Do not reenter the building until advised by the person in charge. Entrances, sidewalks, and driveways shall be kept clear to allow emergency vehicles and personnel access.

1. Exception #1 to Section IIC. (This exception pertains only to a fire situation)

If a small contained fire is discovered, the following may be done using good judgment:

- a. Evacuate the immediate area of the fire using verbal instructions.
- b. Ask for assistance from a person in the immediate area.
- c. Extinguish the fire with a portable fire extinguisher.
- d. Contact Public Safety at 911 and wait for their response.
- e. Contact Environmental Health and Safety immediately even if no appreciable damage results. This will assure that the City Fire Marshal is notified as required by law, that extinguishers are recharged, insurance reports filed, and hazardous conditions corrected to reduce the chance of recurrence.
- f. Do not allow reoccupancy of the immediate fire area until cleared by Public Safety and/or Occupational Health and Safety.

2. Exception #2 to Section IIC. (This exception pertains only to persons with disabilities that would not permit normal evacuation from a facility.) In case of an emergency a person with a disability shall do the following:

- a. Proceed immediately to an "AREA OF REFUGE."
- b. If an "AREA OF REFUGE" is not available proceed immediately to the nearest marked exit and wait inside the stair tower landing.
- c. Alert a responsible person of your intentions.
- d. Wait for trained emergency responders to rescue you.

3. Faculty and other supervisory personnel who note that individuals who may have been in the building are missing, should immediately inform the Fire Department Officer in charge and/or University Police.

4. Supervisory personnel should assist in the evacuation of persons from the building. In specific, for faculty/supervisors of persons with disabilities, note the area of refuge your student/employee has occupied and communicate this information to Public Safety at the Command Post once outside the building. Remain at the command post to provide additional information as necessary for the Fire Department.

5. Anyone having specific information concerning the nature and/or location of the emergency condition should report this information to the Public Safety Command Post (University Police car with green light). These individuals shall remain at the Command Post until their help is requested by the Fire Department, Fire Marshal, representative of the Department of Environmental Health and Safety, or University Police.

D. Delegation of Authority in Emergency Situations

1. When the Fire Department responds to an emergency situation the Fire Chief or his designee has the ultimate authority for the resolution of the incident.

2. A Fire Marshal may be called to the scene to act as a liaison to the Fire Chief. This individual is responsible for the investigation of the cause and origin of the fire as well as assuring compliance with applicable codes.
3. When an emergency situation involves only the University Police, the Department of Environmental Health and Safety and the building occupants, the Department of Environmental Health and Safety has the ultimate authority to resolve the incident to assure the protection of human health and the environment.

The University Police have responsibility for initial response and crowd control as well as enforcing directions given by the Department of Environmental Health and Safety. Building occupants/owners shall comply with directives from the Department of Environmental Health and Safety and University Police.

**Submitted by:** Environmental Health and Safety

## Attachment H

**Section:** Safety and Security

**Policy Number:** 7-51

**Policy Name:** Emergency Preparedness Policy

**Date:** June, 2007

**Revisions:**

### I. PURPOSE

The University of Delaware can be threatened by emergency and disaster situations both natural, such as, winter storms, hurricanes, floods, tornadoes and man-made situations such as hazardous materials accidents, biological outbreaks, terroristic threats and criminal activity. When such incidents occur, it is the policy of the University to:

- Protect human life; prevent/minimize personal injury
- Protect the environment
- Prevent/minimize damage to existing structures, research data, laboratories and library collections
- Restore normal operations

### II. POLICY

Emergency situations are handled according to their severity and potential impact on campus so that the response is commensurate with the actual conditions. Emergency incidents may require the following response:

#### 1. Canceling Classes:

- It is the President's responsibility, or his or her designee, to determine the need to cancel classes based on notification of an emergent situation. Severe weather, a biological outbreak, a chemical accident and criminal activity are examples of situations that may occasion such a decision.
- The Executive Vice President, the Provost and the Vice President for Administration will notify appropriate offices of the determination to cancel classes and the extent of the cancellation.
- The Public Relations Office will make class cancellation known using University and other media outlets, text messaging and student voice mails.

#### 2. Closing Campus:

- It is the President's responsibility, or his or her designee, to make determinations concerning incidents requiring campus closure. The President may consult with senior staff concerning the level of the response required by an emergent situation.
- If the situation warrants, the President, or his or her designee, may authorize the evacuation of a University facility and/or the closing of selected parts of the campus.
- Individual colleges and academic departments are not authorized to close buildings and/or cancel classes.
- The Executive Vice President, together with the President, and his or her designee, assembles University's Disaster Planning Group, and manages the response to the emergency. The Chief of Police heads the group.

#### **Types of Incidents Requiring Campus Closure**

5. **Minor, localized incident that occurs in a building or affects a small portion of the campus that can be quickly resolved with existing University resources**, e.g., localized chemical spill, plumbing failure in a building, etc. Only a quadrant of the campus may need to be closed and the determination for doing so will be made by the Department of Public Safety, in concert with the President, his or her designee, and the Executive Vice President. The Public Relations Office will provide the University community with information about the incident using the emergency notification systems and local media outlets.
6. **Major emergency that disrupts a substantial portion of the University community**, e.g., building fire, severe flooding, major chemical spill, terroristic threats, criminal activity, etc. As soon as information becomes available about the severity of the incident the President, or his or her designee, in concert with the Executive Vice President, the Provost, the Chief of Police, and other key members of the University's Disaster Planning Group will evaluate the scope of the incident, coordinate essential services and provide emergency information through the Public Relations Office. Because such incidents escalate quickly and may have serious consequences for critical University functions and/or life safety, the campus may be closed in whole or in part as appropriate.
7. **Disaster affecting the entire University grounds and surrounding community**, e.g., hurricane, tornado, widespread chemical or biological agent contamination, etc. Disasters of this magnitude require the immediate assembling of the Disaster Planning Group who will work in concert with the President, his or her designee, and surrounding agencies to address the crisis and return University operations to normal as soon as possible. As information is received, emergency conditions may intensify or lessen that will affect the closure of campus facilities. At all times, authorization must be secured from the President, or his or her designee, to close the campus in whole or part.

#### **Emergency Response of the Department of Public Safety**

When the determination is made by the President, or his or her designee, to close the campus because of an emergency or disaster, the Chief of Police will authorize the following actions:

- Activate the Emergency Operations Center in the Department of Public Safety.
- Close the Trabant, Perkins and CFA parking garages to incoming vehicles depending on the nature of the emergency.

- Deploy police and security staff and, if possible, enlist the help of custodial personnel to close and lock academic buildings, if it is safe to do so.
- Notify the Vice President for Student Life of the decision to close campus and advise the unit to have students stay in their residence halls until the "all clear" notice is given.
- Activate mutual aid agreements with the City of Newark, New Castle County and Delaware State Police agencies.
- Station police officers at key intersections to direct people off campus.
- Request that message boards at the intersection of Routes 896 and Route 4 indicate that the University is closed.
- Close the streets surrounding the University depending on the nature and severity of the emergency. (see Appendix A)

## **Appendix A**

### **Closing University Campus and Blocking off Surrounding Streets**

If the determination is made by the President to close streets surrounding University property, the Department of Public Safety will utilize sworn officers and mutual aid agreements with other police jurisdictions in closing the following intersections:

- **Laird Campus**
  - New London Road and Pencader Way (both places where Pencader Way intersects New London Road)
  - New London Road and Christiana Drive
  - Independence Bridge for Foot Traffic
  - Ray Street
    - Prospect Avenue and North College Avenue
    - North Street and North College Avenue
    - Ray Street and Rose Street
- **West Campus**
  - Elkton and Apple Roads
  - Apple and Hillside Roads

- West Main Street and Hillside Roads
- Sypherd Drive and Hillside Roads
- Cheltenham and Hillside Roads
- Dallam and Hillside Roads
- Pedestrian underpass off Elkton Road
- English Language Institute
  - Old Oak Road and West Main Street
  - Old Oak Road and Dallam Roads
  - Dallam and Hillside Roads
- **Central Campus**
- West of South College and South of Main Street
  - South College Avenue and Park Place
  - Academy Street and Park Place
  - Courtney and Manual Streets
  - Lovett Avenue and Haines Street
  - Delaware Avenue and Academy Street
  - Delaware and South College Avenues
  - East Main and Academy Streets
  - North College Avenue and East Main Street (for pedestrian traffic)
- East of South College and South of Main Street
  - South College Avenue and Park Place
  - Academy Street and Park Place
  - Courtney and Manual Streets
  - Lovett Avenue and Haines Street
  - Delaware Avenue and Academy Street
  - Delaware and South College Avenues

- East Main and Academy Streets
- North College Avenue and East Main Street(for pedestrian traffic)
- West of North College Avenue and North of Main Street
  - Main Street and South College Avenue
  - North College and Cleveland Avenue
  - West Main Street and New London Road
  - Hollingsworth Parking Lot (foot patrol officer for pedestrian traffic)
- East of North College and North of Main Street
  - Academy and East Main Streets
  - North College and Celveland Avenues
  - Delaware and South College Avenues
  - Academy Street and Delaware Avenue
  - East side of Frazier Field for pedestrian traffic
  - Newark Parking Authority Lot#3 for pedestrian traffic
- **East Campus**
- East of Academy Street
  - Park Place and Academy Street
  - Courtney Road and Manual Street
  - Park Place and Manual Street
  - Wyoming Road and South Chapel Street
  - Chambers and South Chapel Street
  - Lovett Avenue and South Chapel Street
  - Continental Avenue and South Chapel Street
  - Academy Street and Delaware Avenue
  - Delaware Avenue and Haines Street
  - Haines Street and Park Place

- Park Place and South Chapel Street
- Computing Center
  - South Chapel Street and Ashley Road
  - South Chapel Street and Chambers
  - Gilbert Complex and Wyoming Road
  - Wyoming Road and Library Avenue
- Delaware Technology Park
  - Wyoming Road and Route 72
  - Wyoming and Marrows Roads
- **South Campus**
  - Sincok Lane and Christina Parkway
  - Sincok Lane and Old Chapel Road
  - Farm Lane and Route 72
  - South College Avenue and South Campus Loop near the Bob Carpenter Center
  - South College Avenue and Delaware Stadium Entrance
  - South College Avenue and Delaware Field House Entrance
  - South College Avenue and Fred Rust Ice Arena Entrance
  - South College Avenue and South Campus loop near Townsend Hall

If needed please see the following links:

[Public Safety Escort Map](#)

**Submitted by:** Department of Public Safety

## Attachment I

### Valuable Property

During the school year, the University of Delaware Department of Public Safety recovers thousands of dollars' worth of property. Much of the property cannot be returned as the rightful owner cannot be identified. The Crime Prevention Unit is using Operation Identification to help solve this problem. The property owner completes an **Operation Identification Valuable Property Form [Attachment J]** with specific information about the property and forwards it to Public Safety where the information is kept on file. If the property is reported stolen the police will have the needed information to enter it into a nationwide computerized network. When the property is recovered, the recovering police agency will be able to access the owner's information via computer. When engraving an item - DO NOT use your social security number or other personal information. Think of something that will have meaning only to you. If you do not have access to an engraver, the Department of Public Safety will loan you one. The University Police recommend that you register all valuable equipment (computers, stereos, televisions, etc.). **There is no fee for this service.**

If you have questions, comments, or suggestions, please email Public Safety at [publicsafety@udel.edu](mailto:publicsafety@udel.edu).

### Lost and Found

Looking for your backpack, can't find your car keys, found someone's eyeglasses? If so, please contact the Department of Public Safety's Lost and Found unit. Lost and Found can be contacted at 831-2222 at any time. If you have found someone's property please forward it to 413 Academy Street where it will be logged and kept between thirty days and six months, depending on the value of the item. After that time has elapsed items are discarded, given to charitable organizations or sold by the Department (depending on their value). If you are looking for something you have lost please call the Lost and Found Unit and they can determine if your property has been turned in; you can then make arrangements to identify it and pick it up.



# Public Safety

## Valuable Property Form

<b>Name:</b>	
<b>Permanent Address:</b>	
<b>City/State/Zip code:</b>	
<b>Property type/make/model:</b>	
<b>Owner applied number:</b>	
<b>Additional Information</b>	

**Please return completed form to:**

University of Delaware Public Safety  
Attention: Administration  
413 Academy Street  
Newark, DE 19716

## Attachment K

**Section:** Personnel

**Policy Number:** 4-29

**Policy Name:** University Policy Against Unlawful Harassment

**Date:** August 25, 1998

**Revisions:** October 31, 2005; May 5, 2006; October 9, 2009; July 1, 2010; April 30, 2012; Jan. 9, 2015; July 1, 2015

### I. PURPOSE

- A. The purpose of the policy set forth below is to promote an academic and work environment that is free from all forms of harassment and discrimination whether that discrimination or harassment is because of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, sexual orientation or any other characteristic protected by law. It is designed to ensure a safe and nondiscriminatory environment that protects both the constitutional and civil rights of students, faculty and staff. Acts of discrimination and harassment undermine the University's mission by threatening the careers, educational experiences, and well-being of those associated with the University. This policy expresses the University's opposition to discrimination and harassment and assists the University to comply with federal, state, and local legal mandates in relation to such misconduct.
- B. This policy is intended to ensure that the University community remains free from harassment and discrimination against all members of the University community. As such, students, faculty, staff and third-party vendors are permitted to file a complaint under this policy. Relatedly, students, faculty and staff are permitted to file a complaint against a third-party vendor working for the University. Following an investigation, if the third-party vendor is determined to have engaged in harassment or discrimination in violation of this policy remedial actions will be taken up to and including restricting the individual from being on the University campus and/or providing services to the University.

### II. NOTICE AND POLICY OF NON-DISCRIMINATION

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, or any other characteristic protected by applicable law in its employment, educational programs and activities, admissions policies, and scholarship and loan programs 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 also prohibits unlawful harassment including sexual harassment and sexual violence. Inquiries or complaints may be addressed to:

Susan L. Groff, Ed. D.

Director, Institutional Equity & Title IX Coordinator

305 Hullihen Hall, Newark, DE 197160

**(302) 831-8063**

[titleixcoordinator@udel.edu](mailto:titleixcoordinator@udel.edu)

For complaints related to Section 504 of the Rehabilitation Act of 1973 and/or the Americans with Disabilities Act, please contact:

Anne L. Jannarone, M.Ed. Ed.S.  
Director, Office of Disability Support Services  
Alison Hall, Suite 130  
University of Delaware  
Newark, DE 19716  
**(302) 831-4643**

For inquiries concerning compliance with the Age Discrimination Act and the Age Discrimination in Employment Act should be referred to:

Patty Fogg, Director  
Office of Labor Relations  
413 Academy Street  
University of Delaware  
Newark, DE 19716  
**(302) 831-2171**

OR contact the U.S. Department of Education - Office for Civil Rights (800)-421-3481.

### III. **COMPLAINTS AGAINST STUDENTS**

Discrimination and harassment complaints filed against students are subject to a separate procedure set forth at the [Office of Student Conduct](#).

For complaints of sexual misconduct against students, please reference the [Sexual Misconduct Policy](#).

### IV. **FIRST AMENDMENT PROTECTIONS**

Nothing in this policy is meant to infringe upon First Amendment or academic freedom protections set forth in the Faculty Handbook and in the Collective Bargaining Agreement between the University of Delaware and the American Association of University Professors (AAUP).

### V. **PROHIBITED CONDUCT**

A. **Sexual Misconduct:** for prohibited conduct, definitions, complaint procedures, reporting information, confidentiality information, university response to complaints of sexual misconduct, and resources and rights, please reference the [Sexual Misconduct Policy](#)

#### B. **Other Discriminatory Harassment**

1. Harassment of an individual or group of individuals based on race, color, national origin, disability, religion, age, veteran status, gender identity or expression, or sexual orientation or any other characteristic protected by law is unlawful and is prohibited at the University of Delaware.

2. 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.
  3. 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.
  4. The alleged conduct must be evaluated from the perspective of a reasonable person in the alleged victim's position, taking into account all of the circumstances involved in a particular matter.
  5. Certain behavior alleged to be discriminatory 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.
- C. **Non-Retaliation.** 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.
- D. 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.

## VI. COMPLAINT PROCEDURES FOR OTHER UNLAWFUL HARASSMENT AND DISCRIMINATION

- A. **Introduction.** An individual who believes that he or she has been discriminated against or harassed, as defined in this policy, by another University employee or vendor may seek resolution through the following complaint procedures. While these procedures contain reporting and response deadlines, please note that the Chief Human Resources Officer may extend for a reasonable period of time any of the deadlines specified in this section.
- B. **Definitions.** As used in this policy, the following terms shall have the meanings indicated:
1. "Days" means business days when the University is open.
  2. "Chief Human Resources Officer" (CHRO) means that official or his or her designee.
  3. "Investigator" means the person in the Office of Human Resources designated by the CHRO to serve in that capacity. The CHRO shall not appoint himself or herself to serve as Investigator.
  4. The "Complainant" means the person who initiates the complaint process under this policy.
  5. The "Respondent" means the person against whom a complaint is lodged under this policy.
- C. **Initiating a Complaint.**

1. Individuals who believe that they are being subjected to discriminatory harassment, including sexual harassment (refer to the [Sexual Misconduct Policy](#) for initiating a complaint of sexual misconduct), shall discuss the matter with their supervisor/advisor, if appropriate, or directly contact the Office of Equity and Inclusion (OEI), Office of Labor/Employee Relations (OLR), or Office of Human Resources (HR) for information, resources, and possible informal resolution. Supervisors/advisors who have been contacted by a Complainant pursuant to this section shall promptly notify and consult with OEI, OLR or HR. If a supervisor/advisor is contacted by a Complainant regarding allegations of sexual harassment, the supervisor/advisor will promptly notify the Title IX Coordinator. Faculty members who believe they are being subjected to sexual or other discriminatory harassment, or are being accused of sexual or other discriminatory harassment, may also contact the AAUP.
2. If the Complainant wishes to pursue the matter beyond informal resolution, a formal complaint must be filed with the CHRO. Once a formal complaint is filed, it will be subject to further investigation by the Investigator.

**D. Formal Complaint Procedures.**

1. Upon receipt of a formal complaint, the Investigator shall meet with the Respondent, his/her department chairperson or immediate supervisor, and, if the Respondent is a faculty member, the college dean or unit head. A Respondent who is a faculty member may also choose to have the AAUP Contract Maintenance Officer present at the meeting. Such meeting or meetings shall ordinarily be conducted within 10 days of receipt by the CHRO of a formal complaint.
2. The AAUP will be notified if the complaint involves a faculty member(s) in any way. If the Respondent is a faculty member, the AAUP will be notified in time to allow consultation with the Respondent prior to the meeting between the faculty member(s) and the Investigator. The Investigator shall advise a Respondent who is a faculty member that it is in his/her best interest to seek out the appropriate AAUP officer for consultation prior to any meetings.
3. The Investigator shall interview the Complainant, the Respondent, and other individuals, when needed, to ascertain the validity of the complaint. The investigation shall proceed in a timely manner and every effort will be made to conclude the investigation within 60 days of receipt of the complaint by the CHRO.
4. All individuals contacted or interviewed during the review of a complaint, including the Complainant and the Respondent, are required to maintain confidentiality to the fullest extent possible within the requirements of conducting a complete investigation.
5. At the conclusion of the investigation, the Investigator shall prepare a written report consisting of findings. The CHRO will review the Investigator's written report and provide prescriptions for corrective action, if warranted. The following is a non-exhaustive list of corrective actions one or more of which may be levied depending on the severity of the offense:
  - a. A verbal warning that a repetition of the reported impropriety will result in additional action.
  - b. Placement of a letter in the individual's personnel file indicating the nature of the improper behavior. The letter may include a notation about required remedial efforts and any action that will be taken in the future should there be a repetition of the offensive behavior(s).

- c. Executive mentoring or appropriate counseling.
  - d. Immediate removal of the individual from the classroom/worksite and placement on leave of absence so that the individual can perform remedial efforts. Return to teaching and/or professional duties will be guided by the individual's progress.
  - e. Initiation of formal action by the dean or appropriate supervisor to dismiss the individual from the University's employ. For faculty, dismissal will follow the procedures set forth by the Faculty Senate Committee on Welfare and Privileges.
6. The Investigator's written findings coupled with the CHRO's prescriptions for corrective action shall be the "Final Report." A copy of the Final Report shall be delivered to the Respondent as quickly as practicable. The Complainant will be notified as quickly as practicable that the investigation has concluded and whether a finding for sexual or other discriminatory harassment was made.
- E. **Appellate Rights.** A more formal means of redress may also be sought through specific grievance procedures for employees and students.
- 1. For faculty, a complaint may be filed with the Faculty Senate Committee on Welfare and Privileges. Upon review of a written appeal, the Committee may elect to pursue the matter and make additional recommendations to the University Provost.
  - 2. For unionized staff members and police officers, the grievance procedures are found in their collective bargaining agreements.
  - 3. For professional and salaried staff, the grievance procedures are found in the Personnel Policies & Procedures Manual.
  - 4. For students, the grievance procedures are found in the Student Guide to University Policies.
- F. **Title IX Obligations.**

If a supervisor/advisor or other University office (such as the Office of Equity and Inclusion, the Office of Labor Relations, the Office of Human Resources, the Office of Student Conduct, etc.) is contacted by a Complainant regarding allegations of sexual harassment, the individual in receipt of such information will promptly notify the Title IX Coordinator. For more detailed information about reporting obligations, refer to the [Sexual Misconduct Policy](#).

## VII. **CONSENSUAL RELATIONSHIPS**

- A. Romantic and/or sexual relationships (hereafter referred to as "consensual 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.

**B. Prohibited Conduct**

1. An employee shall not exercise academic responsibility (instructional, evaluative or supervisory) for any student with whom the employee has a consensual relationship.
2. An employee shall not conduct performance evaluations, or make salary decisions, decisions regarding promotion and tenure, or decisions on continuation of employment for a person with whom he or she has a consensual relationship.
3. Consensual relationships are prohibited when effective arrangements to remove the conflict and mitigate adverse effects on third parties cannot be made.

**C. Procedural Requirements**

1. An employee entering or in a consensual relationship as defined in this policy, or a current or prospective employee offered a position who will be in such a relationship should the position be accepted, shall immediately:
  - a. Report the relationship to a higher level administrator, to the hiring official, or to an administrator above the hiring official; and
  - b. Cooperate in actions taken to eliminate any actual or potential conflicts of interest and to mitigate adverse effects on third parties.
2. The administrator or official who receives the report shall:
  - a. Treat the information as confidentially as possible;
  - b. Promptly eliminate conflicts of interest and mitigate adverse effects on third parties by:
    - i. Transferring one of the individuals to another position; or
    - ii. Transferring supervisory, decision-making, evaluative, academic or advisory responsibilities; or
    - iii. Providing an additional layer of oversight to the supervisory role; and
  - c. Document the steps taken.
3. The administrator or official should consult with the Office of Human Resources for assistance in complying with these steps.

**D. Non-Retaliation:** Retaliation against persons who report concerns about consensual relationships is prohibited and constitutes a violation of this policy.

**E. Complaints:** Complaints alleging harassment or bias may be filed by either party to the consensual relationship or by an aggrieved party outside the relationship affected by the perceived harassment or bias. Complaints will be investigated by the Chief Human Resources Officer (or designee) following the procedures described below.

Submitted by: Office of Human Resources



# Sexual Misconduct Policy

For Students, Faculty, Staff and Visitors

## Table of Contents

I. POLICY STATEMENT AND JURISDICTION .....	2
II. TERMINOLOGY .....	3
III. REPORTING SEXUAL MISCONDUCT .....	10
IV. RESPONSIBILITY TO REPORT .....	11
V. CONFIDENTIALLY DISCLOSING SEXUAL MISCONDUCT .....	13
VI. COMPLAINANT AND RESPONDENT RIGHTS.....	16
VII. UNIVERSITY RESPONSE PROCEDURES .....	20
VIII. ACTIONING .....	25
IX. APPEALS .....	27
X. RESOURCES.....	33

# UNIVERSITY OF DELAWARE SEXUAL MISCONDUCT POLICY

## I. POLICY STATEMENT AND JURISDICTION

The University of Delaware prohibits sex discrimination, sexual assault, sexual harassment, dating violence, domestic violence and stalking *by anyone on* University property. The University also prohibits such conduct committed by students, faculty, staff, volunteers, or vendors off University property, if:

1. The conduct was in connection with a University or University-recognized program or activity;
2. The conduct may have the effect of creating a hostile environment for a member of the University community;
3. The respondent's conduct disrupts the normal functions and processes of the University and is egregiously offensive to the University's mission; or
4. The respondent's continued presence on campus poses a serious threat to persons or property, regardless of where the activity occurred.

This policy is intended to keep the University community free from sexual misconduct, which includes sex discrimination, sexual assault, sexual harassment, stalking, dating violence and domestic violence, and is designed to ensure a safe and non-discriminatory environment that protects the constitutional and civil rights of students, faculty and staff, as well as vendors, guests, visitors and volunteers, regardless of their sexual orientation or gender identity. Acts of discrimination and harassment undermine the University's mission by threatening the careers, educational experiences and well being of those associated with the University. This policy expresses the University's opposition to sexual misconduct; assists the University in complying with federal, state and local mandates in relation to such conduct; and describes the method for responding to such behavior and its reoccurrence.

Anyone, including students, faculty, staff, administrators, vendors, guests, visitors or volunteers, may file a complaint of sexual misconduct with the University Title IX Coordinator, using the Title IX Reporting Form available at [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct), against University students, faculty, staff, administrators, vendors, guests, visitors or volunteers. While the University encourages complaints to be filed as soon as possible after an incident, there is no time limit on filing a complaint.

Title IX of the Education Amendments of 1972 ("Title IX") is a federal law that prohibits discrimination on the basis of sex or gender in the University's programs and activities. The 2013 Violence Against Women Reauthorization Act (the "VAWA") amended the Jeanne Clery

Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) to include additional reporting, policy and education requirements for incidents of sexual assault, dating violence, domestic violence and stalking.

The University will respond to complaints or reports about conduct prohibited by this policy with measures designed to stop the behavior, eliminate such discrimination, prevent the recurrence of the prohibited conduct and remediate any adverse effects of such conduct on campus or in University-related programs or activities.

## II. TERMINOLOGY

The following definitions apply to terms used throughout this policy:

- A. Appellate Board** means the group of people available to hear appeals of decisions and sanctions in cases involving alleged violations of this policy by students. The Appellate Board in each case is made up of a faculty member, a staff member, a student and a non-voting chairperson, who may be either a faculty or staff member. The student member is an undergraduate student if the respondent is an undergraduate student, a continuing education student or an English Language Institute student. The student member is a graduate student if the respondent is a graduate student. All members of the Appellate Board serving in any cases under this policy will be specially trained in adjudicating and reviewing cases involving alleged sexual misconduct.
- B. Complainant** means the person who has experienced the prohibited conduct, regardless of whether that individual makes a complaint or desires disciplinary action. A complainant may be a student, employee, faculty member, volunteer, vendor, visitor or guest, regardless of their sex, sexual orientation or gender identity.
- C. Confidential resource** means employees and volunteers in Student Health Services, Sexual Offense Support, Center for Counseling and Student Development, Faculty & Staff Assistance Program and other licensed counselors employed by the University in that capacity.
- D. Consent** is an affirmative decision to engage willingly in mutually acceptable sexual activity given by clear words or actions. It is an informed decision made freely and actively by all involved parties. In order for a sexual encounter to be consensual, each participant must agree to engage in each act of the encounter. All participants should make clear their willingness or lack of willingness to continue at each progression of the sexual interaction and should not make assumptions about consent during the sexual activity, as confusion or ambiguity may arise.

Consent may not be inferred from silence, passivity, lack of resistance or lack of active

response alone. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. Nor does a current or previous dating or sexual relationship constitute consent to sexual activity in every instance.

Either party may withdraw consent at any time during the sexual encounter. Once withdrawal of consent has been expressed by words or actions that indicate a clear desire to end sexual activity, all sexual activity must cease immediately.

Sexual conduct will be considered “without consent” if no clear consent, verbal or non-verbal, is given. This includes situations in which an individual’s ability to consent freely is taken away by another person or circumstance. Examples include, but are not limited to, when an individual is incapacitated due to alcohol or drugs, passed out, scared, physically forced, intimidated, coerced, mentally or physically impaired, threatened, or confined.

The use of alcohol or drugs can limit a person’s ability to give consent freely and clearly. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether or not consent has been freely and clearly given. The perspective of a reasonable person evaluating another person’s physical or verbal functions will be the basis for determining whether one should have known that the use of alcohol or drugs impaired that person’s ability to give consent. Being intoxicated or impaired by alcohol or drugs does not diminish one’s responsibility to obtain consent and is never an excuse for sexual misconduct.

The University’s definition of consent is different from the State of Delaware’s definition of “without consent” contained in 11 *Del. C.* §761(j). Members of the University community should be aware of the University’s definition of consent and understand this is the definition that will be used in any proceeding pursuant to this policy.

- E. Days** means business days when all University offices are open. This does not include weekends or holidays or inclement weather days when University offices are closed.
- F. Deputy Title IX Coordinators** means University employees designated to assist the University Title IX Coordinator in responding to reports of sexual misconduct, providing training to employees and students and creating an environment free from sexual misconduct. The following individuals have been designated as Deputy Title IX Coordinators:

- For Undergraduate Students: Adam Cantley, Associate Dean of Students, 132 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-8939, [adamcan@udel.edu](mailto:adamcan@udel.edu).

- For Faculty: Matthew Kinservik, Vice Provost for Faculty Affairs, 116 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-2101, [matthewk@udel.edu](mailto:matthewk@udel.edu).
- For Graduate Students: Mary Martin, Associate Vice Provost for Graduate and Professional Education, 234 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-8916, [marym@udel.edu](mailto:marym@udel.edu).
- For Athletics: Richard Stumpf, Associate Director for Athletic Compliance, 117 Bob Carpenter Center, University of Delaware, Newark, DE 19716, 302-831-0883, [rstumpf@udel.edu](mailto:rstumpf@udel.edu).

**G. Employee** means anyone employed by the University, including but not limited to, faculty and staff, part-time and full-time employees and student workers.

**H. Faculty Member or Faculty** means any full- or part-time professor, associate professor, assistant professor or instructor.

**I. Interim measures** mean steps the University may take before the final outcome of an investigation to ensure equal access to its education programs and activities and to protect the complainant and the rest of the campus community as necessary. Interim measures may include, but are not limited to:

1. providing support services to the complainant;
2. separating the complainant's and respondent's academic, living or work situations;
3. ordering the respondent not to have any contact with the complainant;
4. providing increased security at the locations or activities where misconduct occurred;
5. offering escort services to the complainant;
6. placing the respondent on an interim suspension from housing or the entire campus; and
7. other measures as determined on a case-by-case basis.

Interim measures remain in place until the case has been investigated and resolved or until lifted by the appropriate University official or designee. The decision about whether particular interim measures are appropriate and when they should be lifted will be made by:

1. the Dean of Students or designee when the respondent is an undergraduate student;
2. the Associate Vice Provost for Graduate and Professional Education or designee if the respondent is a graduate student;
3. the Vice Provost for Faculty Affairs or designee if the respondent is a faculty member;
4. the Director of Employee and Labor Relations or designee if the respondent is a staff member; and
5. the Title IX Coordinator or designee if the respondent is a volunteer, visitor or vendor.

**J. Investigator** means an appropriately trained professional, who may or may not be a University employee, who reviews and investigates reports of sexual misconduct under this policy. The investigator(s) will be impartial and unbiased, will disclose any real or reasonably perceived conflicts of interest to the Title IX Coordinator as soon as such conflicts are discovered by the investigator and will have training in investigating and evaluating conduct under this policy.

**K. Offenses prohibited by this Policy**

1. **Sexual misconduct** is a term used to encompass unwanted or unwelcome conduct of a sexual nature that is committed without consent. Sexual misconduct may be committed by anyone, including but not limited to, an intimate partner, a friend, an acquaintance, a supervisor, a faculty member, or a stranger. Anyone can be a victim or perpetrator of sexual misconduct, regardless of their sex, sexual orientation or gender identity. Sexual misconduct can occur when perpetrator and victim are different sexes or the same sex. Sexual misconduct can involve conduct that occurs on campus, off-campus, or via electronic means, including online, by social media, or by text. Speech *appropriately* related to curriculum, teaching, scholarship or research is not sexual misconduct. Sexual misconduct may include the following:
  - i. **Sex discrimination** means adverse treatment of an individual based on sex, gender, gender identity or gender expression, rather than individual merit.
  - ii. **Sexual harassment** means unwelcome verbal, nonverbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement;
2. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or
3. 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, living or academic environment.

Sexual harassment can include other acts of sexual misconduct.

- iii. **Sexual assault** means physical sexual acts committed when consent is not received, a person is physically forced, intimidated or coerced into a sexual act, or when a person is physically or mentally unable to give consent.
- iv. **Domestic violence** means any act of violence, including but not limited to physical violence, sexual assault and psychological violence, committed or threatened to be committed by:
  1. A current or former spouse of the victim;
  2. A person with whom the victim shares a child in common;
  3. A person who is cohabiting with or has cohabited with the victim in a romantic relationship; or
  4. A family member of the victim with whom the victim resides or has resided.
- v. **Dating violence** means any act of violence, including but not limited to physical violence, sexual assault and psychological violence, committed or threatened to be committed by a person who has been involved in a social relationship of either a romantic or intimate partner nature with the victim. When determining whether the relationship rises to the level required for dating violence, the nature of the relationship, length, type and frequency of interaction will be considered.

- vi. **Stalking** means purposely and repeatedly engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

**L. Respondent** means the person who allegedly committed a violation of this policy. A respondent may be a student, employee, faculty member, volunteer, vendor or other individual on campus.

**M. Retaliation** means any attempt to seek retribution against an individual or group of individuals involved in filing a complaint or report under this policy, filing an external complaint raising concerns under this policy, participating in an investigation under this policy or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including violence, threats or intimidation.

**N. Sanctioning Panel** means the group of people that will decide the appropriate sanctions in cases brought against students under this policy. The Sanctioning Panel in each case will consist of one faculty member, one staff member, one student and a non-voting staff member from the Office of Student Conduct, who will provide administrative assistance to the Sanctioning Panel. The student member will be an undergraduate student if the respondent is an undergraduate student, a continuing education student or an English Language Institute student. The student member will be a graduate student if the respondent is a graduate student. All members of the Sanctioning Panel serving in any cases under this policy will be specially trained in adjudicating, sanctioning and reviewing cases involving alleged sexual misconduct.

**O. Staff member or administrator** means any non-faculty University employee, whether part-time or full-time, temporary or permanent, exempt or non-exempt.

**P. Student** means:

1. A full- or part-time matriculated undergraduate or graduate or continuing education student if the alleged violation occurred while the student was enrolled at the University or while the student, although not enrolled, was enrolled at any point during the past fifteen months or is eligible for enrollment within the next fifteen months;
2. A student who is serving a period of suspension from the University or any of its colleges, divisions or departments; or

3. A student enrolled in the English Language Institute or any other program at the University that does not require admission to the University or traditional class registration.

**Q. Supervisor** means the complainant's or respondent's immediate manager or supervisor, if the complainant or respondent is a University employee.

**R. Support person** means a person advising or providing support to the complainant or respondent throughout the processing of a sexual misconduct complaint. A support person may be anyone who is not a party to or witness in the case. Attorneys may serve as support persons for the complainant and the respondent. The role of the support person will be limited as discussed in Section VI.G. The University will maintain a list of University employees trained in handling sexual misconduct cases who have volunteered to serve as support persons for complainants or respondents.

**S. University Title IX Coordinator or Title IX Coordinator** means that official or designee. The Title IX Coordinator will be informed of all complaints or reports of sexual misconduct and oversees the University's response to such complaints or reports to ensure compliance with Title IX and response requirements under the Clery Act. The Title IX Coordinator will also identify and address any patterns or systemic problems revealed by sexual misconduct complaints or reports.

The University Title IX Coordinator is Susan L. Groff, Ed.D., Director of Institutional Equity and University Title IX Coordinator, 305 Hullihen Hall, Newark, DE 19716, (302) 831-8063, [titleixcoordinator@udel.edu](mailto:titleixcoordinator@udel.edu).

**T. Vendor** means a company or individual providing goods or services on the University campus or to the University community through a contractual relationship with the University.

**U. Visitor or Guest** means an individual who is not officially affiliated with the University but is present on campus either independently or as the guest of a University employee or student.

**V. Volunteer** means an individual who is not employed by the University but is providing goods or services on the University campus or to the University community, at the request of or with the authorization of the University, without receiving compensation from the University.

### III. REPORTING SEXUAL MISCONDUCT

#### A. To the University Title IX Coordinator

Any person who believes they have been a victim of, have witnessed or otherwise wish to report an incident of sexual misconduct should contact the University Title IX Coordinator, Susan L. Groff, Ed.D., 305 Hullihen Hall, Newark, DE 19716, (302) 831-8063, [titleixcoordinator@udel.edu](mailto:titleixcoordinator@udel.edu) or submit a Title IX Reporting Form available at [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct).

Upon receipt of a report, the University Title IX Coordinator will:

- ensure that the complainant is aware of rights and resources available to them;
- inform the complainant of the availability of interim measures and the strict prohibition against retaliation;
- advise the complainant of the additional reporting options for an incident of sexual misconduct, including the option to report or not to report to law enforcement;
- inform the complainant of the University's Sexual Misconduct Policy;
- describe the University's sexual misconduct investigation process; and
- determine whether an investigation is appropriate, based on the complainant's wishes and the safety of the overall campus community.

The Title IX Coordinator will not report an incident of sexual misconduct to the police, unless federal or state law or University policies (for example, mandatory reporting of child abuse) require such an incident to be reported or unless the incident poses a serious safety risk to the campus community.

As discussed below, there are times when the Title IX Coordinator may determine that an investigation is necessary even if a formal complaint has not been made or if the complainant requests that no investigation or disciplinary action occur. If the Title IX Coordinator determines that an investigation is appropriate, the Title IX Coordinator will advise the complainant and assign an investigator to conduct the investigation pursuant to Section VII below. The University will use reasonable efforts to prevent any retaliation against the complainant.

#### B. To the University Police Department or Other Law Enforcement Agency

A report of sexual misconduct may be filed with the University Police Department (“UDPD”), if the alleged misconduct occurred on campus, or other law enforcement agency, if the alleged misconduct occurred off campus, for a criminal investigation. Filing a report of sexual misconduct with a law enforcement agency, including UDPD, does not preclude the complainant from also filing a report with the University Title IX Coordinator, and filing a report with the University Title IX Coordinator does not preclude a complainant from also reporting the incident to a law enforcement agency, including UDPD. If a report of sexual misconduct is made to both the University Title IX Coordinator and a law enforcement agency, the University will, to the extent possible, coordinate its investigation with the law enforcement agency to minimize the burden on the complainant, respondent and witnesses. However, the University may need to delay its fact investigation for no more than 10 days while the police are conducting their fact investigation.

#### **IV. RESPONSIBILITY TO REPORT**

All members of the University community have a responsibility to make the University a safe and supportive environment for everyone. This responsibility includes reporting safety or security concerns and crimes or policy violations, including sexual misconduct.

In an emergency situation, members of the University community should immediately call 911 to report any crime or other incident that poses a risk of harm to the University community.

*Any* University employee who is not a confidential resource under this policy and who witnesses, is advised of or learns about an alleged incident of sexual misconduct ***must promptly notify*** the University Title IX Coordinator of the incident by email, telephone or using the Title IX Reporting Form available at [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct).<sup>1</sup> The employee must report to the University Title IX Coordinator all relevant details about the alleged sexual misconduct known to the employee or shared with them.

Any employee who learns about the report will respect the privacy of the victim. The employee will inform only those who need to know, which will include the University Title IX Coordinator. The employee and the University Title IX Coordinator will not share information about the alleged incident with law enforcement without the complainant’s consent, unless the employee has a duty under University policy, federal or state law (*e.g.*, mandatory reporting of child abuse) to report such an incident to law enforcement or unless the complainant has already reported the incident to law enforcement.

---

<sup>1</sup> These reporting obligations are different from the reporting obligations of a Campus Security Authority (“CSA”) under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. §1092(f).

***The fact that a report is given to the University Title IX Coordinator does not necessarily mean the University will undertake an investigation into the allegations.*** The University Title IX Coordinator will ensure that the complainant is aware of rights and resources available to them. These include:

- the right to be accompanied to meetings about the incident with up to two support people;
- the availability of confidential resources both on and off campus;
- the availability of medical assistance both on and off campus;
- the availability of interim measures;
- the strict prohibition against retaliation;
- the available reporting options for an incident of sexual misconduct, including the option to report or not report the incident to law enforcement; and
- a copy of this policy, which includes a description of the University’s sexual misconduct investigation process.

Employees should make every effort to inform a complainant of the employee’s Title IX reporting obligations before the complainant reveals any specific information. If the complainant wishes to maintain confidentiality, they should be encouraged to speak with one of the University’s confidential resources, as discussed below.

The only time a University employee does not have to report an alleged incident of sexual misconduct is if that employee is the victim of such misconduct, although the University encourages those employees to report such incidents.

### **Requesting Confidentiality or Anonymity After Reporting an Incident: How the University Will Consider the Request and Respond**

If the complainant requests that the University not pursue an investigation or asks that their name be held in confidence, the University Title IX Coordinator will weigh each request very carefully. Among the factors the University will consider in assessing a complainant’s request are:

- whether the sexual misconduct was perpetrated with a weapon;
- whether the respondent has been identified as a respondent in another alleged incident of sexual misconduct;
- the age of the complainant;

- whether the University possesses other means to obtain relevant evidence (for example, if the University has surveillance camera footage that shows the incident, the University may be able to proceed without the involvement of the complainant); and
- whether the University has credible evidence that the respondent has committed one or more prior violations of the sexual misconduct policy.

The University Title IX Coordinator will advise the complainant if the University intends to proceed with the investigation against the complainant's wishes. If the complainant requests that the University inform the respondent that the complainant asked the University not to investigate or seek discipline, the University will do so and inform the respondent that the University made the decision to go forward with the investigation.

## **V. CONFIDENTIALLY DISCLOSING SEXUAL MISCONDUCT**

Several offices and individuals on campus are designated as confidential resources for members of the University community who wish to discuss an incident of sexual misconduct without or before reporting it to the Title IX Coordinator. Individuals who are not prepared to make a report or who may be unsure how to label what happened to them, but seek information and support, are encouraged to contact a confidential resource. As discussed below, some of these confidential resources do not report any information to the University Title IX Coordinator (professional, licensed counselors and pastoral counselors who provide mental health counseling at the University) and others (Student Health Services and Sexual Offense Support) report non-identifying information about violations of this policy to the Title IX Coordinator for tracking purposes only.

If a complainant wants to maintain confidentiality by disclosing only to a confidential resource and not reporting to the University, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent. These counselors and advocates will still assist the complainant in receiving other necessary protection and support, such as advocacy, academic support or accommodations, disability, health or mental health services and changes to living, working or class schedules. The University's ability to provide these protections and supports may be limited, however, if the complainant does not want to pursue an investigation and disciplinary action against the respondent.

A complainant who initially requests confidentiality may later decide to file a complaint with the University or report the incident to law enforcement and have the incident fully investigated.

### **A. Professional and Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the University community will not report any information to the Title IX Coordinator without a complainant's written permission. This protection also

extends to individuals who work or volunteer in these offices, including front desk staff and students. The following are the professional and pastoral counselors on the University campus:

**Center for Counseling and Student Development**  
**261 Perkins Student Center**  
**Newark, DE 19716**  
**Phone: (302) 831-2141**  
**Website: [www.udel.edu/counseling/](http://www.udel.edu/counseling/)**

**Student Wellness & Health Promotion<sup>2</sup>**  
**231 South College Avenue**  
**University of Delaware**  
**Newark, DE 19716**  
**Phone: (302) 831-3457**  
**Website: [www.udel.edu/studentwellness/](http://www.udel.edu/studentwellness/)**

## **B. Student Health Staff and Sexual Offense Support**

Individuals who work or volunteer in Student Health Services or Sexual Offense Support, including front desk staff and students, can talk to a complainant without being required to reveal any personally identifying information to the University Title IX Coordinator. A complainant can seek assistance and support from these individuals without the possibility of triggering a University Title IX investigation.

While maintaining the complainant's confidentiality, these individuals or their offices must report the nature, date, time and general location of an incident of sexual misconduct to the University Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the complainant – helps keep the University Title IX Coordinator informed of the general nature and extent of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem and formulate appropriate campus-wide responses, but such a report will not trigger an investigation by the University Title IX Coordinator. A complainant can choose to have non-professional counselors and advocates report all information about an incident that may prompt an investigation by the Title IX Coordinator.

---

<sup>2</sup> Licensed substance abuse and relationship violence counselors have statutory privilege and do not have to share any information with the Title IX Coordinator. Not all counselors at Student Wellness & Health Promotion have this level of privilege. Other counselors may have to provide anonymous reports of incidents to the Title IX Coordinator.

The following is contact information for Student Health Services and Sexual Offense Support:

**Student Health Services**  
**Laurel Hall**  
**University of Delaware**  
**Newark, DE 19716**  
**Phone: (302) 831-2226**  
**Website: [www.udel.edu/shs/](http://www.udel.edu/shs/)**

**Sexual Offense Support**  
**University of Delaware**  
**231 South College Avenue**  
**Newark, DE 19716**  
**Phone: (302) 831-2226 (24 hours, the person who answers will take a first name and a callback number and the advocate will call back within 10 minutes)**  
**Website: [www.udel.edu/sos/](http://www.udel.edu/sos/)**

NOTE: While these professional counselors, medical professionals and advocates may maintain a complainant's confidentiality in the University setting, they may have other reporting or disclosure obligations under state law, including mandatory reporting of child abuse, situations in which the patient or client presents a danger to themselves or others and responding to subpoenas compelling document production or testimony at trial or in a deposition.

### **C. Other Methods of Disclosure**

Complainants have other opportunities to disclose incidents of sexual misconduct as well, some of which may preserve confidentiality and others may not.

#### **1. Take Back the Night and other similar events**

Public awareness events such as Take Back the Night, candlelight vigils, protests, survivor speakouts or other forums in which complainants disclose incidents of sexual misconduct are not considered notice to the University of sexual misconduct for purposes of triggering its obligation to investigate any particular incidents. The University will make an effort to provide information about Title IX rights and available resources at these and other similar events.

#### **2. Anonymous Reporting**

The University provides anonymous reporting mechanisms through the University Police Department, <http://www.udel.edu/police/forms/submit-a-tip.html>, and through an EthicsPoint

Compliance Hotline, <http://www.udel.edu/compliance/>. If identifying information for the complainant is provided through either reporting mechanism, the University Title IX Coordinator will ensure that the complainant is aware of rights and resources and determine whether an investigation is appropriate, based on the complainant's wishes and the safety of the overall University community.

### **3. Off-campus Counselors and Advocates**

Off-campus counselors, advocates, pastoral counselors, and health care providers, if permitted by state law, will generally maintain confidentiality and not share information with the University unless the complainant specifically requests the disclosure and signs a consent form authorizing the release of information. Like on campus confidential resources, these off-campus resources may have other reporting or disclosure obligations under state law, including mandatory reporting of child abuse, situations in which the patient or client presents a danger to themselves or others and responding to subpoenas compelling document production or testimony at trial or in a deposition.

## **VI. COMPLAINANT AND RESPONDENT RIGHTS**

### **A. Complainant Rights**

A complainant in a sexual misconduct report is entitled to:

1. Be treated with respect by all University officials;
2. Be notified of available counseling, mental health, medical and legal services both on campus and in the community;
3. Interim measures, which may include changing living arrangements on campus or receiving reasonable academic or workplace accommodations;
4. Be free of any form of retaliation and free to report such retaliation for disciplinary action;
5. Obtain a campus restraining or no-contact order against the respondent;
6. Notify or not notify law enforcement of the complaint;
7. Decide whether or not to file a formal complaint with the Title IX Coordinator;
8. Be accompanied by up to two support persons throughout the process, including at any interviews;
9. An adequate, reliable, impartial and prompt investigation of the allegations conducted within a reasonable period of time after the complaint is filed;
10. Receive written notice of the date, time and location of any interview scheduled with the investigator;
11. Be kept informed of the status of the investigation, to the extent possible;
12. Review all documents that are made available to the respondent;

13. Meet with the investigator and present information on their own behalf, identify witnesses or other third parties who might have relevant information and identify or provide relevant documents or other information the complainant believes may be helpful to the investigation;
14. Have past unrelated behavior excluded from the investigation process;
15. Question the selection of the investigator and the person(s) deciding the sanction on the basis of a conflict of interest or demonstrated bias;
16. Be notified of the outcome and sanction(s), as appropriate, in writing, as soon as possible and at the same time as the respondent;
17. Initiate an appeal of the finding or sanction;
18. Participate in the appeal process, if initiated by the respondent; and
19. Waive any of the rights contained herein.

## **B. Respondent Rights**

A respondent in a sexual misconduct report is entitled to:

1. Be treated with respect by all University officials;
2. Be informed of the policy (or policies) alleged to have been violated, the sanction to be applied if the respondent agrees the allegations are accurate and the process for disputing the allegation(s) or recommended sanction(s);
3. Be notified of available counseling, mental health, medical and legal services both on campus and in the community;
4. Be free of any form of retaliation and free to report such retaliation for disciplinary action;
5. An adequate, reliable, impartial and prompt investigation of the allegations conducted within a reasonable period of time after the complaint is filed;
6. Be accompanied by up to two support persons throughout the process, including at any interviews;
7. Be kept informed of the status of the investigation, to the extent possible;
8. Review all documents that are made available to the complainant;
9. Have past unrelated behavior excluded from the investigation process;
10. Receive written notice of the date, time and location of any interview scheduled with the investigator;
11. Question the selection of the investigator and the person(s) deciding the sanction on the basis of a conflict of interest or demonstrated bias;
12. Meet with the investigator and present information on their own behalf, identify witnesses or other third parties who might have relevant information and identify or provide relevant documents or other information the respondent believes may be helpful to the investigation;
13. Refuse to answer any question or make any statement if also facing criminal charges;

14. Be notified of the outcome and sanction(s), as appropriate, in writing, as soon as possible and at the same time as the complaint;
15. Initiate an appeal of the finding or sanction;
16. Participate in the appeal process, if initiated by the complainant; and
17. Waive any of the rights contained herein.

### **C. First Amendment protections**

Nothing in this policy is meant to infringe upon the First Amendment rights of University employees and students. Nor is this policy meant to infringe upon academic freedom protections set forth in the Faculty Handbook and in the Collective Bargaining Agreement between the University and the American Association of University Professors (AAUP). Speech *appropriately* related to curriculum, teaching, scholarship or research is not sexual misconduct.

### **D. Protection from Retaliation**

The University will take all appropriate steps to ensure that a person who in good faith reports or complains about sexual misconduct or who participates in a sexual misconduct investigation will not be subjected to retaliation by the respondent or by anyone else with knowledge of the underlying report. The University will also take all appropriate steps to ensure that the respondent will not be subjected to retaliation by the complainant or anyone else with knowledge of the underlying report.

Anyone who believes they are experiencing retaliation is strongly encouraged to report that to the University Police, the University Title IX Coordinator or any other University official so appropriate action can be taken.

### **E. Confidentiality**

Individuals involved in investigations or disciplinary proceedings under this policy are encouraged to exercise discretion in sharing information in order to safeguard the integrity of the process and to avoid the appearance of retaliation. While discretion regarding the process is important, complainants and respondents are not restricted from discussing and sharing information with others who may support or assist them in presenting their case.

Medical and counseling records are privileged and confidential documents that parties will not be required to disclose.

### **F. Alcohol Amnesty**

The University grants amnesty to students who may have violated the Code of Conduct's Alcohol Policy, <http://www.udel.edu/stuguide/14-15/code.html#alcohol>, when they became a

victim of sexual misconduct. Therefore, no alcohol charges are applied to students who report that they were under the influence of alcohol when the sexual misconduct took place.

### **G. Support Person**

The complainant and respondent each have the opportunity to have up to two support persons present at any meeting related to the review of the reported sexual misconduct, which may include a union representative consistent with applicable collective bargaining agreements. The complainant and respondent may also choose to proceed without a support person or with only one support person. Support persons may be attorneys, but support persons may not stand in place of either the complainant or respondent, act as legal counsel for a party or otherwise actively participate in any of the proceedings.

The complainant and respondent must inform the investigator of the identity of the support person(s) they plan to bring to an interview or other meeting at least 3 business days prior to such interview or meeting.

The support person is expected to have reviewed this policy and be aware of their obligations prior to the meeting or interview. If a support person fails to comply with this policy or is otherwise disruptive to the process, the investigator may ask that support person to leave the room and continue with the interview without the support person present.

### **H. Expectations Regarding Participation by the Parties**

In the event that a complainant chooses not to participate in an interview or declines to provide information requested by the investigator, the University may proceed with the investigation or dismiss the complaint. Written notice of such dismissal will be provided to the complainant and respondent.

In the event the respondent chooses not to participate in an interview or declines to provide information requested by the investigator, the investigator will proceed with the investigation and reach a decision based on the available information.

Any person who knowingly and maliciously makes a false statement in connection with a complaint under this policy may be subject to disciplinary action. Making a good faith report of sexual misconduct that is not later substantiated is not considered a false statement.

### **I. References to University Officials**

References to University officials, including the Title IX Coordinator, the Chief Human Resources Officer, the Provost, Vice Presidents or Deans, shall include that official or designee.

#### **J. Concurrent Investigation**

If a report is made to both law enforcement and to the University Title IX Coordinator, a concurrent investigation may take place. The University, however, may delay its Title IX investigation for a limited time while the law enforcement agency is conducting its fact gathering. Even in situations with a concurrent investigation, the University will use its best efforts to complete its process within 60 days of the date of the report or complaint.

#### **K. Standard of Proof**

The standard of proof in all sexual misconduct cases will be preponderance of the information. This standard requires the investigator to conclude that it is more likely than not that the respondent committed sexual misconduct in order for there to be a finding of responsible. Under this standard, individuals are presumed not to have engaged in sexual misconduct unless a preponderance of the information supports a finding of responsible.

This standard of proof differs from the higher standard used in criminal cases, beyond a reasonable doubt. Therefore, there could be instances when the criminal justice system declines to prosecute a case criminally but a finding of responsible is reached under this Sexual Misconduct Policy.

#### **L. Policy Interpretation and Revisions**

Any questions regarding the policy should be addressed to the University Title IX Coordinator, who is responsible for updating and interpreting this Sexual Misconduct Policy. The Title IX Coordinator may extend any time limits or deadlines set forth in this policy, with appropriate notice to the complainant and respondent.

The University conducts regular reviews and updates to this policy. The University may, due to legal or institutional need, make changes to the Sexual Misconduct Policy at any time as deemed appropriate by University officials. The Sexual Misconduct Policy posted at [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct) is the current and active version.

## **VII. UNIVERSITY RESPONSE PROCEDURES**

Upon receipt of a report of sexual misconduct, the University will generally proceed as described below.

## **A. Services**

Once the University is put on notice of possible sexual misconduct, the complainant will be offered appropriate support, advised of available resources, including the availability of interim measures and University employees who have volunteered to serve as support persons to complainants in sexual misconduct cases, and notified of applicable University policies. Available resources can be found at [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct).

The University will take appropriate steps to prevent or address retaliatory conduct following a report of sexual misconduct.

## **B. Interim Measures**

The University may implement interim measures as appropriate for the individuals involved and the overall University community. Interim measures may include:

- interim suspension of the respondent from the University;
- removal of the respondent from University housing;
- separation of the complainant's and respondent's academic, living or work situations;
- ordering the respondent not to have any contact with the complainant;
- providing transportation or parking accommodations for the complainant;
- offering escort services for the complainant; and
- other measures designed to eliminate any hostile environment created by the alleged sexual misconduct.

The interim measures may remain in place until the end of any appeal process (at which time the interim measures may become permanent measures) or may be modified at any time if appropriate as determined by the appropriate University official.

If the respondent is placed on interim suspension, the University will use its best efforts to proceed as quickly as possible with the investigation, while respecting its Title IX and due process obligations.

A complainant's decision to maintain confidentiality or not to pursue an investigation may severely limit the University's ability to implement interim measures.

## **C. Decision to Proceed**

When a report is made by a complainant, the Title IX Coordinator will conduct a preliminary assessment to determine whether the alleged conduct, as presented by the report, would

present a potential violation of this policy and whether further action is warranted based on the alleged conduct. The Title IX Coordinator may consult with a team of advisors to make this determination. A complainant's decision to maintain confidentiality or not to pursue an investigation will severely limit the University's ability to respond to the alleged sexual misconduct.

The Title IX Coordinator may determine:

- No further action is necessary and the matter will be closed; or
- Further action is warranted, but only if the complainant chooses to pursue the complaint and participate in the University's process; or
- Further action is warranted whether or not the complainant chooses to participate in the process.

The Title IX Coordinator's decision will be communicated to the complainant. The University Title IX Coordinator will determine the most effective method of reviewing and addressing the concerns raised by the sexual misconduct report. In all cases, the University will respond to the report in a prompt, thorough, fair, impartial and effective manner.

If the Title IX Coordinator determines that the conduct, as alleged by the complainant, is not a violation of this policy, the matter still may be a violation of another University policy. The complainant may then have other avenues of assistance available, including reporting the matter to the Office of Student Conduct, the Graduate Office, the Office of Human Resources, law enforcement or a supervisor.

#### **D. Informing the Respondent**

If the decision is made to pursue the complaint, the Title IX Coordinator will meet with the respondent to provide information about the complaint and the process. The respondent will be advised in advance of this meeting that he or she may be accompanied to this and any other meeting regarding the complaint or investigation by up to two support persons. If the respondent is a member of a collective bargaining unit at the University, respondent will be advised, in advance of the meeting, of their right to be accompanied to the meeting by a union representative as well as one additional support person.

During the meeting, the respondent will be given a copy of: the complaint, which will outline the incident(s) on which the complaint is based; this Sexual Misconduct Policy; and a list of resources available to the respondent, including University employees who have volunteered to serve as support persons to respondents in sexual misconduct cases. In addition, the respondent will be advised of the rights of respondents in cases brought under this policy and the investigation process will be explained to the respondent. The respondent will also be advised of any interim measures implemented that affect the respondent, including but not limited to the entry of a no contact order, a ban from campus, etc.

## **E. Investigation**

If the Title IX Coordinator determines that an investigation is appropriate, the University will conduct a thorough fact-finding investigation by one or more investigators assigned by the Title IX Coordinator. The investigator(s) will be charged with investigating the complaint and reaching a finding of responsible or not responsible for the charges in the complaint.

The investigation will include the investigator(s) meeting separately with the complainant (if the complainant is participating in the investigation), the respondent, the person who made the report (if different from the complainant) and relevant witnesses. As discussed in Section VI.G., the complainant and the respondent may each be accompanied to these meetings by up to two support persons. The investigator will review any other information deemed relevant to the report and investigation and to which the investigator has access. This may include surveillance camera footage, photographs, documents, text messages, social media postings, electronic mail messages or other materials provided to the investigator by any person participating in the process or otherwise obtained by the investigator. The investigator will give the complainant and respondent the opportunity to present questions they believe should be asked of the other party and witnesses and the opportunity to respond to statements made by others, if deemed appropriate by the investigator. At any time during the course of an investigation, the complainant, respondent or any witnesses may provide a written statement, other supporting materials or identify other potential witnesses regarding the reported sexual misconduct.

The University will complete its review of the complaint within a reasonable time period. If the investigator believes that the review will take longer than 30 calendar days, he or she shall inform the University Title IX Coordinator and the parties to the complaint.

If at any time during the course of the investigation the complainant withdraws from participating in the process, the University may proceed with the investigation without the complainant's participation or may determine that it is appropriate to dismiss the charges.

## **F. Findings of the Investigation and Notification**

The burden of proof rests with the complainant and a finding must be based on the preponderance of the information available to the investigator. This means in order to find the respondent responsible for sexual misconduct, the investigator must conclude that it is more likely than not that the respondent violated the University's sexual misconduct policy. If the investigator cannot reach such a conclusion, then the finding must be not responsible. If the investigator concludes that the complainant filed the report falsely or maliciously, then disciplinary action may be taken by the University against the complainant.

### ***Draft Report***

When the investigator(s) completes the investigation, he or she will prepare a draft written report. The draft report will include the following sections:

- The investigator's charge;
- Relevant policies;
- Identification of the persons interviewed;
- Summary of the information collected;
- Summary of the statements made by the complainant, the respondent and any witnesses; and
- Findings of fact.

The investigator will provide the draft report to the Title IX Coordinator, who will then advise the complainant and respondent by email that the draft report is available for their review. The complainant and respondent may contact the Title IX Coordinator to make an appointment, accompanied by their support persons if desired, to review a copy of the investigator's draft report, which may be redacted as necessary to protect the privacy interests of the complainant, respondent or other witnesses. The parties and their respective support persons will not receive a copy of the draft report and may not copy or photograph the draft report, in whole or in part, but may take notes on the content.

### ***Opportunity to Respond to the Draft Report***

No later than ten days after the notice of the availability of the investigator's draft report is sent to the parties, the complainant and respondent may each provide to the investigator a written response to the investigator's report, limited to five typewritten, double-spaced pages with 12-point font and 1-inch margins. The response may include, but is not limited to, additional questions the parties believe should be asked of the other parties or witnesses, new evidence they believe is relevant, and the impact the situation has had on them. The written response may not include citations to outside authorities or character evidence.

### ***Final Report***

After the earlier of (i) the receipt of the parties' written submissions or (ii) the ten day period has passed, the investigator will prepare the final report, which will include a finding of responsible or not responsible on each alleged violation of this Policy. The final report, along with the parties' written responses to the draft report, will be delivered to the Title IX Coordinator. The final report may be redacted as necessary to protect the privacy interests of the complainant, respondent or other witnesses.

The final report of the investigator will be provided to the parties at the same time in writing and will include information about the appeal process.

### ***Finding of Responsible***

If the investigator finds the respondent responsible for violating the sexual misconduct policy, the complainant and respondent will meet with the Title IX Coordinator to discuss the finding and learn about the next steps in the process. During this meeting, the parties may request the opportunity to speak separately with the person(s) deciding the sanctions.

The investigator's report will be forwarded to the appropriate sanctioning authority, depending on the status of the respondent, as set forth in Section VIII. A finding of responsible may be appealed after the sanctioning decision is made.

### ***Finding of Not Responsible***

If the respondent is found not responsible, the complainant may appeal that decision as set forth in Section IX.

## **VIII. SANCTIONING**

If the respondent is found responsible for any violations of this policy, the University will initiate a sanctioning process designed to eliminate the misconduct, prevent its recurrence and remedy its effects. Sanctions may also serve to promote safety or deter individuals from engaging in similar behavior in the future. For students found responsible, the sanctions can range from written reprimand up to and including expulsion. For faculty and staff found responsible, the sanctions can range from written reprimand up to and including termination of their employment. Vendors, volunteers, visitors or guests found responsible can be banned from campus.

Remedial measures to ensure the hostile environment experienced by the complainant has been eliminated will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement around campus; ensuring the complainant and respondent do not share classes, work spaces or extracurricular activities; reassignment of residence halls; tutoring or other academic support; arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the parties and the University.

### **A. Student Respondent**

#### ***Sanctioning Panel***

If the respondent is a student, the investigator's final report, along with the parties' responses to the draft report, will be provided to the Office of Student Conduct immediately, which will assign an impartial Sanctioning Panel within 5 days. Members of the Sanctioning Panel may speak with the investigator, the Title IX Coordinator and the Dean of Students while considering the appropriate sanction(s). In addition, the complainant and respondent may

request to speak separately with the Sanctioning Panel and will be permitted to be accompanied by their respective support persons during such meeting.

Once a decision has been reached by majority rule by the Sanctioning Panel, the Office of Student Conduct will issue a letter to the respondent and complainant, with copies to the Title IX Coordinator and the Title IX Investigator, sharing the result and sanctions in a manner appropriate to honor due process and privacy considerations. The notification will include information about the appeal process.

### ***Potential Sanctions and Remedial Measures***

The sanctions may include any sanctions contained within the Student Guide to University Policies, <http://www.udel.edu/stuguide/14-15/sanctions.html>, including a combination of disciplinary sanctions, educational sanctions and remedial measures. Disciplinary sanctions may range from reprimand to expulsion from the University. There may also be educational sanctions, such as reflection papers or attendance at relevant seminars. In addition, sanctions may include remedial measures, similar to interim measures, which will remain in place for as long as the University believes is appropriate. The severity of the sanction will depend on a number of factors, including the nature of the offense and the respondent's prior disciplinary history.

### **B. Staff Member or Administrator Respondent**

If the respondent is a staff member or administrator, the investigator's written report will be provided to the respondent's Vice President or highest-level supervisor to determine the appropriate sanctions or corrective actions. The Vice President or highest-level supervisor will speak with the investigator and the Title IX Coordinator and may speak with the complainant and respondent while considering the appropriate sanction. The complainant, respondent, investigator and Title IX Coordinator will receive simultaneous written notice of the sanctioning decision. The notification will include information about the appeal process.

The sanctions may include a combination of disciplinary sanctions, educational sanctions and remedial measures. Disciplinary sanctions may range from oral reprimand to termination of employment. The severity of the sanction will depend on a number of factors, including the nature of the offense and the respondent's prior disciplinary history.

### **C. Faculty Respondent**

If the respondent is a faculty member, the investigator's written report will be provided to the Dean of the College in which the respondent is primarily employed. The Dean will determine the appropriate sanctions or corrective actions. The Dean will speak with the investigator and the Title IX Coordinator and may speak with the complainant or the respondent while considering the appropriate sanction. The complainant, respondent,

investigator and Title IX Coordinator will receive simultaneous written notice of the sanctioning decision. The notification will include information about the appeal process.

The sanctions may include a combination of disciplinary sanctions, educational sanctions and remedial measures. Disciplinary sanctions may range from oral reprimand to termination of employment. The severity of the sanction will depend on a number of factors, including the nature of the offense and the respondent's prior disciplinary history.

#### **D. Vendor or Volunteer Respondent**

If the respondent is a vendor or volunteer, the investigator's written report will be provided to the Vice President or Dean of the unit or college that retained or authorized the vendor or volunteer. The Vice President or Dean will speak with the investigator and the Title IX Coordinator and may speak with the complainant and respondent while considering the appropriate sanction, which could include banning the vendor or volunteer from the University campus in its entirety. The complainant, respondent, investigator and Title IX Coordinator will receive simultaneous written notice of the sanctioning result. The notification will also include information about the appeal process.

#### **E. Visitor or Guest Respondent**

If the respondent is a visitor or guest or someone without any direct affiliation with the University, the investigator's written report will be provided to the Title IX Coordinator. The Title IX Coordinator will speak with the investigator and may speak with the complainant and respondent while considering the appropriate sanction, which could include banning the visitor or guest from the University campus in its entirety. The complainant, respondent, investigator and Title IX Coordinator will receive simultaneous written notice of the sanctioning result. The notification will also include information about the appeal process.

## **IX. APPEALS**

The complainant and respondent both have the opportunity to seek an appeal of the investigator's decision and the sanction. The avenue of appeal will depend on the status of the respondent. In any request for an appeal, the burden of proof lies with the party requesting the appeal. The appeal must allege one or more of the following reasons:

1. The factual findings on which the final decision is based are clearly erroneous, meaning that they are not supported by any credible evidence in the record;
2. The decision is contrary to new information not known at the time of the investigation or sanctioning process;
3. Evidence of bias or prejudice by the investigators or the person or panel imposing the sanction;
4. Procedures were not followed during the process; or
5. One or more of the sanctions imposed are inappropriate or unreasonable.

The failure of the University to adhere to notice requirements or time periods shall not be cause for dismissal nor grounds for appeal unless such failure materially prejudiced the party submitting the appeal.

### **1. Student Respondent**

The complainant or respondent may appeal the investigator's decision and/or sanctions by submitting an appeal request to the Office of Student Conduct in writing within 5 days of the date on which the finding of not responsible or the sanctioning decision was sent.

The appeal request:

1. Must be computer printed and is limited to five double-spaced pages with one-inch margins and a 12-point font; and
2. Shall not include character information or citations to authorities outside the University.

Upon receipt of the appeal request, the Dean of Students or designee will send a copy of the request to the non-appealing party (or parties), the investigator, the Title IX Coordinator, the Sanctioning Panel and any other person deemed appropriate by the University. These individuals may submit a response, limited to five double-spaced pages with one-inch margins and a 12-point font, to the Office of Student Conduct within 5 business days of the date on which the appeal was sent.

The written appeal, responses received from all appropriate parties and all documentation contained within the investigator's file and the respondent's disciplinary file will be reviewed in a closed meeting by a quorum of the Appellate Board. At its discretion, the Appellate Board may speak to the investigator, the Sanctioning Panel or the parties, who may be accompanied by their respective support persons. The Appellate Board may disregard all pages beyond the five-page limit or reject the entire appeal if it contains character information or citations to authorities outside the University.

The Appellate Board, by majority vote, may decide to:

1. Sustain or deny the appeal;
2. Change the sanction(s) applied;
3. Delay a final review of the appeal to receive additional information regarding specific issues raised in the appeal. Responses may be solicited from the complainant, the respondent, the investigator, the Title IX Coordinator, the Sanctioning Panel and any relevant witnesses;
4. Direct the Title IX Coordinator to conduct a new investigation, or allow the complainant or respondent to have the case handled beginning at any specific stage of the investigation or sanctioning process.

The Appellate Board's decision, except any decision reached as the result of a re-investigation initiated as a due process violation, is final and will be implemented immediately by the University. The Appellate Board will offer a brief written explanation for its decision on appeal. The complainant, the respondent, the investigator, the Title IX Coordinator and the members of the Sanctioning Panel will receive simultaneous written notice of the final decision. A copy of this notice will be entered into the student's disciplinary file and will be maintained in the Office of Student Conduct in accordance with the retention policy, as defined in the Student Guide to University Policies.

A decision reached as a result of a re-investigation initiated because of a due process violation will be subject to all appeal options as described above.

## **2. Staff Member or Administrator Respondent**

The complainant or respondent may appeal the investigator's decision and/or sanctions by submitting a request in writing to the Chief Human Resources Officer ("CHRO") and the Title IX Coordinator within 5 days of the issuance of the finding of not responsible by the investigator or the sanctioning decision. The appeal request:

1. Must be computer printed and is limited to five double-spaced pages with one-inch margins and a 12-point font; and
2. Shall not include character information or citations to authorities outside the University.

Upon receipt of the appeal request, the Title IX Coordinator will send a copy of the request to the non-appealing party (or parties), the investigator and, if appropriate, the person who issued the sanction and the Director of Employee and Labor Relations. These individuals may submit a response, limited to five double-spaced pages with one-inch margins and a 12-point font, to the CHRO and the Title IX Coordinator within 5 business days of the date on which the appeal was sent.

The CHRO will then follow the procedures set forth in the appropriate Grievance Procedure, based on the status of the person initiating the appeal (if a staff member or administrator) or the status of the respondent (if the complainant is not a staff member or administrator). If the Non-Exempt Staff Grievance Procedure, Policy 4-91, <http://www.udel.edu/ExecVP/policies/personnel/4-91.htm>, is followed, the procedure will start at Step IV. If the Exempt Staff Grievance Procedure, Policy 4-85, <http://www.udel.edu/ExecVP/policies/personnel/4-85.htm>, is followed, the procedure will start at Step V. In an appeal based on this Sexual Misconduct Policy, the parties have all of the rights available to them under this policy throughout the appeal process.

The complainant, respondent, investigator, Title IX Coordinator, Vice President issuing the sanction (if applicable) and the Director of Employee and Labor Relations (if applicable) will

receive simultaneous written notice of the final decision. A copy of this notice will be entered into the employee's disciplinary file and will be maintained in accordance with the University's document retention policies.

### **3. Faculty Member Respondent**

If the Dean's decision is termination, the termination procedures set forth in the Faculty Senate Committee on Faculty Welfare and Privileges, <http://facsen.udel.edu/Sites/FWP%20Cte/FWP-Policy-Final-Version-As-Amended-During-January-12-2015-Faculty-Senate-Meeting.pdf>, will be followed.

If the Dean's decision is something other than termination or if the finding by the investigator is not responsible, the complainant, if a member of the faculty, or respondent may appeal the investigator's decision and/or sanctions by following the procedures set forth in the Faculty Senate Committee on Faculty Welfare & Privileges, Part II, which will then an advisory opinion to the Provost. Such a request to the Faculty Senate Committee on Faculty Welfare & Privileges must be made within 5 days of the issuance of the finding of not responsible by the investigator or the sanctioning decision.

If the complainant is not a faculty member, he or she may appeal the Dean's decision, if it is something other than termination, to the Provost within 5 days of the issuance of the finding of not responsible by the investigator or the sanctioning decision. The appeal request:

1. Must be computer printed and is limited to five double-spaced pages with one-inch margins and a 12-point font; and
2. Shall not include character information or citations to authorities outside the University.

Upon receipt of the appeal request, the Title IX Coordinator will send a copy of the request to the non-appealing party (or parties), the investigator and, if appropriate, the Dean who issued the sanction and the Vice Provost for Faculty Affairs. These individuals may submit a response, limited to five double-spaced pages with one-inch margins and a 12-point font, to the Provost and the Title IX Coordinator within 5 business days of the date on which the appeal was sent.

The Provost may decide to:

1. Sustain or deny the appeal;
2. Change the sanction(s);
3. Delay a final review of the appeal to receive additional information regarding specific issues raised in the appeal. Responses may be solicited from the complainant, the respondent, the investigator, the Title IX Coordinator, the Dean who determined the sanctions and any relevant witnesses; or

4. Direct the Title IX Coordinator to conduct a new investigation, or allow the complainant or respondent to have the case handled beginning at any specific stage of the investigation or sanctioning process.

The Provost's decision, except any decision reached as the result of a re-investigation initiated as a due process violation, is final and will be implemented immediately by the University. The complainant, respondent, investigator, Title IX Coordinator, Dean (if applicable) and Vice Provost for Faculty Affairs (if applicable) will receive simultaneous written notice of the final decision. A copy of this notice will be entered into the faculty member's disciplinary file and will be maintained in accordance with the University's document retention policies.

#### **4. Vendor or Volunteer Respondent**

The complainant or respondent may appeal the final decision and/or sanctions by submitting a request in writing to the Chief Human Resources Officer ("CHRO") and the Title IX Coordinator within 5 days of the issuance of the finding of not responsible by the investigator or the sanctioning decision. The appeal request:

1. Must be computer printed and is limited to five double-spaced pages with one-inch margins and a 12-point font; and
2. Shall not include character information or citations to authorities outside the University.

Upon receipt of the appeal request, the Title IX Coordinator will send a copy of the request to the non-appealing party (or parties), the investigator and any other person deemed appropriate by the University. These individuals may submit a response, limited to five double-spaced pages with one-inch margins and a 12-point font, to the CHRO and the Title IX Coordinator within 5 business days of the date on which the appeal was sent.

The CHRO may decide to:

1. Sustain or deny the appeal;
2. Change the sanction(s);
3. Delay a final review of the appeal to receive additional information regarding specific issues raised in the appeal. Responses may be solicited from the complainant, the respondent, the investigator, the Title IX Coordinator, the Vice President who determined the sanctions and any relevant witnesses; or
4. Direct the Title IX Coordinator to conduct a new investigation, or allow the complainant or respondent to have the case handled beginning at any specific stage of the investigation or sanctioning process.

The CHRO's decision, except any decision reached as the result of a re-investigation initiated as a due process violation, is final and will be implemented immediately by the University. The complainant, respondent, investigator, Title IX Coordinator and Vice President issuing the sanction (if applicable) will receive simultaneous written notice of the final decision.

#### **5. Visitor or Guest Respondent**

The complainant or respondent may appeal the final decision and/or sanctions by submitting a request in writing to the Chief Human Resources Officer ("CHRO") and the Title IX Coordinator within 5 days of the issuance of the finding of not responsible by the investigator or the sanctioning decision. The appeal request:

1. Must be computer printed and is limited to five double-spaced pages with one-inch margins and a 12-point font; and
2. Shall not include character information or citations to authorities outside the University.

Upon receipt of the appeal request, the Title IX Coordinator will send a copy of the request to the non-appealing party (or parties), the investigator and any other person deemed appropriate by the University. These individuals may submit a response, limited to five double-spaced pages with one-inch margins and a 12-point font, to the CHRO and the Title IX Coordinator within five business days of the date on which the appeal was sent.

The CHRO may decide to:

1. Sustain or deny the appeal;
2. Change the sanction(s);
3. Delay a final review of the appeal to receive additional information regarding specific issues raised in the appeal. Responses may be solicited from the complainant, the respondent, the investigator, the Title IX Coordinator and any relevant witnesses; or
4. Direct the Title IX Coordinator to conduct a new investigation, or allow the complainant or respondent to have the case handled beginning at any specific stage of the investigation or sanctioning process.

The CHRO's decision, except any decision reached as the result of a re-investigation initiated as a due process violation, is final and will be implemented immediately by the University. The complainant, respondent, investigator and Title IX Coordinator will receive simultaneous written notice of the final decision.

## **X. RESOURCES**

The University provides a number of resources and support services for students, faculty and staff dealing with sexual misconduct. These include medical assistance, confidential support, workplace accommodations and housing or academic modifications. For a complete list, please visit [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct).



# Drug-Free Schools Annual Notification

## 2015 UD Drug Free Schools Notification

The Drug Free Schools and Communities Act amendments of 1989 require that as a condition of receiving funds, or any other form of financial assistance under any federal program, the University of Delaware must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees.

The University of Delaware presents the following to inform students and employees of the risks and penalties associated with alcohol and illicit drugs and to promote a healthy lifestyle.

### Health Risks Associated with Substance Abuse

The University of Delaware is a community that cares about health and wellness. According to recent surveys conducted on representative populations of UD students, the substances of frequent abuse are alcohol and marijuana.

**Alcohol** is a major concern on a college campus as it can negatively impact the academic goal of the institution. Frequency of alcohol consumption has been associated positively with absenteeism from classes (Wyatt, 1992) and falling behind academically (Porter & Pryor, 2007). Alcohol lowers inhibitions and impairs judgment, coordination and speech. This can lead to dangerous and unsafe behavior that could result in substantial negative consequences to the individual or others. This impairment can occur even at low levels of blood alcohol concentration. When alcohol is abused, there is a significantly increased incidence of physical injury, motor vehicle accidents (nearly half of all fatal accidents) and injuries from assaults. Furthermore abuse of alcohol within the college environment can be linked to an increased risk of sexual assault.

The dangerous use of alcohol presents a serious safety and wellness concern. The UD Medical Amnesty Protocol stipulates that in the case of extreme intoxication, if medical attention is sought in a proactive way for either yourself or someone else (meaning you call 911 or seek other sufficient help proactively), the Office of Student Conduct will not pursue disciplinary sanctions against you or your friend for a violation of the University's Alcohol Policy. This protocol has one goal in mind -- to get you and your fellow students the help they need immediately. With regards to **marijuana**, though it is true that scientists have determined that the cannabis plant has the potential for addressing a range of medical conditions, it is also true that when you are young and your body is still growing, marijuana actually has the potential of inflicting a long-lasting, negative impact on your developing brain. Using marijuana at a young age can result in structural and functional deficits of the brain. This could cause you to develop weakened verbal and communication skills, lowered learning capabilities and a shortened attention span. In addition to the possible effects on your brain, smoking marijuana may also be hazardous to your developing lungs. Marijuana smoke contains 50% to 70% more carcinogenic hydrocarbons than tobacco smoke. Marijuana limits your brain's effectiveness, slows your thinking and impairs your coordination. A number of studies have also shown an association between chronic marijuana use and increased rates of anxiety, depression and schizophrenia. And lastly, research shows that the earlier you start using marijuana, the more likely you are to become dependent on it or other types of drugs later in life.

For facts about other illicit drugs please see the charts included in this document.

## Drug & Alcohol Counseling and Treatment Students

A variety of campus offices provide services with the goal of optimizing student success.

**Student Wellness & Health Promotion** at the University of Delaware provides a number of prevention and intervention services designed to allow students to make choices which will protect their well-being and assist them in achieving their academic goals. The services available to aid students' understanding about alcohol and drugs are described below. For more immediate assistance please contact the office by emailing [studentwellness@udel.edu](mailto:studentwellness@udel.edu), or by calling 302-831-3457.

- **AlcoholEdu for College** is a requirement for all incoming undergraduate students under 26. AlcoholEdu is an online course that offers a confidential, personalized experience for each student regarding their alcohol use. AlcoholEdu provides helpful tools such as but not limited to a map of US laws, a Blood Alcohol Concentration (BAC) calculator, safe partying strategies, and tips for helping a friend.
- **BASICS** is a two session, skill training program which uses the techniques of personalized feedback and motivational interviewing to assist students with self-identification of strategies that will change their drinking behaviors and support better health, safety, and academic achievement.
- **Substance Abuse Assessment and Intervention** by licensed and certified drug and alcohol counselors is available to meet the needs of any UD student to help determine the nature and extent of substance abuse concerns.

**The Center for Counseling and Student Development (CCSD)** at the University of Delaware is an office that employs licensed psychologists and psychiatrists who can assist students who may be experiencing problems with alcohol and/or drug abuse. For more detailed information about the services offered and how to schedule an appointment, please visit [www.udel.edu/counseling](http://www.udel.edu/counseling).

### On-Campus Resources:

- Office of the Dean of Students:  
<http://www.udel.edu/studentlife/deanofstudents.html>
- Student Wellness & Health Promotion:  
<http://www.udel.edu/studentwellness/>
- Sexual Offense Support (S.O.S.):  
<http://www.udel.edu/studentwellness/sos/>  
Phone: 302.831.2226

- Center for Counseling and Student Development:  
<http://www.udel.edu/Counseling/>
- Health Services: <http://www.udel.edu/shs/>
- UD Police: <http://www.udel.edu/police>

### Faculty & Staff

The University of Delaware (UD) provides assistance for faculty & staff experiencing substance abuse issues. Those employees receiving benefits through the University are eligible for this free and confidential service.

Faculty and staff enrolled in one of the UD health plans are eligible to access the State's Employee Assistance Program, Human Management System (HMS). Members are encouraged to reach out to HMS for guidance to balance the high demands of home and work life issues. HMS is available seven days a week, 24 hours a day, completely confidential, and provided at no cost. This service can be accessed by dialing 800-343-2186 and providing the employee ID#. For further information visit <http://hms.healthadvocate.com/>.

The following information lists additional resources, both on-campus and off-campus. Faculty and staff are encouraged to utilize the services that meet their needs in addressing substance abuse issues.

### On-Campus Resources:

Faculty & Staff Assistance (302) 831-2414

### Off-Campus Resources

Alcoholics Anonymous (AA)	(302) 655-5113
Al-Anon	(302) 366-8484
Narcotics Anonymous (NA)	(410) 566-4022
Brandywine Counseling	(302) 656-2348
Pace, Inc	(302) 999-9812
MeadowWood Behavioral Health System	(302) 328-3330
Rockford Center	(302) 996-5480

## Student and Employee Codes of Conduct

### Students

The University of Delaware Code of Conduct is found in the Student Guide to University Policies at <http://www.udel.edu/stuguide/15-16/index.html>.

Violations of the Code, which occur by a University student or student organization, on property owned or controlled by the University, at activities authorized by the University, or in the greater University community are subject to disciplinary action by the University.

#### **Alcohol**

The University prohibits alcohol intoxication (regardless of age); the unauthorized possession, use, consumption, manufacture, sale, or distribution of alcohol; and driving while impaired due to alcohol consumption. Specifically this offense includes, but is not limited to:

- The possession, use, consumption, manufacture, sale, or distribution of alcohol by anyone under the legal age to do so;
- The possession, use, consumption, manufacture, sale, or distribution of alcohol in any University building, facility, or property except in the confines of a student's own residence hall room if the student is at least the legal age to do so;
- The possession of beer kegs in any University building, facility, or property;
- The possession or use of any apparatus, including but not limited to beer pong tables and beer funnels, used to facilitate 1) the rapid consumption of alcohol or 2) drinking games; or
- A violation of any University policy or procedure concerning the use of alcohol or enacted to monitor or control the use of alcohol; or
- A violation of any applicable law of the State of Delaware or City of Newark, Delaware relating to alcohol (including, but not limited to, possession of an open container of alcohol, public intoxication and underage entry into a liquor store).

#### *Use of Alcohol Off-Campus*

A student hosting or attending an off-campus function should be aware of the applicable laws regarding alcohol and should be aware that the University may also pursue student conduct charges upon the student for such behavior.

#### *Use of Alcohol On-Campus*

As described above, the possession, use, consumption, manufacture, sale, or distribution of alcoholic beverages is

prohibited except when and where explicitly permitted by this Alcohol Policy.

#### *Student Organizations*

No student organization that hosts, organizes, conducts, or participates in an on-campus function or event sponsored or sanctioned by the University shall serve alcohol or permit the possession, use, consumption, manufacture, sale, or distribution of alcohol except as provided here.

#### *Alcohol in Residence Halls*

A resident who is 21 years of age or older may possess or consume alcoholic beverages in his or her own room. No student under the age of 21 may possess or consume alcohol anywhere, including the student's room. The possession or consumption of alcohol by a student 21 years of age or older is subject to the following limitations and conditions:

- Possession of an open container or consumption of alcoholic beverages in any area other than a resident's room is prohibited.
- A guest may only possess or consume alcohol if the guest is at least 21 years of age and is visiting a resident's room where at least one of the assigned student residents is also of legal drinking age and is present (i.e., if a double-occupancy room is occupied by two students under the age of 21, those students shall not permit the consumption, possession, or use of alcohol by anyone, including guests, in that room. However, if one of the roommates is at least 21 years of age, he or she must be present to allow the possession or consumption of alcohol by guests who are at least 21 years of age).
- The student's (or a guest's) possession, use, or consumption of alcohol shall not infringe upon the privacy, peace, or enjoyment of other students or guests in the residence hall.
- A residence hall student has a duty to know if there is or has been unauthorized use or possession of alcohol in his or her room. Therefore, the responsibility to establish lack of knowledge shall be on the resident in cases where the resident claims no knowledge of such use.

#### *Alcohol at the University Football Stadium*

The unauthorized possession, use, consumption, manufacture, sale, or distribution of alcohol in the University football stadium and in parking areas surrounding the stadium is prohibited. Beer kegs and any alcohol-related games, activities or apparatus (such as a beer pong table, ice slides, beer funnels, etc.) are

prohibited at all times. Individuals are not permitted to possess any open container containing alcohol, or consume any alcohol in stadium parking areas while the football game is in progress or on any day other than those on which a football game takes place.

#### *Medical Amnesty/Good Samaritan Protocol*

Student health and safety are of primary concern at the University of Delaware. As such, in cases of intoxication and/or alcohol poisoning, the University encourages individuals to seek medical assistance for themselves or others. If an individual seeks medical attention due to his/her level of intoxication, the Office of Student Conduct may not pursue conduct sanctions against the student for violations of the Alcohol Policy. In lieu of student conduct sanctions, the intoxicated student (and possibly the referring student) will be required to meet with a member of the Office of Student Conduct staff who may issue educational requirements such as alcohol education class and/or an alcohol and substance abuse assessment. Those students who assist in obtaining medical attention for individuals who are intoxicated may not receive student conduct sanctions for violations of the Alcohol Policy of the Code of Conduct.

#### **Drugs**

The University prohibits the illegal possession, use, consumption, manufacture, sale, or distribution of drugs and drug paraphernalia. Any violations of this drug policy may be subject to sanctions by the Student Conduct System and may be reported to all appropriate law enforcement authorities. The claim that the use of marijuana was for medicinal purposes will not automatically be sufficient for dismissal of any pending charges nor for a determination that the student is not responsible for violating this policy. All University buildings, including residence halls, are designated as smoke-free for all substances.

The term "drugs" broadly includes, but is not limited to, any stimulant, intoxicant (other than alcohol), nervous system depressant, hallucinogen, or other chemical substance, compound, or combination when used to induce an altered state, including any otherwise lawfully available product used for any purpose other than its intended use.

The term "Drug Paraphernalia" broadly includes any material, product, instrument, or item used to create, manufacture, distribute, use, or otherwise manipulate any drug and includes, but is not limited to, hookahs, grinders, vaporizers, hypodermic needles and syringes.

Specific violations of this standard include, but are not limited to:

- The possession, use, consumption, manufacture, sale, or distribution of any illegal drug or drug paraphernalia, prescription or prescription drug not prescribed to the student;
- The transfer, delivery or manufacture or intent to transfer, deliver, or manufacture any drug or drug paraphernalia;
- The possession of a prescription or prescription drug not issued to the student;
- The misuse, sale, delivery, or transfer of a prescription or prescription drug;
- Driving while impaired by any drug, whether it be legal or illegal; or
- A violation of any applicable local, state or federal law relating to drugs or drug paraphernalia.

#### **Faculty & Staff**

When a University employee's performance is adversely affected by the use of alcohol and/or drugs, the University's commitments to excellence and the general health and welfare of the University community require that corrective action be taken to rehabilitate such employee or to terminate his or her services, if rehabilitation cannot be accomplished within a reasonable length of time. Substance Abuse Program, Policy 4-16.

No individual employed by the University, guest or visitor shall possess or consume alcoholic beverages on campus except at social events at which alcoholic beverages have been approved and to which the individual has been invited. Consumption of Alcohol on Campus, Policy 2-13.

The use, possession, sale or distribution of illegal drugs or other controlled substances for non-medical or non-research reasons are prohibited at the University. The unauthorized presence of illegal drugs or other controlled substances in the body is prohibited at the University. Employees must notify the University of any drug conviction resulting from violation at the workplace no later than five days after such conviction. Any employee found in violation of the University's Drug-Free Workplace Policy will be sanctioned and/or required to participate in the University's Faculty & Staff Assistance Program. Drug-Free Workplace, Policy 4-35.

## Disciplinary Procedures and Sanctions

### Students

Students found responsible for violating the University's Alcohol or Drug Policies will have disciplinary sanctions imposed. Possible sanctions include:

- Education
- Disciplinary Warning
- Notice of Reprimand
- Disciplinary Probation
- Deferred Suspension from Residence Halls or Graduate Housing
- Deferred Suspension from the University
- Suspension and Ban from Residence Halls
- Suspension from the University
- Expulsion from the University
- Restitution
- Other Sanctions

In addition the possible sanctions listed above, additional, specific disciplinary measures may be imposed for each violation of the University's Alcohol or Drug policies:

- Any student found responsible for a violation of the Alcohol Policy must complete an alcohol education program and may (depending upon the nature of the violation or the student's previous violations) be referred for an evaluation with a Substance Abuse Counselor.
- Any student found responsible for a violation of the Drug Policy must complete a drug education program and may (depending upon the nature of the violation or the student's previous violations) be referred for an evaluation administered by a Substance Abuse Counselor.

### Faculty & Staff

Violations of standards of conduct will result in disciplinary action. Sanctions may include, but are not limited to:

- Suspension of work with or without pay
- Referral for prosecution
- Referral for treatment/rehabilitation
- Termination of employment.

## Abused Drugs – Uses and Effects

Narcotics	Trade Name or Other Name	Medical Uses	Dependants	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Heroin	Diamorphine, Horse, Smack, Black Tar, Chiva, Negra	None in the U.S.	Physical-High Psychological-High Tolerance-Yes	Injected, snorted, smoked	Euphoria, drowsiness, respirator depression, constricted pupils, nausea	Slow and shallow breathing clammyskin, convulsions, coma, possible death	Watery eyes, runny nose, yawing, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Morphin	MS-Contin, Roxanol, Oramorph SR, MSIR	Analgesic	Physical- High Psychological- High Tolerance-Yes	Oral, Injected			
Hydrocodone	Hydrocodone with Acetaminophen, Vicodin, Vicoprofen, Tussionex, Lortab	Analgesic, Antitussive	Physical- High Psychological- High Tolerance-Yes	Oral			
Hydromophone	Dilaudid	Analgesic	Physical- High Psychological- High Tolerance-Yes	Oral, injected			
Oxydodone	Roxicet, Oxycodone with Acetaminophen, OxyContin, Endocet, Percocet, Percodan	Analgesic	Physical- High Psychological- High Tolerance-Yes	Oral			
Codeine	Acetaminophen, Guaifenesin, Promethazine with Codeine, Fiorinal, Fioricet, Tylenol with Codeine	Analgesic, Antitussive	Physical- Moderate Psychological- Moderate Tolerance-Yes	Oral, injected			
Other Narcotics	Fentanyl, Demerol, Methadone, Darvon, Stadol, Talwin, Paregoric, Buprenex	Analgesic, Antitussive, Antidiarrheal	Physical- varies Psychological- varies Tolerance-Yes	Oral, injected, snorted, smoked			

Depressants	Trade or Other Names	Medical Uses	Dependants	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Gamma Hydroxybutyric Acid	GHB, Liquid Ecstasy, Liquid X, Sodium Oxybate, Xyrem	None in the U.S.	Physical- Moderate Psychological- Moderate Tolerance- Yes	Oral	Slurred speech, disorientation, drunken behavior without odor of alcohol, impaired memory of events, interactions with alcohol	Shallow respiratory, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Benodiazepines	Valium, Xanax, Halcion, Ativan, Restoril, Rohypnol, Roofies, Klonopin	Antianxiety, Sedative, Anit-convulant, Hypnotic, Muscle Relaxant	Physical- Moderate Psychological- Moderate Tolerance- Yes	Oral, injected			
Other Depressants	Ambien, Sonata, Meprobamate, Choloral Hydrate, Barbiturates, Methaqualone, Quaalude	Antianxiety, Sedative, Hypnotic	Physical- Moderate Psychological- Moderate Tolerance- Yes	Oral			

Stimulants	Trade and Other Names	Medical Uses	Dependants	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Symptoms
Cocaine	Coke, Flake, Snow, Crack, Coca, Blanca, Perico, Nieve, Soda	Local Anesthetic	Physical- Possible Psychological- High Tolerance- Yes	Snorted, smoked, injected	Increased alertness, excitation, euphoria increased pulse rate & blood pressure, insomnia, loss of appetite	Agitation, increased body temperature, hallucination convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamine/ Methamphetamine	Crank, Ice, Cristal, Krystal Meth, Speed, Adderall, Dexedrine, Desoxyn	Attention Deficit/ Hyperactivity Disorder, Narcolepsy, Weight Control	Physical- Possible Psychological- High Tolerance- Yes	Oral, injected, smoked			
Methylphenidate	Ritalin, Illy's Concerta, Focalin, Metadate	Attention Deficit/ Hyperactivity Disorder	Physical- Possible Psychological- High Tolerance- Yes	Oral, injected, snorted, smoked			
Other Stimulant	Adipex P, Ionamin, Prelu-2, Didrex, Provigil	Vaso-constriction	Physical- Possible Psychological- Moderate Tolerance- Yes	Oral			

www.justice.gov/dea/pub/abuse/doa-p.pdf  
Continued

Hallucinogen	Trade and Other Names	Medical Uses	Dependants	Usual Method	Possible Effects	Effects of Overdose	Withdrawal Symptoms
MDMA and Analogs	Ecstasy, XTC, Adam, MDA, MDEA, MBDB	None	Physical- None Psychological- Moderate Tolerance- Yes	Oral, snorted, smoked	Heightened senses, teeth grinding, and dehydration	Increased body temperature, electrolyte imbalance, cardiac arrest	Muscle aches, drowsiness, depression, acne
LSD	Acid, Mircodot, Sunshine, Boomers	None	Physical- None Psychological- Unknown Tolerance- Yes	Oral			
Phencyclidine and Analogs	PCP, Angel Dust, Hog, Loveboat, Ketamine, Special K, PCE, PCPy, TCP	Anesthetic (Ketamine)	Physical- Possible Psychological- High Tolerance- Yes	Smoked, oral, injected, snorted		Illusions and hallucinations, altered perception of time and distance	Unable to direct movement, feel pain or remember
Other Hallucinogens	Psilocybe mushrooms, Mescaline, Peyote Cactus, Ayaausca, DMT, Dexto-metharphan	None	Physical- None Psychological- None Tolerance- Yes	Oral			

<b>Cannabis</b>	<b>Trade or Other Names</b>	<b>Medical Uses</b>	<b>Dependants</b>	<b>Usual Method</b>	<b>Possible Effects</b>	<b>Effects of Overdose</b>	<b>Withdrawal Symptoms</b>
Marijuana	Pot, Grass, Sinsemilla, Blunts, Mota, Yerba, Grifa	None	Physical- Unknown Psychological- Moderate Tolerance- Yes	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disorientation	Fatigue, paranoia, possible psychosis	Occasional reports of insomnia, hyperactivity, decreased appetite
Tetrahydrocannabinol	THC, Marinol	Antinauseant, Appetite stimulant	Physical- Yes Psychological- Moderate Tolerance- Yes	Smoked, oral			
Hashish and Hashish Oil	Hash, Hash Oil	Nope	Physical- Unknown Psychological- Moderate Tolerance- Yes	Smoked, oral			

<b>Anabolic Steroids</b>	<b>Trade or Other Names</b>	<b>Medical Uses</b>	<b>Dependants</b>	<b>Usual Method</b>	<b>Possible Effects</b>	<b>Effects of Overdose</b>	<b>Withdrawal Symptoms</b>
Testosterone	Depo Testosterone, Sustanon, Sten, Cyp	Hypogonadism	Physical- Unknown Psychological- Unknown Tolerance- Unknown	Injected	Virilization, edema, testicular atrophy, gynecomastia, acne, aggressive behavior	Unknown	Possible depression
Other Anabolic Steroid	Parabolan, Winstrol, Equipose, Anadrol, Dianabol, Primabolin- Depo, D-Ball	Anemia, Breast Cancer	Physical- Unknown Psychological- Yes Tolerance- Unknown	Oral, injected			

<b>Inhalants</b>	<b>Trade or Other Names</b>	<b>Medical Uses</b>	<b>Dependants</b>	<b>Usual Method</b>	<b>Possible Effects</b>	<b>Effects of Overdose</b>	<b>Withdrawal Symptoms</b>
Amyl and Butyl Nitrite	Pearls, Poppers, Rush, Locker Room	Angina	Physical- Unknown Psychological- Unknown Tolerance- No	Inhaled	Flushing hypotension, headache	Methemoglobinemia	Agitation
Nitrous Oxide	Laughing gas, balloons, whippets	Anesthetic	Physical- Unknown Psychological- Low Tolerance- Unknown	Inhaled	Impaired memory, slurred speech, drunken behavior, slow onset vitamin deficiency, organ damage	Vomiting, respiratory depression, loss of consciousness, possible death	Trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, convulsions
Other Inhalants	Adhesives, spray paint, hair spray, dry cleaning fluid, spot removal, lighter fluid	None	Physical- Unknown Psychological- High Tolerance- No	Inhaled			

<b>Drug</b>	<b>Trade or Other Names</b>	<b>Medical Uses</b>	<b>Dependants</b>	<b>Usual Method</b>	<b>Possible Effects</b>	<b>Effects of Overdose</b>	<b>Withdrawal Symptoms</b>
Alcohol	Beer, wine, liquor	None	Physical- High Psychological- High Tolerance- Yes	Oral	Impaired memory, slurred speech, drunken behavior, slow onset vitamin deficiency, organ damage	Vomiting, respiratory depression, loss of consciousness, possible death	Trembling, anxiety, insomnia, vitamin deficiency, confusion, hallucinations, convulsions

## Federal Trafficking Penalties

Drug/Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500-4999 grams mixture	<b>First Offense:</b> Not less than 5 years and not more than 40 years. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 years and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 years and not more than life. If death or serious bodily injury, not less than 20 years or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 years, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28-279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule I)	40-399 grams mixture		400 grams or more mixture	
Fentanyl Analogue (Schedule I)	10-99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100-999 grams mixture		1 kilogram or more mixture	
LSD (Schedule I)	1-9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5-49 grams pure OR 50-499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10-99 grams pure OR 100-999 grams mixture	100 grams or more pure or 1 kilogram or more mixture		

Drug/Schedule	Quantity	Penalties
Other Schedule I & II drugs Any drug product containing Gamma Hydroxybutyric Acid	Any amount	<b>First Offense:</b> Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine of \$1 million if an individual, \$5 million if not an individual  <b>Second Offense:</b> Not more than 30 years. If death or serious bodily injury, life imprisonment. Fine of \$2 million if an individual, \$10 million if not an individual
Flunitrazepam (Schedule IV)	Less than 1 mgs	
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious bodily injury, not more than 15 years. Fine of not more than \$500,000 if an individual, \$2.5 million if not an individual  <b>Second Offense:</b> Not more than 20 years. If death or serious bodily injury, not more than 30 years. Fine of not more than \$1 million if an individual, \$5 million if not an individual
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 years. Fine of not more than \$250,000 if an individual, \$1 million if not an individual  <b>Second Offense:</b> Not more than 10 years. Fine of not more than \$500,000 if an individual, \$2 million if not an individual
All other Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 year. Fine of not more than \$100,000 if an individual, \$250,000 if not an individual  <b>Second Offense:</b> Not more than 4 years. Fine of not more than \$200,000 if an individual, \$500,000 if not an individual

Drug	Quantity	First Offense	Second Offense
Marijuana (Schedule I)	1,000 kg or more mixture; or 1,000 or more plants	Not less than 10 years. If death or serious bodily injury, not less than 20 years or more than life. Fine of \$4 million if an individual, \$10 million if not an individual	Not less than 20 years, not more than life. If death or serious bodily injury, mandatory life. Fine of \$8 million if an individual, \$20 million if not an individual
	100 kg to 999 kg mixture; or 100 to 999 plants	Not less than 5 years more than 40 years. If death or serious bodily injury, not less than 20 years or more than life. Fine of \$2 million if an individual, \$5 million if not an individual	Not less than 10 years, not more than life. If death or serious bodily injury, mandatory life. Fine of \$4 million if an individual, \$10 million if not an individual
	More than 10 kg hashish; 50 to 99 kg mixture	Not more than 20 years. If death or serious bodily injury, not less than 20 years or more than life. Fine of \$1 million if an individual, \$5 million if not an individual	Not more than 30 years. If death or serious bodily injury mandatory life. Fine of \$2 million if an individual, \$10 million if not an individual
	More than 1 kg of hashish oil; 50 to 99 plants		
	1 to 49 plants, less than 50 kg mixture	Not more than 5 years. Fine of not more than \$250,000 if an individual, \$1 million if not an individual	Not more than 10 years. Fine of not more than \$500,000 if an individual, \$2 million if not an individual
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

<http://www.dea.gov/druginfo/ftp3.shtml>

# Delaware Laws and Penalties

<b>Tier 5</b>	<b>Tier 4</b>	<b>Tier 3</b>	<b>Tier 2</b>	<b>Tier 1</b>
25 + grams of cocaine 5 + grams of morphine, opium, heroin 5000+ grams of marijuana 25 + grams of amphetamine, phencyclidine, methamphetamine 500 + doses of LSD 62.5+ doses MDMA or other designer drug	20 + grams of cocaine 4 + grams of morphine, opium, heroin 4000+ grams of marijuana 20 + grams of amphetamine, phencyclidine, methamphetamine 250 + doses of LSD 50+ doses MDMA or other designer drug	15 + grams of cocaine 3 + grams of morphine, opium, heroin 3000+ grams of marijuana 15 + grams of amphetamine, phencyclidine, methamphetamine 100 + doses of LSD 37.5 + doses MDMA or other designer drug	10 + grams of cocaine 2 + grams of morphine, opium, heroin 1500+ grams of marijuana 10 + grams of amphetamine, phencyclidine, methamphetamine 50 + doses of LSD 25 + doses MDMA or other designer drug	5 + grams of cocaine 1 + grams of morphine, opium, heroin 175+ grams of marijuana 5 + grams of amphetamine, phencyclidine, methamphetamine 25+ doses of LSD 12.5+ doses MDMA or other designer drug

**Aggravating Factors**

- Committed within a school zone
- Committed within a protected park/recreation area or place of worship
- Occurred in a vehicle
- Defendant is an adult and offense involved a child under 18
- Defendant prevents or flees from an officer

<b>Crime (16 Del. C. §§ 4752-4760)</b>	<b>Penalties</b>
Drug Dealing – Aggravated Possession – Class B Felony <ul style="list-style-type: none"> <li>- Manufacture, deliver, possess with the intent to deliver a Tier 4 quantity</li> <li>- Manufacture, deliver, possess with the intent to deliver a Tier 2 quantity with an aggravating factor</li> <li>- Possess a Tier 5 quantity</li> <li>- Possess a Tier 3 quantity with an aggravating factor</li> <li>- Possess a Tier 2 quantity with two aggravating factors</li> </ul>	<b>Class B Felony:</b> not less than 2 years up to 25 years at Level V
Drug Dealing – Aggravated Possession – Class C Felony <ul style="list-style-type: none"> <li>- Manufacture, deliver, possess with the intent to deliver a Tier 2 quantity</li> <li>- Manufacture, deliver, possess with the intent to deliver a controlled substance with an aggravating factor</li> <li>- Possess a Tier 4 quantity</li> <li>- Possess a Tier 2 quantity with an aggravating factor</li> <li>- Possess a Tier 1 quantity with two aggravating factors</li> </ul>	<b>Class C Felony:</b> up to 15 years at Level V
Drug Dealing – Aggravated Possession – Class D Felony <ul style="list-style-type: none"> <li>- Manufacture, deliver, possess with the intent to deliver a controlled substance</li> <li>- Possess a Tier 3 quantity</li> <li>- Possess a Tier 1 quantity with an aggravating factor</li> </ul>	<b>Class D Felony:</b> up to 8 years at Level V
Aggravated Possession – Class E Felony <ul style="list-style-type: none"> <li>- Possess a Tier 2 quantity</li> </ul>	<b>Class E Felony:</b> up to 5 years at Level V
Aggravated Possession – Class F Felony <ul style="list-style-type: none"> <li>- Possess a Tier 1 quantity</li> </ul>	<b>Class F Felony:</b> up to 3 years at Level V
Unlawful Dealing in a Counterfeit or Controlled Substance – Class E Felony <ul style="list-style-type: none"> <li>- Manufacture, deliver, attempt to manufacture or deliver or possess with the intent to manufacture a counterfeit or purported controlled substance</li> </ul>	<b>Class E Felony:</b> up to 5 years at Level V
Maintaining a Drug Property – Class F Felony <ul style="list-style-type: none"> <li>- Owner, landlord or tenant who knowingly consents to the use of the property to manufacture, delivery or possess a controlled substance</li> </ul>	<b>Class F Felony:</b> up to 3 years at Level V

<b>Motor Vehicle Offenses (21 Del. C. §4177)</b>	<b>Penalties</b>	
Driving Under the Influence	<p><b>First Offense</b></p> <ul style="list-style-type: none"> <li>- up to 12 months at Level V</li> <li>- fine of \$500 to \$1500</li> <li>- 1 to 2 years loss of license</li> </ul> <p><b>Second Offense (occurring within 10 years of prior offense)</b></p> <ul style="list-style-type: none"> <li>- 60 days up to 18 months at Level V</li> <li>- fine of \$750 to \$2500</li> <li>- 18 months to 2 years loss of license</li> </ul> <p><b>Third Offense (Class G Felony)</b></p> <ul style="list-style-type: none"> <li>- 1 year up to 2 years at Level V ( first 3 months cannot be suspended)</li> <li>- fine not more than \$5,000</li> <li>- 2 years to 30 months of loss of license</li> </ul> <p><b>Fourth Offense (Class E Felony)</b></p> <ul style="list-style-type: none"> <li>- 2 years up to 5 years at Level V (first 6 months cannot be suspended)</li> <li>- Fine not more than \$7,000</li> <li>- 5 year loss of license</li> </ul>	<p><b>Fifth Offense (Class E Felony)</b></p> <ul style="list-style-type: none"> <li>- 3 years up to 5 years at Level V (no early release)</li> <li>- Fine no more than \$10,000</li> <li>- 5 year loss of license</li> </ul> <p><b>Sixth Offense (Class D Felony)</b></p> <ul style="list-style-type: none"> <li>- 4 years up to 8 years at Level V (no early release)</li> <li>- Fine not more than \$10,000</li> <li>- 5 year loss of license</li> </ul> <p><b>Seventh and any further offense (Class C Felony)</b></p> <ul style="list-style-type: none"> <li>- 5 years up to 15 years at Level V (no early release)</li> <li>- Fine not more than \$15,000</li> <li>- 5 year loss of license</li> </ul>

<b>Alcoholic Beverages (Delaware Code Title 4)</b>	<b>Penalties</b>
Manufactures, sells, barter, offers for sale or peddles alcoholic liquor without license or permit	Imprisoned not less than 3 months to not more than 6 months
Holding a license or permit and operating outside of the bounds of the license (i.e. selling alcohol to a person that the license does not allow)	Imprisoned not less than 3 months to not more than 6 months Fine \$500 to \$1,000
Sells or provides liquor to someone who is less than 21 years old	Imprisoned up to 30 days Fine \$250 - \$500
Under 21 years old and knowingly lies about his/her age to obtain alcohol	First Offense: Imprisoned up to 30 days; Fine of \$100 to \$500 Subsequent Offenses: Imprisoned up to 60 days; Fine of \$500 to \$1000
Under 21 years old and has alcohol in his or her possession	License revoked for 30 day for first offense; 90 days for all subsequent offenses If underage person does not have a driver's license, person shall be fined \$100 for the first offense and not less than \$200 and not more than \$500 for each subsequent offense



## Attachment N

**Section:** Personnel

**Policy Number:** 4-35

**Policy Name:** Drug-Free Workplace

**Date:** August 1996

### I. PURPOSE

It is the policy of the University of Delaware to take reasonable measures to ensure that drug use by employees does not jeopardize the safety of the University community, employees, and students or adversely affect operations of the University.

### II. POLICY PROVISIONS

#### A. The details of this policy include:

1. The use, possession, sale or distribution of illegal drugs or other controlled substances for non-medical or non-research reasons are prohibited at the University.
2. The unauthorized presence of illegal drugs or other controlled substances in the body is prohibited at the University.
3. Employees must notify the University of any drug conviction resulting from violation at the workplace no later than five days after such conviction.
4. Employees, as a condition of employment, must abide by the terms of this policy. Any employee found in violation of the above policies will be sanctioned and/or required to participate in the University's Faculty/Staff Assistance Program (FSAP). The University will continue to maintain a drug-free workplace through implementation of the provisions of this policy and the maintenance of a drug-free awareness program.

#### B. DRUG-FREE AWARENESS PROGRAM

##### A. The University of Delaware has established a drug-free awareness program to inform employees about:

1. the dangers of drug abuse in the workplace through training provided by the Faculty/Staff Assistance Program (FSAP);
2. the University's policy of maintaining a drug-free workplace through distribution of the policy to all employees;
3. the availability of drug counseling, rehabilitation and employee assistance programs to help employees whose work performance has been hindered by substance abuse.

The University will make a good faith effort to continue to maintain a drug-free workplace through implementation of the above program.

**Submitted by:** [Labor Relations](#)



## **Attachment O – Definitions**

**Murder and Non-negligent Manslaughter** is defined as the willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter** is defined as the killing of another person through gross negligence.

**Sexual Assault** is defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. These include **Rape, Fondling, Incest, and Statutory Rape**.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** is the unlawful entry of a structure to commit a felony or a theft.

**Motor Vehicle theft** is the theft or attempted theft of a motor vehicle.

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle aircraft, personal property of another, etc.

**Weapons: Carrying, Possessing, etc.**, is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Drug Abuse Violations** are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Domestic Violence** includes physical, sexual, or psychological harm by a current or former spouse (partner).

**Dating Violence** includes physical, sexual, or psychological harm by a current or former dating partner.

**Stalking** is generally defined as repeated (two or more occasions) visual or physical proximity, nonconsensual communication, or verbal, written, and/or implied threats, that would cause a reasonable person fear. Cyberstalking, or stalking through technology such as texting, Facebook, and GPS trackers, is increasingly prevalent. The University of Delaware's policy defines stalking as "Purposely and repeatedly engaging in behavior directed at a specific person which reasonably causes that person alarm, distress, fear or a change of normal behavior" and it is a prohibited activity.