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- I - Valuable Property and Lost & Found
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A Message From the Chief

On behalf of the University of Delaware Police Department, 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. 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. The Clery Act requires that the University publish annual crime statistics for the following offenses: Murder, Manslaughter, Rape, Fondling, Incest, Statutory Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Dating and Domestic Violence, and Stalking. In addition, The University publishes statistics for any hate crimes that occur.

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:
Annual Crime Statistics [Attachments A-D]

Fire safety statistics, in compliance with the Higher Education Opportunity Act of 2008, can be found at:
Annual Fire Safety Report [Page 12]

UD’s Missing Student Policy, in compliance with the Higher Education Opportunity Act of 2008, can be found at:
Missing Student Policy (Page 21)

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 18,946 undergraduates live in residence halls on the Newark campus. The University of Delaware community is made up of over 27,000 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 at 302-831-1204.

Sincerely,

Patrick A. Ogden
Chief of Police
Section One

Campus Security Report
The main office of the University of Delaware Police, Department 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. 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.

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 Police Department when activated. The emergency phones located outdoors are identified by blue lights and are activated by picking up the receiver or pushing a button.

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.
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.

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 can 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
[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.

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. 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 Police Department at 831-2222 or via email to 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.
The following is a listing of the crime prevention programs and projects employed by the University of Delaware.

- **Escort Program:** The Police Department 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 Police Department 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 Police 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] with the Department.

- **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](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 Resource 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 Resource 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.

- **Web Site:** The University of Delaware Police have 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]. All incidents that occur off campus, on public property, and at locations used but not owned by the University are investigated by the agency with primary jurisdiction.
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. A hardcopy of the daily report log is maintained in the UDPD Communications Center or can be accessed 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

- **Timely Alerts:** If circumstances warrant it, special timely crime alerts are prepared and distributed via one or more of the following methods: text message, phone message, email, UDPD Social Media applications (Facebook and Twitter), and 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 it own website (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 maintains its own website (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 the UD Non-Discrimination Policy [Attachment J], the UD Sexual Misconduct Policy [Attachment K] and visit www.udel.edu/sexualmisconduct for more 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.

- **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** - Report incidents to the 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 Policy 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 or 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.

While the University prefers that all crimes are reported to the Police, it is understood 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
- **Human Resources**: (302) 831-2171
- **Office of Student Conduct**: (302) 831-2117
- **Sexual Offense Support Services (S.O.S.)**: (302) 831-1001 (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
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 this past year 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/ 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.

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.¹

- Both the accused² and the victim³ are entitled to have an advisor/advocate present during the student conduct process.

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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
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 workplace.

UD Administrative Policy [#4-16] prohibits the unlawful possession, use or distribution of illegal drugs and alcohol on campus. Please also see the 2016 Drug Free Schools Notification [Attachment M].

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://www1.udel.edu/stuguide/19-20/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: [http://sites.udel.edu/studentwellness/].

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) 831-3457
Student Life Office: (302) 831-8939
Counseling and Student Development: (302) 831-2141

**Reportable Crimes**

- Definitions [Attachment N]
- 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
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.

A. 2018 Fire Statistics for On-campus Student Housing Facilities

<table>
<thead>
<tr>
<th>Location</th>
<th>Date/Time</th>
<th>Cause</th>
<th>Injuries</th>
<th>Deaths</th>
<th>Property Damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>James Smith Hall 4th Floor Lounge</td>
<td>6/30/18 @ 12:08 am</td>
<td>Fan Coil Unit Motor Failure</td>
<td>0</td>
<td>0</td>
<td>$1200</td>
</tr>
<tr>
<td>James Smith Hall Room 119</td>
<td>10/23/18 @ 8:01 pm</td>
<td>Fan Coil Unit Motor Failure</td>
<td>0</td>
<td>0</td>
<td>$1200</td>
</tr>
<tr>
<td>Gilbert Hall Entrance Portico</td>
<td>12/13/18 @ 11:15 am</td>
<td>Malicious Burning</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
</tbody>
</table>

The University of Delaware Fire Activity Log is maintained by Kevin McSweeney, Campus Fire Marshal, kmcsween@udel.edu. The link for access is found at: http://www1.udel.edu/ehs/generalhs/downloads/Annual_Fire_Safety_Report.pdf
### B. Description of On-Campus Student Housing Fire Safety Systems:

<table>
<thead>
<tr>
<th>Facility Name &amp; Address</th>
<th>Fire Alarm Monitoring Done on Site by UDPD</th>
<th>Full Sprinkler System</th>
<th>Smoke Detection</th>
<th>Fire Extinguishers</th>
<th>Evac Plans &amp; Instructions</th>
<th>Number of Evacuation (Fire) Drills Each Calendar Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alpha Phi 158 S. College Ave</td>
<td>X X X X X X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Alpha Delta Phi 303 Hollowell Dr.</td>
<td>X X X X X X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Alpha Sigma Alpha 231 Hollowell Dr.</td>
<td>X X X X X X</td>
<td></td>
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<td>4</td>
</tr>
<tr>
<td>Alpha Xi Delta 175 W. Main St.</td>
<td>X X X X X X</td>
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<td>4</td>
</tr>
<tr>
<td>Brown Hall 12 The Green</td>
<td>X X X X X X</td>
<td></td>
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<td>4</td>
</tr>
<tr>
<td>Caesar Rodney Pod A, 358 Academy St.</td>
<td>X X X X X X</td>
<td></td>
<td></td>
<td></td>
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<td>4</td>
</tr>
<tr>
<td>Caesar Rodney Pod B, 352 Academy St.</td>
<td>X X X X X X</td>
<td></td>
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<td>4</td>
</tr>
<tr>
<td>Caesar Rodney Pod C, 354 Academy St.</td>
<td>X X X X X X</td>
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<tr>
<td>Cannon Hall 269 The Green</td>
<td>X X X X X X</td>
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<tr>
<td>Chi Omega 233 Hollowell Dr.</td>
<td>X X X X X X</td>
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<tr>
<td>Gamma Phi Beta 59 Lovett Ave.</td>
<td>X X X X X X</td>
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<tr>
<td>George Read Hall, 111 Christiana Dr.</td>
<td>X X X X X X</td>
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<tr>
<td>Gilbert Hall 310 Haines St.</td>
<td>X X X X X X</td>
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<td>4</td>
</tr>
<tr>
<td>Graduate House 183 W. Main St.</td>
<td>X X X X X X</td>
<td></td>
<td></td>
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<td></td>
<td>4</td>
</tr>
<tr>
<td>Harrington Hall-A, 158 Courtney St.</td>
<td>X X X X X X</td>
<td></td>
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</tr>
<tr>
<td>Harrington Hall-B 156 Courtney St.</td>
<td>X X X X X X</td>
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</tr>
<tr>
<td>Harrington Hall-C 152 Courtney St.</td>
<td>X X X X X X</td>
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<td>4</td>
</tr>
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A. **Policies on portable electrical appliances, smoking and open flames:**

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

A. Smoking.
B. Using lighted candles or other open flames devices.
C. Cooking in unapproved areas (bedrooms) including use of toaster ovens and appliances with an open heating element. Microwaves are allowed in Student Housing Rooms.
D. Use of space heaters (Except when issued by Residential Facilities for emergency outages of heat).
E. Use of extension cords.
F. Tampering with or blocking any fire protection equipment.
G. Possession of fireworks.
H. Use of halogen lamps or halogen bulbs.
I. Hover boards, scooters Use or Storage
J. 3D Printers

Additional information is available on the following web sites:

Fire Safety Program in Residence Halls - [http://www1.udel.edu/reslife/community_living/regulations.html](http://www1.udel.edu/reslife/community_living/regulations.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://sites.udel.edu/livingatud/floor-plans-building-information/

B. 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 Residence Life-Housing Staff including Resident Assistants, Complex Coordinators, Residence Hall Coordinators and Greek House Directors. The training includes annual R/A Fire Safety Training. The training provides information on fire protection features of facilities, fire prevention and emergency reaction procedures, and fire extinguisher training for residents. Graduate Students and staff for Chemistry/Bio Chemistry, Chemical Engineering and Biology Lab Programs were provided lab fire safety and hands-on fire extinguisher training. The Fire Protection Element is also involved in public education programs such as New Student Orientation, AG-Day, Graduate Fair, Grad Student Lab Fire Safety, ARAMARK Employee Training; Public Safety In-Service Training, UD Bus Drivers and General Population Fire Extinguisher Training. A newly revised computer based Student Resident Fire and Campus Safety Training Program was implemented in August using Canvas course instruction software. The course is made up of fire related topics such as safe cooking, fire reaction, and fire extinguisher training. A joint effort with Residence Life and EHS/Fire Safety continues in September 2019 offering on-campus student residents free cooking safety training classes. Utilized Canvas instructional software to develop and implement an on-line public assembly crowd manager-training program in July 2019.

C. 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:

- Construction of a new 5-story 600 bed Student Housing building is in planning for future occupancy; fire safety features includes state of the art emergency voice fire alarm detection alarm system and automatic fire sprinklers.
HIGHER EDUCATION OPPORTUNITY ACT REPORTING

- Closed the Christiana Towers (East and West) student housing along with Conover East and West Graduate Housing; all buildings waiting demolition.
- Assumed ownership of a previously private student housing apartment complex known as University Courtyard Apartments. The complex consists of 7 Type V constructed fully monitored sprinkler protected, in-room AC powered with battery back-up single-station alarms, monitored corridor smoke detection and manual fire alarms for a student population of 880 students.
- Construction of 6-story Biopharma Laboratory scheduled for completion in January 2020. High-rise fire protection features such as stair pressurization and smoke control in accordance with DE State Fire Prevention Regulation incorporated.
- Upgraded fire protection system to McDowell Hall a 4-Story Academic and Laboratory building with automatic sprinkler expansion to all areas and installation of new state of the art emergency voice fire detection and alarm system.
- Delaware Stadium – Whitney Addition & West Bleacher Renovation Project is in-progress allowing use for 2019 Football Season and overall project completion July 2020.
- Fire Protection System Upgrades now in planning for: Facilities M&O Complex, Lamont DuPont Laboratory (fire alarm system replacement), Worrilow Hall (new sprinkler and fire alarm system) and Monroe Hall (fire alarm system replacement).
- Continuing to provide enhanced fire extinguisher training with 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.
- Future Canvas course topics to include, Hot Work Training for Facilities Technicians and Construction Project Site Fire Safety.

Access to UD Department of Public Safety Clery Reporting at:
http://www1.udel.edu/police/clery/
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Section Three

Referenced Student Policies
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
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.

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.

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.
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.
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* These incidents occurred on property adjacent to campus or at off-campus student organization locations, and may have been handled by Another Police Agency.

* Wilmington Campus includes University owned properties in the City of Wilmington.
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* These incidents occurred during student organization events off campus, or during University based trips and excursions (Such as the Study Abroad program)
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/campus-crime-statistics](https://www.dtcc.edu/about/public-safety/campus-crime-statistics)

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 2015-2017

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 2015-2017

Dover Lifelong Learning Center

The Dover Lifelong Learning Center is housed in the Dover College Business Park (1201 College Dr, Dover, DE). The Osher Lifelong Learning Institutes at the University of Delaware are membership organizations that provide opportunities for adults 50 and over to learn, teach and travel with their peers.

There are no academic requirements for admission. The only requirements are interest in a continuing educational experience, support of the programs through participation and the modest membership fee.

There were no incidents to report for this location during 2015-2017
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 the University Police.
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 Police 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 spread.
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 the University Police 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/A outlets**

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 Police at 911 immediately following the confrontation.

**Motor Vehicle accidents**

1. Report all accidents involving University vehicles immediately to the University Police 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 the University Police 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](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 the University Police 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**

**University Police 831-2222**

Hazardous material spills

1. Report the spill or other incident involving these hazards to the University Police 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. 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
<table>
<thead>
<tr>
<th>Situation/Tools</th>
<th>Quick Acting</th>
<th>Additional</th>
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</thead>
<tbody>
<tr>
<td>Urgent</td>
<td>Send Word Now Classroom Projection Override Emergency Homepage Facebook Twitter</td>
<td>Carillon System Local Radio Stations Area TV Stations Digital Signs Voicemail System</td>
</tr>
<tr>
<td>Informational</td>
<td>UD Homepage Crime Alert Emails PO Box Group Email System Send Word Now (Email Only)</td>
<td>Variable Message Boards Digital Signs Voicemail System Safety Alert Postings</td>
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</tbody>
</table>

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
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 Cleveland 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**
  - Sincock Lane and Christina Parkway
  - Sincock 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
Valuable Property

During the school year, the University of Delaware Police Department recovers thousands of dollars’ worth of property. Much of the property cannot be returned as the rightful owner cannot be identified. Please keep records of the make, model, and serial number of valuable property (computers, tablets, mobile phones, etc.). If your property is 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. The University Police recommend that you catalog all valuable equipment (computers, tablets, mobile phones, stereos, televisions, etc.) and register your property with the University Police by clicking here. There is no fee for this service.

Lost and Found

Looking for your missing property? If so, please contact the Police Department'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 for one week. Some exceptions to this are clothing, shoes, food storage devices, backpacks and purses without identifying information – these items are immediately discarded upon receipt. ID cards (driver’s licenses or University IDs) and University keys are sent to their appropriate department as they arrive. After the week has has elapsed, items are discarded, given to charitable organizations, or sold by the Department (depending on their value) through PropertyRoom.com. 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.
University Non-Discrimination Policy

For Students, Faculty, Staff, Vendors and Visitors

Office of the President

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UNIVERSITY OF DELAWARE
NON-DISCRIMINATION POLICY

I. POLICY STATEMENT AND JURISDICTION
The purpose of the policy set forth below (the “Policy”) is to promote an academic and work environment that is free from all forms of discrimination, including harassment. 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.

The University of Delaware does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, marital status, 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\(^1\), the Americans with Disabilities Act of 1990, as amended, 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 expressly prohibits such discrimination by anyone on University property. The University also prohibits such conduct committed by students, faculty, staff, volunteers, or vendors off University property, if:

A. The conduct was in connection with a University or University-recognized program or activity;

B. The conduct is alleged to have created a hostile environment for a member of the University community;

C. The Respondent’s\(^2\) conduct disrupts the normal functions and processes of the University and is egregiously offensive to the University’s mission; or

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\(^1\) The policy and procedures governing Title IX compliance at the University of Delaware, including the reporting of Sexual Misconduct and investigations associated therewith, are not covered under this Policy and are instead governed by the University’s Sexual Misconduct Policy, which is available at [www.udel.edu/sexualmisconduct](http://www.udel.edu/sexualmisconduct).

\(^2\) 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.
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 ensure that the University community remains free from harassment and discrimination. Anyone, including students, faculty, staff, administrators, vendors, guests, visitors or volunteers, may file a complaint with the Director, regarding the discriminatory conduct of University students, faculty, staff, administrators, vendors, guests, visitors or volunteers. Further, retaliation against an individual who has formally or informally complained about discrimination or harassment, or has cooperated with an investigation of a discrimination or harassment complaint, is prohibited. This Policy expresses the University’s opposition to discrimination and harassment; 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 recurrence.

Inquiries and complaints about discrimination and/or harassment may be brought to the Director of the University’s Office of Equity and Inclusion (“OEI”). OEI ensures compliance, with respect to the implementation of the procedures proscribed under this Policy, in response to complaints of discrimination and/or harassment. Any question of interpretation regarding this Policy shall be referred to the Director of OEI.

The University will respond to complaints or reports about conduct prohibited by this Policy with measures designed to stop the behavior, eliminate such behavior, 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 or staff. The Appellate Board, in each case where the Respondent is a student, 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.

The Appellate Board, in each case where the Respondent is a staff person, comprises three (3) staff members and a non-voting chairperson, who will also be a staff member.
All members of the Appellate Board serving in any cases under this policy will be trained in adjudicating and reviewing cases involving alleged discrimination, including harassment.

B. Complainant means the person who allegedly 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.

C. Days means business days when all University offices are open. This does not include weekends, holidays, or inclement weather days when University offices are closed.

D. Director refers to Susan L. Groff, Ed. D., Director, Office of Equity & Inclusion/ Title IX Coordinator, 305 Hullihen Hall, Newark, DE 19716, (302) 831-8063; groff@udel.edu, or her designee.

E. Employee means anyone employed by the University, including but not limited to, faculty and staff, part-time and full-time employees and student workers in their capacity as an employee.

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

G. Formal Complaint means a complaint of discrimination and/or harassment filed with the University whereby the Complainant is requesting use of the Formal Resolution Process to address the allegations.

H. Formal Resolution Process means the process for resolving formal complaints of discrimination and/or harassment set forth in Section VIII of these Procedures. The Formal Resolution Process involves the filing of a Formal Complaint, an investigation, a determination as to whether University Policy has been violated and, as appropriate, the imposition of sanctions and remedial measures.

I. Informal Complaint means a complaint of discrimination and/or harassment filed with the University whereby the Complainant is seeking use of the Informal Resolution Process to address the allegations.

J. Informal Resolution Process means the process for resolving informal complaints of discrimination and/or harassment set forth in Section VII of these Procedures. The Informal Resolution Process is designed to empower the parties to an Informal Complaint to reach a mutually satisfactory agreement.

K. Interim measures means steps the University may take before the final outcome of an investigation to ensure equal access to its employment and/or 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. Modifying 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 the conduct occurred;
5. Offering escort services to the Complainant;
6. Interim suspension of the Respondent from the University or housing; and
7. Other measures designed to eliminate any hostile environment created by the alleged discrimination and/or harassment, as determined on a case-by-case basis.

Interim measures may remain in place until the case has been investigated and resolved (which may continue through the conclusion of the appeal process) 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, a continuing education student or an ELI student;
2. the Associate Vice Provost for Graduate & Professional 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 Relations or designee if the Respondent is a staff member; and
5. the Director or designee if the Respondent is a volunteer, visitor or vendor.

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

M. Offenses prohibited by this Policy

1. Discriminatory harassment refers to any unwelcome verbal or physical conduct toward another that is based on the other’s race, color, national origin, age, marital status, disability, religion, veteran status, or any other characteristic protected by law, and that such conduct is

   a) Sufficiently severe or pervasive to alter an individual’s working or academic conditions;

   b) Creates a hostile or abusive working, living or academic environment; or

   c) Is sufficiently severe or pervasive to limit an individual’s ability to participate in or benefit from an educational program or activity.

   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 severe that it unreasonably limits an individual’s ability to participate in or benefit from the activities of the University. Factors which may be considered include the frequency of the unwelcome conduct; its severity; whether it is physically threatening or humiliating; and whether it unreasonably interferes with an individual’s work or academic performance.

2. Different treatment of a student, employee, visitor or vendor based on race, color, national origin, disability, religion, age, veteran status or any other characteristic protected by law.

3. Retaliation, as defined in P., below.

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.

Some examples of conduct that may constitute prohibited discrimination may include, but are not limited to:

   a) Denying a person access to an educational program based on that person's race, color, national origin, age, marital status, disability, religion or veteran’s status;
b) Denying raises, benefits, or promotions on the basis of a person's race, color, national origin, age, marital status, disability, religion or veteran’s status;

c) Preventing or limiting a person’s use of University facilities or services because of that person's race, color, national origin, age, marital status, disability, religion or veteran’s status;

d) Instigating or allowing an environment that is unwelcoming or hostile based on a person's race, color, national origin, age, marital status, disability, religion or veteran’s status; or

e) Failing to accommodate a reasonable request for religious accommodation.

Although discrimination and/or harassment described and prohibited by this Policy include a wide range of behaviors, certain discriminatory conduct is addressed elsewhere. For example, sex discrimination and sexual harassment are addressed in the University’s Sexual Misconduct Policy, located at www.udel.edu/sexualmisconduct. Also, complaints based on denial to provide equal access for persons with disabilities in the form of appropriate accommodations, modifications, auxiliary aids, communication access, and/or the inaccessibility of a University program, activity or service, are addressed by the University ADA/Section 504 Grievance Procedure, located at http://www.udel.edu/DSS/. Some conduct alleged to be discriminatory may not be an offense prohibited by this Policy 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.

N. Remedial measures may include, but are not limited to: 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.

O. 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.

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3 This Policy also includes discrimination on the basis of sexual orientation and gender identity.
P. **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.

Q. **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 trained in adjudicating, sanctioning and reviewing cases involving alleged discrimination, including harassment.

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

S. **Student** is any individual who is currently enrolled, was enrolled within the previous two terms or is eligible to enroll for the next term. The word "student" as used throughout this Policy includes Student Organizations. [“Term” is defined as an academic session in which classes are offered. This includes traditional semesters (Fall and Spring) as well as special sessions (Winter and Summer).]

T. **Supervisor** means the Complainant’s or Respondent’s immediate manager or supervisor, if the Complainant or Respondent is a University employee.

U. **Support person** means a person advising or providing support to the Complainant or Respondent throughout the processing of a complaint under this Policy. A support person may be anyone who is not a party to or witness in the case. The role of the support person will be limited as discussed in Section VI.D.

V. **University Official** means a person such as the Director, the Chief Human Resources Officer, the Provost, Vice Presidents or Deans, etc., or their designees.

W. **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.
X. **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.

Y. **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 DISCRIMINATORY HARASSMENT

#### A. To the Office of Equity and Inclusion

Any person who believes they have been a victim of, have witnessed, or otherwise wish to report an incident of discrimination may submit an Incident Report within 180 days following the last occurrence of the behavior., available at udel.edu/oei/- REPORTING. This will be submitted to the University’s Office of Equity and Inclusion, located at 305 Hullihen Hall, Newark, DE 19716, (302) 831-8063. The Director may accept a complaint filed after the 180 day time limit for good cause shown, as determined by the Director. The Complainant must indicate whether they are requesting a formal resolution or an informal resolution, pursuant to this Policy.

Upon receipt of a report, the Director will:

1. Ensure that the Complainant is aware of rights and resources available to them;

2. Inform the Complainant of the availability of interim measures and the strict prohibition against retaliation;

3. Inform the Complainant of the University’s Non-discrimination Policy;

4. Describe the University’s Formal and Informal Resolution processes; and

5. Determine whether a Formal or Informal Resolution is appropriate, based on the Complainant’s wishes, the nature of the complaint and the safety of the overall campus community.

As discussed below, there are times when the Director 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 Director determines that an investigation is appropriate, the Director will advise the Complainant and assign an Investigator to conduct the investigation pursuant to Section VIII below. The University will use reasonable efforts to prevent any retaliation against the Complainant.
University personnel who are managers and/or supervisors, upon learning or being made aware of alleged incidents of discrimination and/or harassment shall report such incidents to the Director.

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

A report of discriminatory harassment 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 with a law enforcement agency, including UDPD, does not preclude the Complainant from also filing a report with the University, and filing a report with the University does not preclude a Complainant from also reporting the incident to a law enforcement agency, including UDPD. If a report is made to law enforcement, but is found to not meet the statutory definition of a crime, the alleged misconduct may nonetheless be a violation of this Policy or other University policies and could warrant remedial actions and/or discipline.

If a report is made to both the University 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.

C. 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 Director will determine whether an investigation is appropriate.

D. Diversity forums and other similar events

Public awareness events such as diversity forums, protests, speak-outs or other forums in which Complainants disclose incidents of discriminatory harassment are not considered notice to the University for the purpose of triggering an investigation into any particular incident. The University will make an effort to provide information, including rights and available resources, at these and other similar events.

IV. EXPECTATIONS OF PARTICIPATION BY THE PARTIES

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 discriminatory harassment.
In an emergency, 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.

All employees and students have an obligation to cooperate in the conduct of the procedures proscribed under this Policy. In the event that a Complainant chooses not to participate in an interview or declines to provide information requested by the Investigator, the Director may dismiss the complaint. The Director shall provide written notice of such dismissal to the Complainant(s) and the Respondent(s).

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.

In the event that the Complainant or Respondent chooses not to participate in the sanctioning or appellate process, if applicable, or declines to provide information requested during the sanctioning or appellate process, the sanctioning and appellate authorities will proceed based on the available information.

Any person who knowingly makes a false statement in connection with the resolution of a complaint under this Policy may be subject to appropriate discipline. Making a good faith report of discriminatory harassment, even if later unsubstantiated, is not considered a false statement.

Upon receiving a report of an alleged violation of this Policy, the Director shall determine whether to proceed with an investigation. The Director will ensure that the Complainant is aware of rights and resources available to them.

**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 conduct an investigation or asks that their name be held in confidence, the Director will weigh each request very carefully. Among the factors the University will consider in assessing a Complainant’s request are:

A. Whether the alleged conduct was criminal in nature;

B. Whether the Respondent has been identified as a Respondent in another alleged incident of discriminatory harassment;

C. 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

D. Whether the University has credible evidence that the Respondent has committed one or more prior violations of this Policy.
The Director 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 decided to proceed with the investigation.

V. RESOURCES
The University of Delaware offers several campus resources for members of the University community, below:

**Professional Counselors**

The following are the professional counselors on the University campus:

- **Center for Counseling and Student Development (for students)**
  261 Perkins Student Center/Laurel Hall
  Newark, DE 19716
  Phone: (302) 831-2141/302-831-1001 (24/7/365 hotline)
  Website: [www.udel.edu/counseling/](http://www.udel.edu/counseling/)

The University’s employee assistance program is a confidential resource for full-time benefitted employees who participate in certain major medical plans offered by the University, and may provide assistance with obtaining additional confidential counseling sessions:

- **HMS (Health Advocate) EAP+Work/Life**
  (800) 343-2186 (24/7 support)

VI. NOTICES AND INFORMATION

A. First Amendment and Academic Freedom Protections

The University is committed to free expression and academic freedom. We are equally committed to creating and maintaining an environment free from discrimination and harassment for all members of the University community. Members of the University community are free to examine and discuss all questions of interest to them and to express their opinions. Academic freedom is the freedom to teach, to conduct research and other scholarly or creative activities, and to publish or otherwise disseminate the results, even if the conclusions are unpopular or contrary to public opinion.

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4 Please contact the University of Delaware’s Human Resources department with inquiries about health care benefit plan options and/or coverage at hrhelp@udel.edu.
Nothing in this policy is intended 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). The University will consider First Amendment rights and academic freedom protections in the consideration and investigation of reports of discrimination, including unlawful harassment.

B. Protection from Retaliation

The University will take all appropriate steps to ensure that a person who in good faith reports or complains about discriminatory harassment or who participates in a discriminatory harassment 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 Director, the Dean of Students Office or the Office of Student Conduct so appropriate action can be taken.

C. Privacy

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. The investigation shall be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances.

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

D. Support Person

The Complainant and Respondent each have the opportunity to have up to two (2) Support Persons during the Formal Resolution Process at any meeting related to the review of the reported discriminatory harassment, 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 (1) Support Person. 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.
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.

E. Concurrent Investigation

If a report is made to both law enforcement and to the Director, a concurrent investigation may take place. The University, however, may delay its discriminatory harassment 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 sixty (60) days of the date of the report or complaint.

F. Standard of Proof

The standard of proof in all matters under this Policy will be preponderance of the information. This standard requires the Investigator to conclude that it is more likely than not that the Respondent violated this policy in order for there to be a finding of responsible. Under this standard, individuals are presumed not to have violated this Policy unless a preponderance of the information supports a finding of responsible.

This standard of proof differs from the higher standard used in criminal cases, which is 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 Policy.
G. Policy Interpretation and Revisions

Any questions regarding the Policy should be addressed to the Director, who is responsible for updating and interpreting this Policy. The Director 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 Policy at any time as deemed appropriate by University officials. The Policy posted at [http://sites.udel.edu/oei/non-discrimination-policy/](http://sites.udel.edu/oei/non-discrimination-policy/) is the current and active version.

VII. RESOLUTION PROCESSES

A. Decision to Proceed

When a report is made by a Complainant, the Director 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 Director 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 conduct.

The Director may determine:

1. No further action is necessary and the matter will be closed; or
2. Further action is warranted, but only if the Complainant chooses to pursue the complaint and participate in the University’s process; or
3. Further action is warranted whether or not the Complainant chooses to participate in the process.

The Director will communicate its decision to the Complainant and will determine the most effective method of reviewing and addressing the concerns raised in the Incident Report. In all cases, the University will respond to the report in a prompt, thorough, fair, impartial and effective manner.

If the Director 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, the Office of the Provost, law enforcement or a supervisor.
B. Informal Resolution Process

To file an Informal Complaint, a Complainant must complete an Incident Report, which is located at udel.edu/oei/ - REPORTING, indicating that they would like their complaint resolved via the Informal Resolution Process. Participation in the Informal Resolution Process is voluntary, and the parties may ask to terminate the process at any time. In some circumstances, the University may offer services and/or interim measures as described below in Section VIII. A and B.

1. Processing of Informal Complaints

The Director, in consultation with the Vice Provost for Faculty Affairs, Chief Human Resources Officer, or Dean of Students, or an appropriately trained designee, shall take appropriate steps to resolve the Informal Complaint. Possible resolutions by agreement of the parties may include, but are not limited to: an apology to the Complainant; assisting the Respondent to better understand the effects of his or her conduct and ways in which this behavior could be changed; participation in educational programs about equal opportunity or harassment; or other interventions or actions aimed at ending the discrimination or harassment, preventing its recurrence and addressing its effects.

Prior to completing the Informal Resolution Process, and/or upon request of either party, the Director may determine that no purpose is served by pursuing or continuing the Informal Resolution Process and may refer the complaint to the Formal Resolution Process. Support persons may not be present in the room during any meeting or attempt to mediate during the Informal Resolution Process.

2. Conclusion of the Informal Resolution Process

The Informal Resolution Process is designed to empower the parties to an Informal Complaint to reach a mutually satisfactory agreement. The Informal Resolution Process will be concluded by one of the following: (1) a decision to stop further action on the Informal Complaint, (2) a resolution of the Informal Complaint by signed written agreement of the parties or (3) initiation of the Formal Resolution Process.

The Director will attempt to conclude the Informal Resolution Process within thirty (30) days from the date the complaint was received. If a mutually agreed upon resolution is reached using this process, the Complainant forfeits the right to raise the same concern in the future. The Director shall monitor compliance with any agreement arising out of the Informal Resolution Process, in consultation with the Chief Human Resources Officer, Dean of Students Office, or Vice Provost of Faculty, or their designee(s).
If the outcome of the Informal Resolution Process is the initiation of the Formal Resolution Process, the Director will meet separately with the Complainant and the Respondent to provide information regarding the next steps of the process.

C. Formal Resolution Process

A Formal Complaint may be filed as the first course of action or following an Informal Complaint if there is no mutually acceptable resolution during the Informal Resolution Process. The University may also initiate an investigation in the absence of a Formal Complaint by a Complainant, pursuant to Section VII of this Policy.

To file a Formal Complaint, a complainant must complete an Incident Report, which is located at udel.edu/oei/- REPORTING, indicating that they would like their complaint resolved via the Formal Resolution Process. The Formal Complaint must be dated by the Complainant and describe the alleged incident(s) with the relevant date(s), name(s) of the Respondent(s) and name(s) of witness(es).

Upon receipt of a report of potential policy violation, the University will generally proceed as described below.

1. Services

Once the University is on notice of a possible policy violation, the Complainant will be offered appropriate support, advised of available resources, including the availability of interim measures and notified of applicable University policies.

The University will take appropriate steps to prevent or address retaliatory conduct following a report of alleged conduct in violation of this Policy.

2. Interim Measures

The University may implement interim measures, which may include those listed in Section II.K., as appropriate for the individuals involved and the overall University community.

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 compliance 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.

3. Informing the Respondent

If the decision is made to pursue the complaint, the Director 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 the respondent 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, the Respondent will be advised, in advance of the meeting, of their right to be accompanied to the meeting by a union representative as their Support Person.

During the meeting, the Respondent will be given written notification of the charge(s), which will outline the incident(s) on which the complaint is based, and a list of resources available to the Respondent including University employees who have volunteered to serve as Support Persons to Respondents in these 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.

4. Investigation

If the Director determines that an investigation is appropriate, the University will conduct a thorough fact-finding investigation by one or more investigators assigned by the Director. The investigator(s) will be charged with investigating the complaint and reaching a finding of responsible or not responsible for violating this policy, in consultation with the Director. If the matter involves students, and the Investigator(s) discover violations that may also violate the University’s Student Code of Conduct during the investigation, the Investigator(s) will share that information with the Office of Student Conduct. If the matter involves faculty or staff members, and the Investigator(s) discover(s) potential violations of other University policies during the investigation, the Investigator(s) will share that information with the Chief Human Resources Officer and/or the Vice Provost for Faculty Affairs, as applicable.

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.D., the Complainant and the Respondent may each be accompanied to these meetings by two (2) 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. During the investigation, the Complainant, Respondent or any witnesses may provide a written statement, other supporting materials or identify other potential witnesses regarding the reported discriminatory harassment.

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 thirty (30) calendar days, the investigator shall inform the Director 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.

The Formal Investigation of a complaint that began under the Informal Resolution Process will be allowed the full thirty (30) day calendar review period from the start of the Formal Investigation.

5. 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, the Investigator must conclude that it is more likely than not that the Respondent violated the University’s Non-Discrimination 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 the University may take disciplinary action against the Complainant.

Draft Report

When the Investigator(s) completes the investigation, the Investigator will provide the draft report to the Director, and notify the Complainant and Respondent via email that the draft report is available for their review. The Complainant and Respondent may contact the Investigator 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 may review the draft report in the presence of the Investigator and take notes on the content, but may not copy or photograph the draft report or take a copy with them.

**Opportunity to Respond to the Draft Report**

No later than seven days after the notice of the availability of the Investigator’s draft report is sent to the parties, the Complainant and the Respondent may each provide to the Investigator(s) a written response to the investigator’s report, limited to five typewritten, double-spaced pages on 8.5” x 11” paper 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**

Following the receipt of any comments submitted, or after the seven (7) day period has lapsed without comment, 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 Director. The final report may be redacted as necessary to protect the privacy interests of the Complainant, Respondent or other witnesses.

The final outcome derived from the report of the Investigator(s) will be shared with the parties at the same time in writing via email to include information about next steps as well as an invitation to review the final report. The parties and their respective Support Persons will be invited to review the final report in the presence of the Director and take notes on the content, but may not copy or photograph the report or take a copy with them.

**Finding of Responsible**

If the Investigator finds the Respondent responsible for violating this Policy, the Complainant and Respondent will receive written notification of the outcome and will be invited to meet with the Director to discuss the findings and learn about the next steps in the process. The Investigator’s report, along with the responses to the draft 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 Investigator finds the Respondent not responsible for violating this Policy, the Complainant and the Respondent will receive written notification of the outcome and will be invited to meet with the Director to discuss the finding and learn about appeal rights. The Complainant may appeal the Investigator’s decision as set forth in Section IX. If violations of other University policies are discovered during the investigation, the Director will refer the Investigator’s report, and the responses to the draft report, to the appropriate University official.

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 may be imposed to ensure the hostile environment experienced by the Complainant has been eliminated will be decided on a case-by-case basis.

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 five (5) days. Members of the Sanctioning Panel may speak with the Investigator, the Director 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 notification to the Respondent and Complainant, with copies to the Investigator and the Director, 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://www1.udel.edu/stuguide/16-17/code.html, including a combination of disciplinary sanctions, educational sanctions, administrative actions 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. Administrative actions include fees, parental notification, and administrative account holds. 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, along with the parties responses to the draft 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 Director and may speak with the Complainant and Respondent while considering the appropriate sanction. The Complainant, Respondent, Investigator and the Director 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, along with the parties responses to the draft 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 Director and may speak with the Complainant or the Respondent while considering the appropriate sanction. The Complainant, Respondent, Investigator and the Director 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 Director 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, and Investigator will receive simultaneous written notice of the sanctioning result.

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 Director who may consult with the Dean or Vice President of the unit or college that may have authorized or invited the visitor or guest. The Director 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 Director will receive simultaneous written notice of the sanctioning result.

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 Investigator 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 times shall not be cause for dismissal nor grounds for appeal unless such failure materially prejudiced the party submitting the appeal.
A. 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 five (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 on 8.5” x 11” paper with one-inch margins and a 12-point font; and
2. Should be limited to the facts of the matter that was investigated and the application of this policy to that matter. Character information and citations to outside authorities should not be included, as that information will not aid the Appellate Board in its decision making process.

Upon receipt of the appeal request, the Director of Student Conduct or designee will send a copy of the request to the Complainant(s) (if appeal written by Respondent), Respondent(s) (if appeal written by Complainant), the Investigator, the Director, 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 five (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 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 Director, the Sanctioning Panel and any relevant witnesses; or
4. Direct the Director 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 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 Director 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.

B. 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”)/designee and the Director within five (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. Should be limited to the facts of the matter that was investigated and the application of this policy to that matter. Character information and citations to outside authorities should not be included, as that information will not aid the Appellate Board in its decision making process.

Upon receipt of the appeal request, the Director 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. 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 Director within five (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 will be reviewed in a closed meeting by the Appellate Board. At its discretion, the Appellate Board may speak to the Director, the individual who issued the sanction 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 Director, the sanctioning authority and any relevant witnesses; or

4. Direct the Director 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 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 Director and the Vice President (if applicable) who issued the sanction 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 the Office of Human Resources in accordance with the University’s document retention policy.

C. 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, and as stated in Article 5.10 in the Collective Bargaining Agreement, http://facsen.udel.edu/Sites/FWP%20Cte/FWP-Policy-Final-Version-As-Amended-During-January-12-2015-Faculty-Senate-Meeting.pdf, shall apply.

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 issue an advisory opinion to the Provost. Such a request to the Faculty Senate Committee on Faculty Welfare & Privileges must be made within five (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 not responsible finding or the Dean’s sanctioning decision, if it is something other than termination, to the Provost within five (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. Should be limited to the facts of the matter that was investigated and the application of this policy to that matter. Character information and citations to outside authorities should not be included, as that information will not aid the Appellate Board in its decision making process.
Upon receipt of the appeal request, the Director 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 Director within five (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 Director, the Dean who determined the sanctions and any relevant witnesses; or
4. Direct the Director 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.

If the Provost decides to increase the sanction to termination, then the termination procedures set forth in the Faculty Welfare and Privileges Procedures will be followed. Otherwise, the Provost’s decision is final and will be implemented immediately by the University. The Complainant, Respondent, Investigator, Director, 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.
Sexual Misconduct Policy

For Students, Faculty, Staff and Visitors

Office of the President 7-1-5
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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, 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, Dean of Students, 132 Hullihen Hall, University of Delaware, Newark, DE 19716, 302-831-8939, 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.
• 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.
• For Athletics: Jennifer Vining-Smith, Associate Athletic Director of Compliance, 117 Bob Carpenter Center, University of Delaware, Newark, DE 19716, 302-831-0883, jvining@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.

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 or submit a Title IX Reporting Form available at 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.1 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.

1 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/  

Student Wellness & Health Promotion\(^2\)  
231 South College Avenue  
University of Delaware  
Newark, DE 19716  
Phone: (302) 831-3457  
Website: 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.

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\(^2\) 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/

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/

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 complainant;
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](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 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.

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/19-20/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, [https://sites.udel.edu/generalcounsel/policies/nonexempt-grievance-procedure/](https://sites.udel.edu/generalcounsel/policies/nonexempt-grievance-procedure/), is followed, the procedure will start at Step IV. If the Exempt Staff Grievance Procedure, Policy 4-85, [https://sites.udel.edu/generalcounsel/policies/exempt-staff-grievance-procedure/](https://sites.udel.edu/generalcounsel/policies/exempt-staff-grievance-procedure/), 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](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.
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 (but not causally) to an increased risk of sexual assault.

The dangerous use of alcohol and/or other substances presents a serious safety and wellness concern. The UD Medical Amnesty and Good Samaritan Protocol stipulates that in the case of intoxication resulting from either alcohol ingestion of other drug ingestion, 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 or Drug Policy. This protocol has one goal in mind -- to get you and your fellow students the help they need immediately.

In an effort to encourage victims of sexual misconduct to come forward and seek deserving assistance, the Medical Amnesty and Good Samaritan Protocol extends to those who may have been under the influence of alcohol or drugs when the sexual misconduct occurred. Both the Medical Amnesty and Good Samaritan Protocol (http://www1.udel.edu/amnesty/), and the Sexual Misconduct Policy (http://www1.udel.edu/sexualmisconduct) include information explaining that no alcohol or drug charges are applied to students who report that they were under the influence of alcohol or drugs when the sexual misconduct took place.

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, 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.

- **Collegiate Recovery Community (CRC)** Recovery from drug and alcohol use is a voluntary commitment to a sober lifestyle. A person in long term recovery is actively engaged in activities that promote sobriety and overall wellness. Our Collegiate Recovery Community (CRC) is designed to be support based and student oriented with the goal to provide a resource for college students who are actively working to protect their sobriety and a resource for students who have been impacted by the addiction of a close friend or family member. The community assists students in developing a foundation for long term and sustained recovery by providing a safe and confidential environment to discuss topics and ideas supportive of recovery. Establishing appropriate support for one’s recovery efforts is essential for academic success. The services of the community are not treatment based or counseling based. CRC also promotes activities that are supportive of one’s recovery by partnering with other organizations on campus, and through planning events and activities focused on and supportive of recovery.

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](http://www.udel.edu/studentlife/deanofstudents.html)
- Student Wellness & Health Promotion: [http://www.udel.edu/studentwellness/](http://www.udel.edu/studentwellness/)
- Phone: 302.831.2226
- Center for Counseling and Student Development: [http://www.udel.edu/Counseling/](http://www.udel.edu/Counseling/)
- Health Services: [http://www.udel.edu/shs/](http://www.udel.edu/shs/)
- University Police: [http://www.udel.edu/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/](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.

**Off-Campus Resources**

- Alcoholics Anonymous (AA) (302) 655-5113
- Al-Anon (302) 366-8484
- Narcotics Anonymous (NA) (410) 566-4022
- Brandywine Counseling (302) 656-2384
- Pace, Inc (302) 999-9812
- MeadowWood Behavioral Health System
- 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/19-20/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.

Applicable sections include:

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 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.
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.

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.

**Employees**

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 University Housing
- Deferred Suspension from the University
- Suspension and Ban from University Housing
- 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.

Employees

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

<table>
<thead>
<tr>
<th>Narcotics</th>
<th>Trade Name or Other Name</th>
<th>Medical Uses</th>
<th>Dependents</th>
<th>Usual Method</th>
<th>Possible Effects</th>
<th>Effects of Overdose</th>
<th>Withdrawal Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heroin</td>
<td>Diamorphine, Horse, Snack, Black Tar, Chiva, Negra</td>
<td>None in the U.S.</td>
<td>Physical, High</td>
<td>Injected, snorted, smoked</td>
<td>Euphoria, drowsiness, respiratory depression, constricted pupils, nausea</td>
<td>Slow and shallow breathing, clammy skin, convulsions, coma, possible death</td>
<td>Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating</td>
</tr>
<tr>
<td>Morphin</td>
<td>MS-Contin, Roxanol, Oramorph SR, MSIR</td>
<td>Analgesic</td>
<td>Physical, High</td>
<td>Oral, injected</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydrocodone</td>
<td>Hydrocodone with Acetaminophen, Vicodin, Vicoprofen, Tussionex, Lortab</td>
<td>Analgesic, Antitussive</td>
<td>Physical, High</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hydromorphone</td>
<td>Dilaudid</td>
<td>Analgesic</td>
<td>Physical, High</td>
<td>Oral, injected</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oxydodone</td>
<td>Roxicet, Oxycodeine with Acetaminophen, OxyContin, Endocet, Percocet, Percodan</td>
<td>Analgesic</td>
<td>Physical, High</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Codeine</td>
<td>Acetaminophen, Guaiifenesin, Promethazine with Codeine, Fiorinal, Fioricet, Tylenol with Codeine</td>
<td>Analgesic, Antitussive</td>
<td>Physical, Moderate</td>
<td>Oral, injected</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Narcotics</td>
<td>Fentanyl, Dementol, Methadone, Darvon, Stadol, Talwin, Paregoric, Buprenex</td>
<td>Analgesic, Antitussive, Antiarrheal</td>
<td>Physical, varies</td>
<td>Oral, injected, snorted, smoked</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Depressants</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Dependents</th>
<th>Usual Method</th>
<th>Possible Effects</th>
<th>Effects of Overdose</th>
<th>Withdrawal Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gamma Hydroxybutyric Acid</td>
<td>GHB, Liquid Ecstasy, Liquid X, Sodium Oxbate, Xyrem</td>
<td>None in the U.S.</td>
<td>Physical, Moderate</td>
<td>Oral</td>
<td>Shurred speech, disorientatio n, drunken behavior without odor of alcohol, impaired memory of events, interactions with alcohol</td>
<td>Shallow respiratory, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death</td>
<td>Anxiety, insomnia, tremors, delirium, convulsions, possible death</td>
</tr>
<tr>
<td>Benodiazepines</td>
<td>Valium, Xanax, Halcion, Ativan, Restoril, Rohypnol, Roofies, Klonopin</td>
<td>Antianxiety, Sedative, Anticonvulant, Hypnotic, Muscle Relaxant</td>
<td>Physical, Moderate</td>
<td>Oral, injected</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Depressants</td>
<td>Ambien, Sonata, Meprobamate, Choloral Hydrate, Barbirirates, Methaqualone, Quaalude</td>
<td>Antianxiety, Sedative, Hypnotic</td>
<td>Physical, Moderate</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stimulants</th>
<th>Trade and Other Names</th>
<th>Medical Uses</th>
<th>Dependents</th>
<th>Usual Method</th>
<th>Possible Effects</th>
<th>Effects of Overdose</th>
<th>Withdrawal Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine</td>
<td>Coke, Fkace, Snow, Crack, Coca, Blanca, Perico, Nieve, Soda</td>
<td>Local Anesthetic</td>
<td>Physical, Possible</td>
<td>Snorted, smoked, injected</td>
<td>Increased alertness, elation, euphoria, increased pulse rate &amp; blood pressure, insomnia, loss of appetite</td>
<td>Agitation, increased body temperature, hallucination convulsions, possible death</td>
<td>Apathy, long periods of sleep, irritability, depression, disorientation</td>
</tr>
<tr>
<td>Amphetamin/ Meth-amphetamin</td>
<td>Crack, Ice, Cristal, Krystal Meth, Speed, Adderall, Dextridene, Desoxyn</td>
<td>Attention Deficit/ Hyperactivity Disorder, Narcolepsy, Weight Control</td>
<td>Physical, Possible</td>
<td>Oral, injected, smoked</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methylphenidate</td>
<td>Ritalin, Illy’s Concerta, Focalin, Metadate</td>
<td>Attention Deficit/ Hyperactivity Disorder</td>
<td>Physical, Possible</td>
<td>Oral, injected, snorted, smoked</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Stimulant</td>
<td>Adipex P, Ionamin, Prelu-2, Didrex, Provigil</td>
<td>Vasoc-constriiction</td>
<td>Physical, Possible</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Hallucinogen</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Dependants</th>
<th>Usual Method</th>
<th>Possible Effects</th>
<th>Effects of Overdose</th>
<th>Withdrawal Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>MDMA and Analogs</td>
<td>Ecstasy, XTC, Adam, MDA, MDEA, MBDB</td>
<td>None</td>
<td>Physical- None Psychological- Moderate Tolerance- Yes</td>
<td>Oral, snorted, smoked</td>
<td>Heightened senses, teeth grinding, and dehydration</td>
<td>Increased body temperature, electrolyte imbalance, cardiac arrest</td>
<td>Muscle aches, drowsiness, depression, acne</td>
</tr>
<tr>
<td>LSD</td>
<td>Acid, Mircodot, Sunshine, Boomers</td>
<td>None</td>
<td>Physical- None Psychological- Unknown Tolerance- Yes</td>
<td>Oral</td>
<td>Illusions and hallucinations, altered perception of time and distance</td>
<td>LSD- Longer more intense “trip” episodes</td>
<td>None</td>
</tr>
<tr>
<td>Phencyclidine and Analogs</td>
<td>PCP, Angel Dust, Hog, Loveboat, Ketamine, Special K, PCE, PCPy, TCP</td>
<td>Anesthetic (Ketamine)</td>
<td>Physical- Possible Psychological- High Tolerance- Yes</td>
<td>Smoked, oral, injected, snorted</td>
<td>Unable to direct movement, feel pain or remember</td>
<td>Drug seeking behavior – not regulated</td>
<td></td>
</tr>
<tr>
<td>Other Hallucinogens</td>
<td>Psilocybe mushrooms, Mescaline, Peyote Cactus, Ayausuca, DMT, Dextromethaphan</td>
<td>None</td>
<td>Physical- None Psychological- None Tolerance- Yes</td>
<td>Oral</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Anabolic Steroids</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Dependants</th>
<th>Usual Method</th>
<th>Possible Effects</th>
<th>Effects of Overdose</th>
<th>Withdrawal Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Testosterone</td>
<td>Depo Testosterone, Sustanon, Sten, Cypt</td>
<td>Hypogonadism</td>
<td>Physical- Unknown Psychological- Unknown Tolerance- Unknown</td>
<td>Injected</td>
<td>Virilization, edema, testicular atrophy, gyneco-mastia, acne, aggressive behavior</td>
<td>Unknown</td>
<td>Possible depression</td>
</tr>
<tr>
<td>Other Anabolic Steroid</td>
<td>Parabolan, Winstrol, Equipoise, Anadrol, Dianabol, Primabolin-Depo, D-Ball</td>
<td>Anemia, Breast Cancer</td>
<td>Physical- Unknown Psychological- Yes Tolerance- Unknown</td>
<td>Oral, injected</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Drug</th>
<th>Trade or Other Names</th>
<th>Medical Uses</th>
<th>Dependants</th>
<th>Usual Method</th>
<th>Possible Effects</th>
<th>Effects of Overdose</th>
<th>Withdrawal Symptoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>Beer, wine, liquor</td>
<td>None</td>
<td>Physical- High Psychological- High Tolerance- Yes</td>
<td>Oral</td>
<td>Impaired memory, slurred speech, drunken behavior, slow onset vitamin</td>
<td>Vomiting, respiratory depression, loss of consciousness, possible death</td>
<td>Trembling, anxiety, insomnia, vitamin deficiency, confusion,</td>
</tr>
</tbody>
</table>
## Federal Trafficking Penalties

<table>
<thead>
<tr>
<th>Drug/Schedule</th>
<th>Quantity</th>
<th>Penalties</th>
<th>Quantity</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cocaine (Schedule II)</td>
<td>500-4999 grams mixture</td>
<td>First Offense: 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.</td>
<td>5 kilograms or more mixture</td>
<td>First Offense: 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.</td>
</tr>
<tr>
<td>Cocaine Base (Schedule II)</td>
<td>28-279 grams mixture</td>
<td></td>
<td>2 kilograms or more mixture</td>
<td></td>
</tr>
<tr>
<td>Fentanyl (Schedule I)</td>
<td>40-399 grams mixture</td>
<td>Second Offense: 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.</td>
<td>400 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>Fentanyl Analogue (Schedule I)</td>
<td>10-99 grams mixture</td>
<td></td>
<td>10 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>Heroin (Schedule I)</td>
<td>100-999 grams mixture</td>
<td></td>
<td>1 kilogram or more mixture</td>
<td></td>
</tr>
<tr>
<td>LSD (Schedule I)</td>
<td>1-9 grams mixture</td>
<td></td>
<td>10 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>Methamphetamine (Schedule II)</td>
<td>5-49 grams pure OR 50-499 grams mixture</td>
<td></td>
<td>50 grams or more pure or 500 grams or more mixture</td>
<td></td>
</tr>
<tr>
<td>PCP (Schedule II)</td>
<td>10-99 grams pure OR 100-999 grams mixture</td>
<td></td>
<td>100 grams or more pure or 1 kilogram or more mixture</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Drug/Schedule</th>
<th>Quantity</th>
<th>Penalties</th>
<th>Quantity</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Schedule I &amp; II drugs</td>
<td>Any amount</td>
<td>First Offense: 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</td>
<td>Any amount</td>
<td></td>
</tr>
<tr>
<td>Any drug product containing Gamma Hydroxybutyric Acid</td>
<td>Less than 1 mgs</td>
<td>Second Offense: 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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flunitrazepam (Schedule IV)</td>
<td>Less than 1 mgs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Schedule III drugs</td>
<td>Any amount</td>
<td>First Offense: 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</td>
<td>Any amount</td>
<td></td>
</tr>
<tr>
<td>All other Schedule IV drugs</td>
<td>Any amount</td>
<td>Second Offense: 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</td>
<td>Any amount</td>
<td></td>
</tr>
<tr>
<td>All other Schedule V drugs</td>
<td>Any amount</td>
<td>First Offense: Not more than 5 years. Fine of not more than $250,000 if an individual, $1 million if not an individual</td>
<td>Any amount</td>
<td></td>
</tr>
<tr>
<td>All other Schedule V drugs</td>
<td>Any amount</td>
<td>Second Offense: Not more than 10 years. Fine of not more than $500,000 if an individual, $2 million if not an individual</td>
<td>Any amount</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Drug</th>
<th>Quantity</th>
<th>First Offense</th>
<th>Second Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana (Schedule I)</td>
<td>1,000 kg or more mixture; or 1,000 or more plants</td>
<td>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</td>
<td>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</td>
</tr>
<tr>
<td>100 kg to 999 kg mixture; or 100 to 999 plants</td>
<td>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</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>More than 10 kg hashish ; 50 to 99 kg mixture</td>
<td>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</td>
<td>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</td>
<td></td>
</tr>
<tr>
<td>More than 1 kg of hashish oil; 50 to 99 plants</td>
<td>Not more 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</td>
<td>Not more than 10 years. If death or serious bodily injury, mandatory life. Fine of $4 million if an individual, $10 million if not an individual</td>
<td></td>
</tr>
<tr>
<td>1 to 49 plants, less than 50 kg mixture</td>
<td>Not more 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</td>
<td>Not more than 10 years. If death or serious bodily injury, mandatory life. Fine of $4 million if an individual, $10 million if not an individual</td>
<td></td>
</tr>
<tr>
<td>Hashish (Schedule I)</td>
<td>10 kg or less</td>
<td>Fine of not more than $2,500 if an individual, $1 million if not an individual</td>
<td>Fine of not more than $5,000 if an individual, $2 million if not an individual</td>
</tr>
<tr>
<td>Hashish Oil (Schedule I)</td>
<td>1 kg or less</td>
<td>Fine of not more than $2,500 if an individual, $1 million if not an individual</td>
<td>Fine of not more than $5,000 if an individual, $2 million if not an individual</td>
</tr>
</tbody>
</table>

## Delaware Laws and Penalties

<table>
<thead>
<tr>
<th>Tier 5</th>
<th>Tier 4</th>
<th>Tier 3</th>
<th>Tier 2</th>
<th>Tier 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 + grams of cocaine&lt;br&gt;5 + grams of morphine, opium, heroin&lt;br&gt;5000+ grams of marijuana&lt;br&gt;25 + grams of amphetamine, phencyclidine, methamphetamine&lt;br&gt;500 + doses of LSD&lt;br&gt;62.5+ doses MDMA or other designer drug</td>
<td>20 + grams of cocaine&lt;br&gt;4 + grams of morphine, opium, heroin&lt;br&gt;4000+ grams of marijuana&lt;br&gt;20 + grams of amphetamine, phencyclidine, methamphetamine&lt;br&gt;250 + doses of LSD&lt;br&gt;50+ doses MDMA or other designer drug</td>
<td>15 + grams of cocaine&lt;br&gt;3 + grams of morphine, opium, heroin&lt;br&gt;3000+ grams of marijuana&lt;br&gt;15 + grams of amphetamine, phencyclidine, methamphetamine&lt;br&gt;100 + doses of LSD&lt;br&gt;37.5 + doses MDMA or other designer drug</td>
<td>10 + grams of cocaine&lt;br&gt;2 + grams of morphine, opium, heroin&lt;br&gt;1500+ grams of marijuana&lt;br&gt;10 + grams of amphetamine, phencyclidine, methamphetamine&lt;br&gt;50 + doses of LSD&lt;br&gt;25 + doses MDMA or other designer drug</td>
<td>5 + grams of cocaine&lt;br&gt;1 + grams of morphine, opium, heroin&lt;br&gt;175+ grams of marijuana&lt;br&gt;5 + grams of amphetamine, phencyclidine, methamphetamine&lt;br&gt;25+ doses of LSD&lt;br&gt;12.5+ doses MDMA or other designer drug</td>
</tr>
</tbody>
</table>

### 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

### Crime (16 Del. C. §§ 4752-4760)

<table>
<thead>
<tr>
<th>Crime</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug Dealing – Aggravated Possession - Class B Felony</td>
<td>Class B Felony: not less than 2 years up to 25 years at Level V</td>
</tr>
<tr>
<td>□ Manufacture, deliver, possess with the intent to deliver a Tier 4 quantity</td>
<td></td>
</tr>
<tr>
<td>□ Manufacture, deliver, possess with the intent to deliver a Tier 2 quantity with an aggravating factor</td>
<td></td>
</tr>
<tr>
<td>□ Possess a Tier 5 quantity</td>
<td></td>
</tr>
<tr>
<td>□ Possess a Tier 3 quantity with an aggravating factor</td>
<td></td>
</tr>
<tr>
<td>□ Possess a Tier 2 quantity with two aggravating factors</td>
<td></td>
</tr>
</tbody>
</table>

| Drug Dealing – Aggravated Possession - Class C Felony                 | Class C Felony: up to 15 years at Level V |
| □ Manufacture, deliver, possess with the intent to deliver a Tier 2 quantity |           |
| □ Manufacture, deliver, possess with the intent to deliver a controlled substance with an aggravating factor |           |
| □ Possess a Tier 4 quantity                                          |           |
| □ Possess a Tier 2 quantity with an aggravating factor               |           |
| □ Possess a Tier 1 quantity with two aggravating factors             |           |

| Drug Dealing – Aggravated Possession - Class D Felony                 | Class D Felony: up to 8 years at Level V |
| □ Manufacture, deliver, possess with the intent to deliver a controlled substance |           |
| □ Possess a Tier 3 quantity                                          |           |
| □ Possess a Tier 1 quantity with an aggravating factor               |           |

| Aggravated Possession - Class E Felony                               | Class E Felony: up to 5 years at Level V |
| □ Possess a Tier 2 quantity                                          |           |

| Aggravated Possession - Class F Felony                               | Class F Felony: up to 3 years at Level V |
| □ Possess a Tier 1 quantity                                          |           |

| Unlawful Dealing in a Counterfeit or Controlled Substance – Class E Felony | Class E Felony: up to 5 years at Level V |
| □ Manufacture, deliver, attempt to manufacture or deliver or possess with the intent to manufacture a counterfeit or purported controlled substance |           |

| Maintaining a Drug Property – Class F Felony                        | Class F Felony: up to 3 years at Level V |
| □ Owner, landlord or tenant who knowingly consents to the use of the property to manufacture, deliver or possess a controlled substance |           |

### Motor Vehicle Offenses (21 Del. C. §4177)

<table>
<thead>
<tr>
<th>Offense</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving Under the Influence</td>
<td>First Offense: up to 12 months at Level V</td>
</tr>
<tr>
<td>□ up to 12 months at Level V</td>
<td></td>
</tr>
<tr>
<td>□ $500 to $1500</td>
<td></td>
</tr>
<tr>
<td>□ 1 to 2 years loss of license</td>
<td></td>
</tr>
<tr>
<td>Second Offense (occurring within 10 years of prior offense)</td>
<td></td>
</tr>
<tr>
<td>□ 60 days up to 18 months at Level V</td>
<td></td>
</tr>
<tr>
<td>□ fine of $750 to $2500</td>
<td></td>
</tr>
<tr>
<td>□ 18 months to 2 years loss of license</td>
<td></td>
</tr>
<tr>
<td>Third Offense (Class G Felony)</td>
<td></td>
</tr>
<tr>
<td>□ 1 year up to 2 years at Level V (first 3 months cannot be suspended)</td>
<td></td>
</tr>
<tr>
<td>□ fine not more than $5,000</td>
<td></td>
</tr>
<tr>
<td>□ 2 years to 30 months loss of license</td>
<td></td>
</tr>
<tr>
<td>Fourth Offense (Class E Felony)</td>
<td></td>
</tr>
<tr>
<td>□ 2 years up to 5 years at Level V (first 6 months cannot be suspended)</td>
<td></td>
</tr>
<tr>
<td>□ fine not more than $7,000</td>
<td></td>
</tr>
<tr>
<td>Fifth Offense (Class E Felony)</td>
<td></td>
</tr>
<tr>
<td>□ 3 years up to 5 years at Level V (no early release)</td>
<td></td>
</tr>
<tr>
<td>□ Fine no more than $10,000</td>
<td></td>
</tr>
<tr>
<td>□ 5 year loss of license</td>
<td></td>
</tr>
<tr>
<td>Sixth Offense (Class D Felony)</td>
<td></td>
</tr>
<tr>
<td>□ 4 years up to 8 years at Level V (no early release)</td>
<td></td>
</tr>
<tr>
<td>□ Fine not more than $10,000</td>
<td></td>
</tr>
<tr>
<td>□ 5 year loss of license</td>
<td></td>
</tr>
<tr>
<td>Seventh and any further offense (Class C Felony)</td>
<td></td>
</tr>
<tr>
<td>□ 5 years up to 15 years at Level V (no early release)</td>
<td></td>
</tr>
<tr>
<td>□ Fine not more than $15,000</td>
<td></td>
</tr>
<tr>
<td>□ 5 year loss of license</td>
<td></td>
</tr>
<tr>
<td>Alcoholic Beverages (Delaware Code Title 4)</td>
<td>Penalties</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Manufactures, sells, barter, offers for sale or peddles alcoholic liquor without license or permit</td>
<td>Imprisoned not less than 3 months to not more than 6 months</td>
</tr>
<tr>
<td>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)</td>
<td>Imprisoned not less than 3 months to not more than 6 months</td>
</tr>
<tr>
<td></td>
<td>Fine $500 to $1,000</td>
</tr>
<tr>
<td>Sells or provides liquor to someone who is less than 21 years old</td>
<td>Imprisoned up to 30 days</td>
</tr>
<tr>
<td></td>
<td>Fine $250 - $500</td>
</tr>
<tr>
<td>Under 21 years old and knowingly lies about his/her age to obtain alcohol</td>
<td>First Offense: Imprisoned up to 30 days; Fine of $100 to $500</td>
</tr>
<tr>
<td></td>
<td>Subsequent Offenses: Imprisoned up to 60 days; Fine of $500 to $100</td>
</tr>
<tr>
<td>Under 21 years old and has alcohol in his or her possession</td>
<td>License revoked for 30 day for first offense; 90 days for all subsequent offenses</td>
</tr>
<tr>
<td></td>
<td>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</td>
</tr>
</tbody>
</table>
Alcohol / Drug Policy

I. SCOPE OF POLICY

This policy applies to all employees and addresses the University’s prohibitions related to alcohol and drugs and a treatment program for employees whose performance is adversely affected by alcohol or drug abuse / use. This policy implements the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act (34 C.F.R. Part 86).

II. POLICY STATEMENT

The University is committed to encouraging and maintaining an academic and work environment that sustains the operation of the University, that respects individual freedom and that promotes the health, safety and welfare of all members of the community. The University strives to meet this commitment through prevention and awareness programs. When a University employee’s performance is adversely affected by the use / abuse of alcohol and/or drugs, it is the policy of the University to assist, whenever possible, in the rehabilitation of that employee.

III. POLICY STANDARDS AND PROCEDURES

A. Prohibitions. On all University premises and/or property, and as part of all University activities and business, all employees are prohibited from engaging in:

1. The unlawful manufacture, use, possession, sale, dispensation or distribution of illegal drugs or other controlled substances for non-medical or non-research reasons; and
2. The illegal possession, use or distribution of alcohol, drugs, or drug paraphernalia.

B. Events where alcohol will be served. Unit heads have the authority and responsibility to govern the use of alcohol in areas that they control, to approve or disapprove of events where alcohol will be served, and to ensure that only legal age individuals have access to such alcohol. See UD Policy on Alcohol Consumption on Campus.

C. Mandatory Reporting of Conviction. Employees must notify the University of any Drug Conviction resulting from violation at the workplace no later than five days after such conviction.

D. Discipline for Policy Violation. As a condition of employment, employees must abide by the terms of this policy. Any employee found in violation of this policy may be disciplined, up to and including termination of employment, and/or required to participate in a University program through HMS, a Health Advocate Company, through the State of Delaware.

E. Education Programs

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

a. the University’s policy of maintaining a drug-free workplace through distribution of this policy to all employees;

b. the availability of drug counseling, rehabilitation and employee assistance programs to help employees whose work performance has been hindered by substance abuse.

F. Rehabilitation Program

1. Employees with an alcohol and/or drug problem are strongly encouraged to discuss the matter with their supervisors, in order that assistance may be provided towards the goal of recovery and continued employability.

2. When it appears that an employee’s job performance is adversely affected by the use of alcohol and/or drugs, the Chief Human Resources Officer shall conduct an investigation to determine if there are sufficient job performance problems to indicate that corrective action is required.

3. When the Chief Human Resources Officer is satisfied from the investigation that corrective action is required with respect to an employee, he or she shall:

   . Arrange one or more conferences among the employee, the Chief Human Resources Officer, the employee’s supervisor and unit head to discuss the employee’s problems and the kinds of assistance that are available.

   a. If, in the opinion of the Chief Human Resources Officer, the employee’s supervisor, and the unit head, the employee’s performance issues are the result of alcohol or drug abuse, the employee shall successfully complete a counseling and treatment program recommended by a professional counselor through a University program created by HMS, a Health Advocate Company, through the State of Delaware.
b. The employee may be placed on leave status. Where applicable, the employee shall utilize accumulated sick leave, earned or accrued vacation days, or approved vacation days to maintain his or her pay.

c. If, employee demonstrates adequate evidence of rehabilitation, the employee shall be permitted to return to his or her position of employment, with the understanding that a recurrence of alcohol/drug problems such as to affect job performance may be cause for termination in accordance with established University procedures.
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. 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.