SEXUAL MISCONDUCT, DISCRIMINATION, AND HARASSMENT POLICY

The University is committed to creating and maintaining a learning and working environment where all persons who participate in University programs and activities can work and learn together in an atmosphere free from all forms of harassment, exploitation, bias, prejudice or intimidation. The University condemns and prohibits discrimination based on sex or gender, sexual assault, sexual orientation discrimination, discrimination based on gender identity or expression, sexual misconduct and any harassment based on an individual’s race, color, religion, sex, disability, national origin, veteran’s status, age, marital status or other legally protected characteristic whether committed by managers, faculty, administrators, staff, students, visitors, or by vendors. Further, the University does not discriminate on the basis of sex in any educational, employment, or extracurricular activity. Any such activity committed by a member of the University community may subject the individual to University discipline and/or sanctions as well as civil and/or criminal penalties. No amnesty will be granted under this policy. Persons who have complaints alleging violation(s) of this policy may file their complaints with the University Human Resources Department and/or Title IX Coordinator.

This policy covers unwelcome conduct of a sexual or gender-based nature, whether committed on-campus, or off-campus where the University has control over the perpetrator or the context of the harassment. Sexual misconduct, as described in this policy, is a form of sexual harassment, which is a form of discrimination and is prohibited by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991. Domestic Violence, dating violence and stalking are also prohibited conduct as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013.

Wilmington University’s Department of University Safety prepares an Annual Security Report to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. This report contains policy statements that address the University’s policies, procedures and programs concerning safety and security. Three years of statistics are included for certain types of crimes that were reported to have occurred on campus, in or on off-campus buildings owned or controlled by the school and on public property within or immediately adjacent to the campus.

Reports of any criminal offense shall be forwarded to University Safety for the purpose of assessing them for timely warning / crime alert purposes.

The Title IX Coordinator is the chief administrator tasked with oversight of this policy and subsequent resolution procedures. The role of the Title IX Coordinator is the intake of complaints; advice to persons complaining on whether their complaint falls under the auspices of this policy or another; assignment of complaints to the investigator; the determination of responsibility of a complaint; the delivery of interim protective measures; the delivery of sanctions to an individual or remedies to the complainant or larger school community to prevent sexual harassment and remedy its effects; and the administrator serves as the point of contact to the United States Department of Education in terms of compliance with Title IX of the Education Amendments of 1972.
**Who May Utilize this Procedure** (Students, Staff and Faculty)

Complaints concerning sexual harassment, sex/gender discrimination, sexual assault/misconduct or violations of the *Consensual Sexual Relationship Policy (see page 35)* should be filed with the Title IX Coordinator, his/her designee and/or the Human Resources Department. This procedure is available to any person who is alleging that the accused party, at the time of the acts complained of, was employed by Wilmington University or was enrolled as a student.

Reports of sexual harassment to include sexual violence should be reported to Wilmington University’s Title IX Coordinator and/or the Human Resources Department.

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**Filing of Complaint**

Persons who have complaints alleging sex/gender discrimination, sexual orientation discrimination, discrimination based on gender identity or gender expression, sexual harassment, sexual assault/misconduct may file their complaints in writing with the Title IX Coordinator, his/her designee and/or the Human Resources Department. If the complaining party does not wish to put their complaint in writing, then the Title IX Coordinator, his/her designee or the Human Resources Department shall take the verbal complaint from the party and reduce said complaint into a written document. The written document shall then be shared with the complaining party to ensure it was captured accurately.

A Complaint filed under this Title IX procedure may normally not be filed under any other University Complaint procedure. Depending on the nature of the issues involved, the Title IX Coordinator, or his/her designee, will advise the complainant about the appropriate procedure(s) to follow (e.g. applicable disciplinary policies and procedures). Parties to the complaint, including the respondent and/or the complainant may obtain the advice of any advisor/attorney at his/her own expense.

The investigation, remedial action and appeal processes are strictly internal to the University, however, under Title IX both the accuser and the accused are entitled to have present an advisor of choice at any disciplinary procedure or meeting in which they are required to be present.

The Title IX Coordinator may modify these procedures at any time as deemed appropriate for compliance with federal, state, local law or applicable guidance.


**Timing of Complaint**

Generally, to aid in a proper investigation, complaints should be filed within 365 calendar days of the act of alleged sexual discrimination, harassment or misconduct to facilitate the ability to gather facts and evidence. However, complaints which exceed this time-frame will be reviewed as well. Individuals are counseled that claims filed after lengthy lapses in time may be more difficult to investigate. The Title IX Coordinator may reasonably extend this and all other time periods, and may, in his or her discretion, dismiss a Complaint if the person is not entitled to use this procedure. Nothing herein should be construed to extend or restrict a person’s right to file reports, charges, lawsuits or claims with any other agency, law enforcement, or court, and individuals are encouraged to ensure their rights have not expired through these other avenues. Further, to the extent the complainant’s allegations involve criminal activity perpetrated against a person under the age of 18 (minor), the Title IX Coordinator may refer such matters to local law enforcement. While the University encourages parties to report crime to law enforcement agencies, cases are not, however, automatically referred to law enforcement without the consent of the complaining party. Under the 2013 Reauthorization of the Violence Against Women Act, victims have the right to decline involvement by police.

**Withdrawal of Complaint**

The complainant may withdraw the complaint at any point during the investigation; however, the Title IX Coordinator may determine in his or her discretion that the issues raised warrant further investigation despite the complainant’s desire to withdraw the complaint.

**Intentionally False Reports**

Individuals who make reports that are later found to have been intentionally false or made maliciously without regard for truth may be subject to disciplinary action up to and including termination or expulsion. This provision does not apply to reports made in good faith, even if the facts alleged in the report cannot be substantiated by an investigation.

**Free Speech and Academic Freedom**

Members of the University community enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the University community from discrimination and is not designed to regulate protected speech. No provision of this policy shall be interpreted to prohibit conduct that is legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.
Confidential Help Versus Private Reporting

Individuals wishing to make legally confidential reports have the option of reporting those matters to licensed counselors, health professionals, clergy and attorneys to the extent the complainant engages them in such private capacity.

Although University officials will maintain an individual’s privacy to the best of his or her ability, individuals should know that University officials (outside the context of licensed counselors and health professionals hired in their private capacity) may not be able to maintain legal confidentiality of the complainant, but will maintain his or her privacy as noted herein. The University’s ability to investigate may be limited if a complainant insists his or her name not be disclosed to the alleged perpetrator. The University must weigh such requests for privacy against its duty to provide a safe and nondiscriminatory environment. Investigators and those involved with the investigation are individually charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action. Parties and witnesses are also admonished to maintain privacy with regard to these proceedings, and if they are University employees, failure to maintain said privacy may result in appropriate disciplinary action up to and including termination. Furthermore, federal law prohibits retaliation against those who file complaints, and the University will take responsive action if such retaliation occurs, up to and including termination and/or expulsion.

Except with respect to hearings before the Title IX Appeals Board or an applicable student disciplinary procedure, all records involving discrimination or harassment, upon disposition of a complaint, shall be transmitted to and maintained by the Chief Human Resources Officer as confidential records except to the extent disclosure is permissible or required by applicable law or University policy. It should be noted that under the Family Educational Rights to Privacy Act and the Clery Act that final disciplinary actions as well as the rationale and sanctions shall be reported to the complainant as well as reported in accordance with the Clery Act reporting requirements, where appropriate, to the extent the sanctions directly relate to the complainant. The University shall inform complainants if it is unable to ensure privacy.

DEFINITIONS

Federal law, under Title IX, requires that the University explain the legal definitions of crime under Delaware state law as well as school policy. Consequently, while we do not adjudicate criminal offenses on campus, this policy will provide both the state criminal language where applicable as well as the definitions used by the University which would constitute a violation of school policy. The state criminal definitions are helpful should parties choose to pursue criminal complaints as well as administrative action under this policy.

Offenses prohibited under the University’s policy include, but are not limited to sexual harassment, sex discrimination (including sexual orientation discrimination and gender identity or gender expression discrimination), non-consensual sexual intercourse (or attempts to commit same), non-consensual sexual contact (or attempts to commit same), sexual coercion, domestic/dating violence, stalking, intimidation, and sexual exploitation, and any attempts to commit the same.
**Sex Discrimination**: includes sexual harassment and is defined as conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects their employment or education, or institutional benefits, on account of sex or gender (including sexual orientation, gender identity, gender expression discrimination). It may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

**Pregnancy Discrimination**: The University prohibits discrimination on the basis of pregnancy, childbirth, termination of pregnancy or recovery therefrom. Discrimination on the basis of pregnancy should be reported in accordance with this policy. Employees with questions regarding accommodations during pregnancy are encouraged to contact the Human Resources Department. Students and visitors with questions regarding accommodations during pregnancy are encouraged to contact the Human Resources Department and/or the Title IX Coordinator for complaints arising under this policy.

**Sexual Harassment**: Sexual harassment is a form of sex discrimination. Sexual harassment is unwelcome and discriminatory conduct whether physical, verbal, psychological, or any other means, undertaken because of an individual’s gender or is sexual in nature and is so severe, pervasive, or persistent, objectively and subjectively offensive that it has the systematic effect of unreasonably interfering with or depriving someone of educational, institutional, or employment access, benefits, activities, or opportunities. This includes but is not limited to slurs, jokes or degrading comments concerning an individual’s race, color, religion, sex, disability, national origin, veteran’s status or membership in other protected groups; repeated offensive flirtation, advances, or propositions; continual or repeated abuse of a sexual nature; graphic or verbal comments about an individual’s body; and the displaying in the workplace of sexually suggestive objects or pictures. Students, employees, and visitors who are subject to or who witnesses unwelcome conduct of a sexual nature are encouraged to report the incident(s).

**Hostile Environment Sexual Harassment**: Is when a person is subject to unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature to such an extent that it alters the conditions of a person’s employment and creates an abusive working environment. Whether conduct is harassing is based upon examining a totality of circumstances, including but not limited to:

a. the frequency of the conduct;
b. the nature and severity of the conduct;
c. whether the conduct was physically threatening;
d. whether the conduct was deliberate, repeated humiliation based upon sex;
e. the effect of the conduct on the alleged victim’s mental or emotional state from the perspective of a reasonable person;
f. whether the conduct was directed at more than one person;
g. whether the conduct arose in the context of other discriminatory conduct;

h. continued or repeated verbal abuse of a sexual nature, such as gratuitous suggestive comments and sexually explicit jokes.

Quid Pro Quo Sexual Harassment: Exists when individuals in positions of authority over the complainant;

a. make unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and

b. indicate explicitly or implicitly, that failure to submit to or the rejection of such conduct will result in adverse educational or employment action or where participation in an educational program or institutional activity or benefit is conditioned upon the complainant’s submission to such activity.

c. a job applicant may also be subject to this kind of harassment if the hiring decision was based on the acceptance or rejection of sexual advances.

Examples of Harassment: Not all workplace or educational conduct that may be described as “harassment” affects the terms, conditions, or privileges of employment or education. For example, a mere utterance of a gender-based epithet which creates offensive feelings in an employee or student would not normally affect the terms and conditions of their employment or education. However, the following are examples of harassment:

- A professor insists that a student have sex with him/her in exchange for a good grade. This is harassment regardless of whether the student accedes to the request.
- A student repeatedly sends sexually oriented jokes around in an email list he/she created, even when asked to stop, causing one recipient to go out of their way to avoid the sender.
- Explicit sexual pictures are displayed on an exterior door, or on a computer monitor in a public place.
- Two supervisors frequently “rate” several employees’ bodies and sex appeal, commenting suggestively about their clothing and appearance within earshot of staff, students and/or faculty.
- A professor engages students in discussions in class about their past sexual experiences, yet the conversation is not in any way germane to the subject matter of the class. The professor probes for explicit details, and demands that students respond, though they are clearly uncomfortable and hesitant.
- An ex-girlfriend widely spreads false stories about her sex life with her former boyfriend, to his clear discomfort, making him a social pariah on campus.
**Retaliation** is any attempt to penalize or take an adverse employment, educational or institutional benefit action, including but not limited to making threats, intimidation, reprisals or other adverse action, against a person because of participation in a complaint or the investigation of discrimination, sexual harassment or sexual misconduct.

**Sexual Violence** means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A number of acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual misconduct and sexual coercion.

**Non-Consensual Sexual Intercourse** is defined as any sexual intercourse or penetration of the anal, oral, or vaginal opening of the victim, including sexual intercourse or penetration by any part of a person’s body or by the use of an object, however slight, by one person to another without consent or against the victim’s will. This definition includes rape and sexual assault, sexual misconduct, and sexual violence.

**Non-Consensual Sexual Contact** is any intentional touching, however slight, whether clothed or unclothed, of the victim’s intimate body parts (primarily genital area, groin, inner thigh, buttock or breast) with any object or body part, without consent and/or by force. It also includes the touching of any part of a victim’s body using the perpetrator’s genitalia and/or forcing the victim to touch the intimate areas of the perpetrator or any contact in a sexual manner even if not involving contact of or by breasts, buttocks, groin, genitals, mouth or other orifice. This definition includes sexual battery and sexual misconduct.

**Sexual Coercion** is the act of using pressure (including physical, verbal, emotional or psychological pressure), alcohol, medications, drugs, or force to have sexual contact against someone’s will or with someone who has already refused. This includes rape, sexual assault, sexual exploitation and sexual misconduct.

**Sexual Exploitation** occurs when a person takes non-consensual, unjust or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior may not otherwise constitute one of the other sexual misconduct offenses.

**Examples of sexual exploitation include, but are not limited to:**

1. non-consensual video or audio-taping of any form of sexual activity;

2. going beyond the boundaries of consent (such as letting a person or people hide in the closet to watch you having consensual sex without your partner’s knowledge or consent);

3. sexually-based stalking or bullying;
4. engaging in non-consensual voyeurism, such as observing sexual acts or body parts of another from a secret vantage point;

5. knowingly transmitting a sexually transmitted disease or illness to another;

6. exposing one’s genitals in a non-consensual circumstance, or inducing another to expose his or her genitals;

7. prostituting another person;

8. other forms of invasion of sexual privacy.

**Other Misconduct.** Other forms of misconduct based on one’s gender also constitute violations of this policy including: threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

1. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;

2. Gender-based intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;

3. Gender-based hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining or other group-affiliation activity.

4. Gender-based bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the First Amendment);

5. Violence, including assault, battery or other physical abuse between those in an intimate or dating or romantic relationship with each other;

   Dating violence is violence between individuals in the following circumstances:

   • The party is or has been in a social relationship of a romantic or intimate nature with the victim; and
   • The existence of such a relationship shall be determined based on a consideration of the following factors:
     o Length of the relationship
     o Type of relationship
Frequency of interaction between the persons involved in the relationship

Domestic Violence under University policy means violence committed by a:

- Current or former spouse of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with or has cohabitated with the victim as a spouse;
- A person similarly situated to a spouse of the victim under Delaware domestic or family violence laws;
- Any other person against an adult or youth victim who is protected from that person’s acts under Delaware domestic or family violence laws

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) suffer substantial emotional distress.

**Consent** is the act of willingly agreeing to engage in sexual contact or conduct. Individuals who consent to sex must be able to understand what they are doing. Under this policy, “No” always means “No,” and the absence of “No” may not mean “Yes”.

1. Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity.

2. Consent to one form of sexual activity cannot imply consent to other forms of sexual activity.

3. Previous relationships or consent does not imply consent to future sexual acts.

4. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.

In order to give effective consent, one must be of legal age and have the capacity to consent. Incapacity may result from mental disability, intellectual disability, unconsciousness/sleep, age, or use of alcohol, drugs, medication, and/or other substances. Consent given by someone who one should know to be, or based on the circumstances, reasonably should have known to be, mentally or physically incapacitated, is a policy violation. Incapacitation is a state where someone cannot make rational, reasonable decisions because he or she lacks capacity to give knowing consent (e.g. to
understand the “who, what, when, where, why or how” of their sexual interaction). Incapacity may result from a level of alcohol ingestion that is more severe than impairment, being under the influence, drunkenness or intoxication. It is less severe than alcohol poisoning or overdose. Whether a person is incapacitated is a subjective determination that will be made after the incident and in light of all facts available. Individuals reach incapacitation at different points and as a result of different stimuli [and] exhibit incapacity in different ways. Note, that indications of consent are irrelevant if the initiator knows or should reasonably have known of the incapacity of the other person.

Examples of when a person should know the other is incapacitated include, but are not limited to:

(a) the amount of alcohol, medication or drugs consumed, or
(b) imbalance or stumbling, or
(c) slurred speech, or
(d) lack of consciousness or inability to control bodily functions or movements, or
(e) vomiting.

5. Use of alcohol, medications, or other drugs will not excuse behavior that violates this policy.

State Law Definitions

In accordance with the Violence Against Women Reauthorization Act of 2013 the following definitions are applicable should you wish to pursue Delaware state criminal or civil actions. These definitions may differ from the University’s administrative policy definitions noted above. The University’s administrative system and disciplinary procedures are separate and distinct from those available to someone in a state civil or criminal action. Individuals may seek administrative remedies in accordance with this policy and also may seek state or federal civil or criminal remedies for the same incident through the applicable systems. The definitions set forth below are reviewed and verified annually; for a more frequently updated resource, please consult the State of Delaware website at:

http://delcode.delaware.gov/title11/c005/sc02/index.shtml
1. **Delaware Criminal Law Definition of Rape**

**Delaware Criminal Code:**

Rape in the fourth degree; class C felony.

(a) A person is guilty of rape in the fourth degree when the person:

   (1) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's sixteenth birthday; or

   (2) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim's eighteenth birthday, and the person is 30 years of age or older, except that such intercourse shall not be unlawful if the victim and person are married at the time of such intercourse; or

   (3) Intentionally engages in sexual penetration with another person under any of the following circumstances:

      a. The sexual penetration occurs without the victim's consent; or

      b. The victim has not reached that victim's sixteenth birthday.

      c. Paragraph (a)(3) of this section does not apply to a licensed medical doctor or nurse who places one or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment or to a law-enforcement officer who is engaged in the lawful performance of his or her duties.

Rape in the fourth degree is a class C felony.

Additional degrees of Rape are defined in the State of Delaware website below:

[http://delcode.delaware.gov/title11/c005/sc02/index.shtml](http://delcode.delaware.gov/title11/c005/sc02/index.shtml)

2. **Delaware Criminal Law Definition of Consent**

**Delaware Criminal Code:**

Consent, in reference to sexual conduct, means that such conduct is in accordance with the will of the other person. Sexual conduct that is against the will of the victim is non-consensual sexual conduct. In addition, Delaware law defines the term “without consent.”
"Without consent" means:

The defendant compelled the victim to submit by any act of coercion, or by force, by gesture, or by threat of death, physical injury, pain or kidnapping to be inflicted upon the victim or a third party, or by any other means which would compel a reasonable person under the circumstances to submit. It is not required that the victim resist such force or threat to the utmost, or to resist if resistance would be futile or foolhardy, but the victim need resist only to the extent that it is reasonably necessary to make the victim's refusal to consent known to the defendant; or the defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or

The defendant knew that the victim suffered from a cognitive disability, mental illness or mental defect which rendered the victim incapable of appraising the nature of the sexual conduct or incapable of consenting; or

Where the defendant is a health professional, or a minister, priest, rabbi or other member of a religious organization engaged in pastoral counseling, the commission of acts of sexual contact, sexual penetration or sexual intercourse by such person shall be deemed to be without consent of the victim where such acts are committed under the guise of providing professional diagnosis, counseling or treatment and where at the times of such acts the victim reasonably believed the acts were for medically or professionally appropriate diagnosis, counseling or treatment, such that resistance by the victim could not reasonably have been manifested. For purposes of this paragraph, "health professional" includes all individuals who are licensed or who hold themselves out to be licensed or who otherwise provide professional physical or mental health services, diagnosis, treatment or counseling and shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists; or

The defendant had substantially impaired the victim's power to appraise or control the victim's own conduct by administering or employing without the other person's knowledge or against the other person's will, drugs, intoxicants or other means for the purpose of preventing resistance.

A child who has not yet reached that child's sixteenth birthday is deemed unable to consent to a sexual act with a person more than 4 years older than said child. Children who have not yet reached their twelfth birthday are deemed unable to consent to a sexual act under any circumstances.
3. Delaware Criminal Law Definition of Domestic Violence

Delaware Criminal Code:

“Domestic violence” means abuse perpetrated by one member against another member of the following protected classes: (1) family, (2) former spouses, (3) persons cohabitating together who are holding themselves out as a couple, with or without a child in common. (4) persons living separate and apart with a child in common, and (5) persons in a current or former substantive dating relationship.

“Family” means husband and wife, a man and woman cohabiting in a home in which there is a child of either or both, custodian and child, or any group of persons related by blood or marriage who are residing in one home under one head or where one is related to the other by any of the following degrees of relationship: (1) mother, (2) father, (3) mother-in-law, (4) father-in-law, (5) brother, (6) sister, (7) brother-in-law, (8) sister-in-law, (9) son, (10) daughter, (11) son-in-law, (12) daughter-in-law, (13) grandfather, (14) grandmother, (15) grandson, (16) granddaughter, (17) stepfather, (18) stepmother, (19) stepson or (20) stepdaughter. The relationships referred to include blood relationships without regard to legitimacy and relationships by adoption.

“Abuse” means conduct which constitutes any of the following:

- Intentionally or recklessly causing or attempting to cause physical injury or a sexual offense.
- Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of physical injury or sexual offense to such person or another.
- Intentionally or recklessly damaging, destroying or taking the tangible property of another person.
- Engaging in a course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly response.
- Trespassing on or in property of another person, or on or in property from which the trespasser has been excluded by court order.
- Child abuse.
- Unlawful imprisonment, kidnapping or interference with custody.
- Any other conduct which a reasonable person under the circumstances would find threatening or harmful.
4. **Delaware Criminal Law Definition of Dating Violence**

**Delaware Criminal Code:**

Dating Violence is a form of domestic violence. Dating violence is properly defined as abuse perpetrated by one member of a current or former substantive dating relationship against another. Neither a casual acquaintanceship nor ordinary fraternization between two individuals in business or social contexts shall be deemed to constitute a substantive dating relationship. Factors to consider for a substantive dating relationship may include the length of the relationship, or the type of relationship or the frequency of interaction between the parties. Delaware law also defines the term teen dating violence. The term "teen dating violence" means assaultive, threatening or controlling behavior, including stalking, that one person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.

5. **Delaware Criminal Law Definition of Sexual Assault**

**Delaware Criminal Code:**

Sexual assault has been defined to mean unwanted sexual contact committed by a perpetrator who is either known or unknown to the victim. Sexual assault has also been defined to mean any sex offense against a person set forth in §768 through 780, and 787 of Title 11 of the Delaware Code, or any equivalent provision in the laws of any other state, the United States, or any territory, District or subdivision thereof or any other foreign jurisdiction. The following is a list of crimes that constitute sexual assault under Title 11 of the Delaware Code:

**Unlawful Sexual Contact**

- Rape
- Sexual Extortion
- Continuous Sexual Abuse on a Child
- Dangerous Crime Against a Child
- Unlawful Sexual Conduct on a Child by a Sex Offender
- Sex Abuse of Child by Person of Authority/Trust
- Female Genital Mutilation
- Trafficking of Persons (Sexual Servitude)
- Unlawful Sexual Conduct in the Third Degree
In addition, Delaware defines a crime known as Unlawful Sexual Conduct in the Third Degree. A person is guilty of unlawful sexual contact in the third degree when the person has sexual contact with another person or causes the victim to have sexual contact with the person or a third person and the person knows that the contact is either offensive to the victim or occurs without the victim's consent.

“Sexual contact” means:
(1) any intentional touching by the defendant of the anus, breast, buttocks or genitalia of another person, or
(2) any intentional touching of another person with the defendant's anus, breast, buttocks or genitalia, or
(3) intentionally causing or allowing another person to touch the defendant's anus, breast, buttocks or genitalia which touching, under the circumstances as viewed by a reasonable person, is intended to be sexual in nature. Sexual contact also includes touching when covered by clothing.

6. Delaware Criminal Law Definition of Stalking

Delaware Criminal Code:

A person is guilty of stalking when the person knowingly engages in a course of conduct directed at a specific person and that conduct would cause a reasonable person to:

- Fear physical injury to himself or herself or that of another person; or
- Suffer other significant mental anguish or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

“Course of conduct” means three or more separate incidents, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveys, threatens or communicates to or about another, or interferes with, jeopardizes, damages or disrupts another’s daily activities, property, employment, business, career, education or medical care.

Harassment is similar in some senses to stalking. A person is guilty of harassment when, with intent to harass, annoy or alarm another person:

- That person insults, taunts or challenges another person or engages in any other course of alarming or distressing conduct which serves no legitimate purpose and is in a manner which the person knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress;
• Communicates with a person by telephone, telegraph, mail or any other form of written or electronic communication in a manner which the person knows is likely to cause annoyance or alarm including, but not limited to, intrastate telephone calls initiated by vendors for the purpose of selling goods or services;
• Knowingly permits any telephone under that person’s control to be used for a purpose prohibited by this section;
• In the course of a telephone call that person uses obscene language or language suggesting that the recipient of the call engage with that person or another person in sexual relations of any sort, knowing that the person is thereby likely to cause annoyance or alarm to the recipient of the call; or
• Makes repeated or anonymous telephone calls to another person whether or not conversation ensues, knowing that person is thereby likely to cause annoyance or alarm.

Risk Reduction Tips

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to blame victims, and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you reduce your risk of experiencing a non-consensual sexual act.

• Make your limits known as early as possible.
• Be aware of your alcohol intake. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
• Take care of your friends or colleagues and ask that they take care of you.

Potential Aggressor

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you reduce your risk for being accused of sexual misconduct:

• Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
• Understand and respect personal boundaries.
• DON’T MAKE ASSUMPTIONS about consent; about someone’s sexual availability; about whether they are attracted to you; about how far you can go; or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you DO NOT have consent.
• Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. You must respect the timeline for sexual behaviors with which they are comfortable.
• Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves.
• Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don’t abuse that power.
• Understand that consent to one form of sexual behavior does not automatically imply consent to other forms of sexual behavior.
• Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

How to be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”

We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
2. Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

Duty to Report Sexual Harassment, Discrimination, and Misconduct

Mandatory Reporting

With limited exceptions, every university employee must report conduct that could constitute sexual harassment / sex discrimination / sexual misconduct under this policy.

Supervisors, managers and faculty members with administrative duties or student supervisory duties are responsible for taking all appropriate action to prevent sexual misconduct, discrimination and harassment, to correct it when it occurs, and must promptly report it to:

2Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse
Failure to report may result in disciplinary action up to and including termination.

**Reports Concerning Minors**

Members of the University community should be aware that the University often has minors on its campus for a variety of reasons:

- field trips
- tours
- course credit
- camps

There are specific best practices with respect to hosting minors on campus. See **Minors on Campus Policy page 32-34**.
Investigative and Resolution Procedures

The University recognizes its obligation to address incidents of sexual misconduct, discrimination and harassment on campus when it becomes aware of its existence even if no complaints are filed; therefore, the University reserves the right to take appropriate action unilaterally under this procedure, including but not limited to issuing discipline, no-contact orders, modification of course-schedules, etc.

**Students.** With respect to students, the University Executive Vice President, or other appropriately designated person(s) in authority, may take immediate administrative or disciplinary action deemed necessary for the welfare or safety of the University community.

**Employees.** With respect to employees, upon a determination at any stage in the investigation or Complaint procedure that the continued performance of either party’s regular duties or University responsibilities would be inappropriate, the Chief Human Resources Officer may issue a written warning, suspension or termination, may suspend or reassign said duties or responsibilities, place the individual on leave of absence, or any combination of the above, pending the completion of the investigation or Complaint procedure.

**A. Investigation**

The person complaining of sexual misconduct is called the “complainant,” “reporting party” or “accuser” and those terms may be used interchangeably in this policy. The person alleged to have engaged in sexual misconduct is called the “respondent” or “accused party” and those terms may be used interchangeably in this policy.

Investigators, the Title IX Coordinator, and the Chief Human Resources Officer are trained annually on the issues related to domestic violence, dating violence, sexual assault, and stalking and taught how to conduct an investigation and grievance process that protects the safety of the victim and promotes accountability.

Upon receipt of a complaint, the Title IX Coordinator, or his/her designee, will notify complainant of the receipt of the complaint, and the Title IX Coordinator, or his/her designee, will conduct an inquiry into the allegation to determine if it falls under the Title IX policy’s purview. Additionally when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the Title IX
Coordinator and/or his/her designee, will provide the student or employee a written explanation of the student’s or employee’s rights and options.

If the misconduct alleged does fall under the Title IX policy’s purview, the Title IX Coordinator, or designee, will forward the complaint to the appropriate investigator to investigate the complaint, to interview the parties and witnesses, and to gather any evidence he or she deems pertinent.

Where a complainant does not wish to be identified, the extent of the investigation may be limited; however, some form of limited investigation will be attempted while maintaining confidentiality of the complainant’s identity.

The University may impose interim actions or protective measures at any point prior to the outcome of the investigation in order to protect the complainant. These actions are designed to eliminate the harassment and prevent its recurrence. These measures may include, but are not limited to, discipline, University no contact orders, accommodations in academic courses (like moving a party to a separate section of a course or mandating a student complete assignments from home), withdraw from/retake a class without penalty; access academic support such as tutoring; removal from campus, transportation accommodations, a change in work location or supervisor, and/or emotional support. The University will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of WU to provide the accommodations or protective measures.

Evidence may be sought from any relevant party or witness, including but not limited to, people, email communications, social media postings, text messages, closed circuit television cameras, card access swipes, etc. Failure to cooperate with an investigation will result in a decision being made without the input or facts from the non-cooperating party. Parties should be aware that as members of the University community, their access to University resources has very limited privacy rights, and the University may obtain information through the University’s resources and informational technology system with or without the individual’s cooperation. The investigation and findings generally should be completed within (60) calendar days of receipt of the complaint, preferably sooner. The University reserves the right to exceed 60 days for purposes of conducting a thorough investigation. If the timeframe is exceeded, the University will notify the complainant and the respondent in writing advising them of the reason for the delay and the anticipated timeframe for conclusion.
Once the investigator has completed the investigation, the investigator will draft a summary report, and will subsequently meet with the complainant and accused separately after the fact finding but before a final decision of responsibility has been reached to discuss what facts will be used in making the decision. This also provides the parties with the opportunity to correct any information that is factually inaccurate or to provide any new evidence uncovered by the parties relevant to the investigation. Once the investigator has gathered the information and the Title IX Coordinator, or designee, has determined the investigation is complete, he/she shall discuss his/her findings with the Title IX Administrator for a determination as to whether sufficient grounds exist to issue a finding of responsibility.

At all times, throughout the process, the complainant shall have all rights afforded to the respondent.

B. Coordination with Law Enforcement

If any party chooses to file a criminal complaint, the University will assist the student or employee in making a criminal report and will cooperate with law enforcement agencies if he/she decides to pursue the criminal process to the extent permitted by law. Except where the complainant is younger than eighteen (18) years old, the University will respect an individual’s choice whether or not to report an incident to local law enforcement. In a case of suspected child abuse, the University has a responsibility and duty to report the concern under the appropriate state mandatory reporting law.

<table>
<thead>
<tr>
<th>State</th>
<th>Mandatory Reporting Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td><a href="http://kids.delaware.gov/fs/fs_iseethesigns.shtml">http://kids.delaware.gov/fs/fs_iseethesigns.shtml</a></td>
</tr>
<tr>
<td>Maryland</td>
<td><a href="http://www.dhr.state.md.us/blog/?page_id=4631">http://www.dhr.state.md.us/blog/?page_id=4631</a></td>
</tr>
<tr>
<td>New Jersey</td>
<td><a href="http://www.state.nj.us/dcf/reporting/how/">http://www.state.nj.us/dcf/reporting/how/</a></td>
</tr>
</tbody>
</table>

The University’s policy, definitions, and burden of proof may differ from state criminal law. You may seek resolution through the University’s process, (Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991 or Title IX) or you may pursue criminal action. Neither law enforcement’s nor a prosecutor’s determination on whether or not to prosecute a suspect, nor the outcome of any criminal prosecution, are determinative on whether a policy violation has occurred. Criminal and University investigations are separate and may be conducted simultaneously. Wilmington University will not wait for the completion of a criminal investigation in order to respond, but will pause the administrative investigation for between 3-10 days to allow law enforcement to engage in the initial fact-finding.

C. Finding

After consultation between the investigator, Title IX Coordinator and the Title IX Administrator, the Title IX Coordinator, or designee, shall render a finding based on the evidence as a whole, the totality of the circumstances, and the context in which the alleged incident(s) occurred, utilizing a preponderance of the evidence standard, i.e. the
facts complained of are more likely true than not. Mediation between the parties is never an appropriate resolution option in cases involving sexual misconduct and will not be used by WU.

Upon completion of the Title IX investigation, the Title IX Coordinator, or designee, is authorized to take the following actions:

1. **Finding of Not Responsible** - The Title IX Coordinator finds that no policy violation occurred and dismisses the complaint, giving written notice of said dismissal to each party involved.

2. **Finding of Some Other Policy Violation** - The Title IX Coordinator has determined that the Title IX policy has not been violated, however, the investigation yielded that there is a violation of another University policy (for example, an employee violated the Consensual Sexual Relationship Policy (see page 35) or a student violated a provision of the Student Code of Conduct.) In these cases, a Finding of Not Responsible will be found with the caveat that the matter is a potential violation of another policy and will direct the matter to the appropriate University official with oversight for the enforcement of the other policy.

3. **Finding of Responsibility** -

   **Students**: The matter is resolved and the accused party has been found responsible for sexual misconduct as defined in the Title IX policy. The Title IX Coordinator or his/her designee will prepare an outcome letter indicating the finding, the reason for the finding, and the sanction*, which includes but are not limited to:

   a. Disciplinary probation with or without loss of designated privileges for a specified period of time.
   b. Restriction privileges such as removal from elective or appointed office and/or ineligibility in representing the University.
   c. Suspension from the University for a specified period of time. Any suspension may be followed by a probationary period and may include restriction or forfeiture of privileges.
   d. Dismissal from the University with permission to reapply after a specified period of time. Conditions precedent to readmission may be established in conjunction with such a dismissal.
   e. Permanent dismissal from the University.
      
      Note: If a student is suspended or dismissed from the University and is later reinstated, credits for courses at other institutions of higher learning are not transferrable.
   f. A delay as to when a degree is to be conferred upon the student.
   g. A determination that the student is not entitled to have their degree conferred.
   h. Letter of warning regarding conduct.
*Students may be given the opportunity to agree to a disciplinary contract in lieu to going to the hearing stage. Some disciplinary panels have requested a psychological evaluation.

The Title IX Coordinator will provide an outcome letter to the complainant and respondent, simultaneously and via University email or US Mail. The Title IX Coordinator will also convey any permanent protective measures that they determine appropriate based on the facts of the case (for example, the Title IX Coordinator may impose permanent no contact between the parties, or may restrict a party’s access to certain spaces on campus indefinitely.) At that time, the investigation and the record shall be closed.

**Employees:** The Title IX Coordinator makes a finding of impropriety and notifies the Chief Human Resources Officer / Title IX Administrator of the finding and may recommend discipline up to and including termination of employment.

If there is a conflict of interest or bias for or against the accuser or the accused on the part of the Title IX Coordinator or investigator, the Coordinator or investigator will recuse himself/herself and the AVP/Chief Human Resources Officer will assume the role of the Title IX Coordinator and/or a different investigator will be assigned.
Appeals Process of the Title IX Coordinator Findings

1. Appropriate Appellate Procedures

a. Findings of Impropriety Against Students

Should a student feel that a satisfaction resolution has not been arrived at, he/she will have (5) calendar days from receipt of the outcome letter to request an appeal. The appeal must be in writing and specifically state the reasons for the appeal. The Title IX Administrator, or designee, shall refer the matter, if appealed, to the Title IX Appeals Board. The decision of the Title IX Appeals Board is final. The request for an appeal must be sent to:

Don Hagermann, SPHR
AVP / Chief Human Resources Officer
Human Resources Department
Wilmington University
p.donald.hagermann@wilmu.edu
Phone: (302)-356-6844
Fax: (302)-328-7918

b. Findings of Impropriety Against Employees and Faculty Members

Where the Chief Human Resources Officer, Title IX Coordinator, or designee, determines an employee or faculty member has violated this Policy the Title IX Coordinator and/or the Chief Human Resources Officer will forward the request for the appeal, the complaint, and the full investigation to the President for review and adjudication. The President will review the complaint in its entirety and make a decision based on the facts presented. Title IX Coordinator and/or the Chief Human Resources Officer will be advised of the decision within (10) business days.

Nondisclosure. Wilmington University will not require any party to these proceedings to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the disclosure of information related to the outcome of the proceeding.

Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as course scheduling, transportation and/or working accommodations, if reasonably available. The University will make such accommodations, if the victim requests
them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Department of University Safety or local law enforcement. Students and employees should contact Nicole Romano, the Title IX Coordinator (see below) to request accommodations related to a case of sexual misconduct.

### On-Campus

<table>
<thead>
<tr>
<th>Service</th>
<th>State</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counseling Health</td>
<td>Delaware</td>
<td>Delaware Help Line – Dial 211 or 1-800-560-3372 or <a href="http://www.delaware211.org">www.delaware211.org</a></td>
</tr>
<tr>
<td>Mental Health</td>
<td>Maryland</td>
<td>Maryland Help Line – Dial 211 or <a href="http://www.211md.org">www.211md.org</a></td>
</tr>
<tr>
<td>Victim Advocacy</td>
<td>New Jersey</td>
<td>New Jersey Help Line – Dial 211 or 877-652-1148 or <a href="http://www.nj211.org">www.nj211.org</a></td>
</tr>
<tr>
<td>Legal Assistance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Visa &amp; Immigration Assistance</td>
<td>Admissions Department</td>
<td>Angelina Burns, International Admissions Coordinator 302-356-6741</td>
</tr>
<tr>
<td>Financial Aid</td>
<td>Financial Aid Department</td>
<td>Nicole McDaniel-Smith, Director of Financial Aid 302-356-6982</td>
</tr>
<tr>
<td>Title IX Coordinator</td>
<td>Human Resources Department</td>
<td>Nicole Romano, Senior Director Human Resources / Title IX Coordinator 302-356-6846, 302-463-7030 (cell)</td>
</tr>
<tr>
<td>Campus Law Enforcement</td>
<td>University Safety</td>
<td>Mark Daniels, Safety Supervisor 302-356-6920, 302-438-4185 (cell)</td>
</tr>
</tbody>
</table>

### Off-Campus

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</tr>
<tr>
<td>Legal Assistance Protective Orders</td>
<td></td>
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</tr>
<tr>
<td>Visa &amp; Immigration Assistance</td>
<td>Admissions Department</td>
<td>Angelina Burns, International Admissions Coordinator 302-356-6741</td>
</tr>
<tr>
<td>Battered Women’s Shelter</td>
<td>Delaware</td>
<td>Catholic Charities 302-655-9624</td>
</tr>
<tr>
<td></td>
<td>Wilmington</td>
<td>Children and Families First 800-734-2388</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Delaware Coalition Against Domestic Violence 302-658-2958</td>
</tr>
<tr>
<td>Battered Women’s Shelter</td>
<td>Delaware</td>
<td>1-800-701-0456</td>
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</tr>
<tr>
<td>Milford</td>
<td>Turning Point at People’s Place</td>
<td>302-677-2711</td>
</tr>
<tr>
<td></td>
<td>The Safe Program</td>
<td>302-422-8058</td>
</tr>
<tr>
<td>Georgetown</td>
<td>Domestic Violence Advocacy Center</td>
<td>302-856-5843</td>
</tr>
<tr>
<td></td>
<td>People’s Place II</td>
<td>302-422-8058</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Salem County Women’s Services</td>
<td>609-935-6655</td>
</tr>
<tr>
<td></td>
<td>Center for Family Services</td>
<td>1-800-225-0196</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Real House Inc.</td>
<td>973-746-2400</td>
</tr>
<tr>
<td></td>
<td>Providence House</td>
<td>732-244-8259</td>
</tr>
<tr>
<td>Maryland</td>
<td>Emmaus House</td>
<td>302-737-2241</td>
</tr>
<tr>
<td></td>
<td>IDA Wells House</td>
<td>302-999-1119</td>
</tr>
<tr>
<td>Rape Crisis</td>
<td>Dial 211 or 1-800-560-3372 or</td>
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<tr>
<td></td>
<td>Contact Life Line 800-262-9800</td>
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<tr>
<td></td>
<td>Maryland Help Line – Dial 211 or</td>
<td></td>
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<tr>
<td></td>
<td><a href="http://www.211md.org">www.211md.org</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Jersey Domestic Violence Hotline</td>
<td>1-800-572-7233</td>
</tr>
<tr>
<td>Prosecuting Attorney’s Office</td>
<td>Delaware</td>
<td><a href="mailto:Attorney.General@State.DE.US">Attorney.General@State.DE.US</a></td>
</tr>
<tr>
<td></td>
<td>302-577-8500</td>
<td></td>
</tr>
<tr>
<td></td>
<td>New Jersey</td>
<td><a href="http://www.state.nj.us/lps/">www.state.nj.us/lps/</a></td>
</tr>
<tr>
<td></td>
<td>609-292-4925</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Maryland</td>
<td><a href="mailto:Attorney.General@State.MD.US">Attorney.General@State.MD.US</a></td>
</tr>
<tr>
<td></td>
<td>410-576-6300 or 1-800-743-0023</td>
<td></td>
</tr>
<tr>
<td>Department of Education</td>
<td>Philadelphia</td>
<td>Office of Civil Rights</td>
</tr>
<tr>
<td>Office of Civil Rights</td>
<td>Office</td>
<td>U.S. Department of Education</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The Wanamaker Building</td>
</tr>
<tr>
<td></td>
<td></td>
<td>100 Penn Square East, Suite 515</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Philadelphia, PA 19107-3323</td>
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<tr>
<td></td>
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<td>215-656-8451</td>
</tr>
</tbody>
</table>
To report a crime of sexual assault, domestic violence, dating violence or stalking (or any other crime) to local police, use the contact information found below according to the jurisdiction in which the crime occurred or call 9-1-1:

DELAWARE

Wilson Graduate Center Campus
- Physical Location: 31 & 47 Reads Way
  New Castle, DE 19720
- Police Contact: New Castle County Police
  3601 N. DuPont Hwy.,
  New Castle, DE 19720
  (302) 395-8172; Non-emergency line (302) 573-2800

Main Campus/ New Castle
- Physical Location: 320 N. DuPont Hwy.,
  New Castle, DE 19720
- Police Contact: Delaware State Police – Troop 2
  100 Lagrange Ave,
  Newark, DE 19702
  (302) 834-2620

Dover Campus
- Physical Location: 3282 North DuPont Hwy.,
  Dover, DE 19901
- Police Contact: Dover Police Department
  400 S Queen St,
  Dover, DE 19904
  (302) 736-7111

Brandywine Campus
- Physical Location: 3509 Silverside Road
  Talley Building, Suite 100
  Wilmington, DE 19810
- Police Contact: Delaware State Police – Troop 1
  603 Philadelphia Pike
  Wilmington, DE 19809
  (302) 761-6677

Middletown Campus
- Physical Location: 651 N Broad Street
  Middletown, DE 19709
- Police Contact: Middletown Police Department
  130 Hampden Rd,
  Middletown, DE 19709
  (302) 376-9950
**Dover Air Force Base**

Physical Location: 10th St, Dover AFB, DE 19902

Police Contact: Same as above
(302) 677-3000

**Georgetown Site**

Physical Location: Delaware Technical & Community College Carter Partnership Center 21225 College Drive Georgetown, DE 19947

Police Contact: Georgetown Police Department 335 N Race St, Georgetown, DE 19947 (302) 856-6613

**Rehoboth Beach Campus**

Physical Location: 41 Rehoboth Avenue Rehoboth Beach, DE 19971

Police Contact: Rehoboth Beach Police Department 229 Rehoboth Avenue Rehoboth Beach, DE 19971 (302) 227-2577

**NEW JERSEY**

**Burlington Site**

Physical Location: Burlington County College, Mt. Laurel Campus, 3331 Route 38 Mt. Laurel, NJ 08054

Police Contact: Burlington Township Police Department 851 Old York Rd, Burlington Township, NJ 08016 (609) 386-2019

**Cumberland Site**

Physical Location: Cumberland County College 3322 College Dr. Vineland, NJ 08362

Police Contact: New Jersey State Police Troop A – Woodbine 823 Franklin St. Woodbine Boro, NJ 08270 (609)861-5698
Gloucester Site
Physical Location: Wilmington University Gloucester County
1400 Tanyard Road
Sewell, NJ 08080
Police Contact: Washington Township Police
463 Hurffville Grenloch Rd.
Sewell, NJ 08080
(856) 374-3195

McGuire-Dix-Lakehurst
Physical Location: Joint Base McGuire-Dix-Lakehurst
(609) 754-1100
Police Contact: Salem Police Department
129 W Broadway, Salem, NJ 08079
(856) 935-0057

MARYLAND

Cecil County Site
Physical Location: Elkton Station
107 Railroad Street
Elkton, Maryland 21921
Police Contact: Elkton Police Department
100 Railroad Ave, Elkton, MD 21921
(410) 398-4200

What to do if you are Sexually or Physically Assaulted

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at the closest emergency room. WU encourages all victims of sexual or physical abuse to seek medical treatment in order to preserve evidence and to obtain an order of protection. In various states in the U.S., evidence may be collected even if you chose not to make a report to law enforcement. In the chart below, please find the contact information for the hospitals closest to each campus as well as an indication as to whether or not the hospital offers Sexual Assault Nurse Examiner/Forensic Nurse Examiners (SANE/FNE nurse) services. SANE/FNE nurses are trained medical professionals who are sensitive and specialize in the care of crime victims. SANE/FNE nurses are able to collect forensic evidence from the bodies of victims of sexual and domestic assault. They also routinely work with law enforcement to preserve the evidence and may testify in court. If you have difficulty locating the closest hospital with evidence collecting capabilities, contact 9-1-1 and ask for help in locating a hospital with a SANE or FNE nurse. You may also contact the National Sexual Assault Hotline at 800-656-HOPE (4673) or visit the Rape, Abuse and Incest National Network at www.RAINN.org.
<table>
<thead>
<tr>
<th>State</th>
<th>Hospital</th>
<th>Address</th>
<th>Telephone Number</th>
<th>Forensic Services available for evidence collection?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>Christiana Care</td>
<td>4755 Ogletown-Stanton Road, Newark, DE 19718</td>
<td>302-623-7000</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
</tr>
<tr>
<td></td>
<td>Beebe Medical Center</td>
<td>424 Savannah Rd. Lewes, DE 19958</td>
<td>302-645-3300</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
</tr>
<tr>
<td>Maryland</td>
<td>Union Hospital</td>
<td>106 Bow St., Elkton, MD 21921</td>
<td>410-398-4000</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Virtua Memorial Hospital, Mt. Holly</td>
<td>175 Madison Ave., Mt. Holly, NJ 08060</td>
<td>609-267-0700</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
</tr>
<tr>
<td></td>
<td>Virtua Marlton Marlton</td>
<td>90 Brick Road Marlton, NJ 08053</td>
<td>856-355-6000</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Lourdes Medical Center, Willingboro</td>
<td>218 Sunset RD Willingboro, NJ</td>
<td>609-835-2900</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
</tr>
<tr>
<td></td>
<td>Deborah Heart and Lung Center Emergency Dept., Brown Mills</td>
<td>200 Trenton RD Brown Mills, NJ 08015</td>
<td>609-893-6610</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
</tr>
<tr>
<td>Location</td>
<td>Address</td>
<td>Phone Number</td>
<td>Note</td>
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<tr>
<td>Cooper Health Systems, Camden</td>
<td>1 Cooper Plaza, Camden, NJ 08103</td>
<td>856-342-2000</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
<td></td>
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<tr>
<td>Kennedy University Hospital, Stratford</td>
<td>18 E. Laurel RD Stratford, NJ 08084</td>
<td>856-346-6000</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
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<tr>
<td>Our Lady of Lourdes Medical Center, Camden</td>
<td>1600 Haddon Ave., Camden, NJ 08103</td>
<td>856-757-3500</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
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<tr>
<td>Virtua Hospital, Voorhees</td>
<td>100 Bowman Drive Voorhees, NJ 08043</td>
<td>856-247-3000</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
<td></td>
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<tr>
<td>Inspira Medical Center, Vineland</td>
<td>1038 East Chestnut Vineland, NJ 08360</td>
<td>856-641-8000</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
<td></td>
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<tr>
<td>Inspira Medical Center, Woodbury</td>
<td>509 N. Broad St., Woodbury, NJ 08096</td>
<td>856-845-0100</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
<td></td>
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<tr>
<td>Kennedy University Hospital, Washington Twp., Turnersville</td>
<td>435 Hurffville-Cross Keys Road Turnersville, NJ 08012</td>
<td>856-582-2500</td>
<td>Yes*** Forensic Nurse Examiners are on site, police involvement not required***</td>
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</tbody>
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Minors on Campus Policy

Purpose and Scope of Policy

Purpose: Wilmington University ("University" or "Wilmington") strives to conduct its operations and maintain its facilities in a manner consistent with its mission as an institution of higher education. While there may be occasions when the presence of Minors on or brief visits by Minors to campus may be appropriate or necessary, Minors are not permitted to be unescorted or unsupervised on University premises, including circumstances when they are hired to work on and/or permitted to participate in activities on campus or sponsored (on- or off-campus) by the University. In addition to the requirements of this Policy, the visits of Minors are subject to the same conditions as any other visitors to the University.

Any University employee who suspects that a Minor who is on University premises for any reason, or is participating in a University-sponsored activity at another location, has been the victim of child abuse shall immediately report the suspected abuse to University Safety and/or the Human Resources Department.

Scope: This Policy applies to activities and programs taking place on Wilmington University’s campus / locations, or University-sponsored off-campus activities, in which Minors will be physically present and participating, with the following exception: minors matriculated in undergraduate and graduate academic programs.

Requirements of Policy Governing Presence of Minors on Campus

In an effort to minimize any disruption to the essential functioning of the University and maximize the safety of Minors on campus, certain requirements must be met, as follows:

- Minors must be supervised at all times by an Authorized Adult while on campus or participating in a University-sponsored off-campus activity.
- Minors are permitted in the general use facilities (Athletic Fields, Public Spaces, Academic Buildings, Food Services Area etc.) with an Authorized Adult, but may be restricted from certain areas of the facilities or from utilizing certain equipment.
- Even when accompanied by an Authorized Adult, pre-high school age Minors not participating in a program on University premises or a University-sponsored off-campus activity are prohibited from areas where significant potential safety hazards and liabilities may exist, and where strict safety precautions are required.
- Minors and Authorized Adults not meeting relevant University community conduct standards will be asked to leave the campus.
- Minors are not allowed in classrooms while classes are in session unless permission is granted by the faculty member having authorized access to the classroom in advance of the start of class. Should a Minor become disruptive, the Authorized Adult and Minor may be asked to leave.
Background checks

- Successful background checks including the Delaware Criminal Record Search, FBI Fingerprinting Check, and Delaware Child Abuse Registry check will be required of each Authorized Adult prior to his or her direct participation with Minors in a program or activity covered by this Policy and at least once every two (2) years thereafter. Background checks may be conducted by an outside contractor at the request of the Human Resources Department.

- It is the responsibility of the Program/Activity Leader to ensure that each participating adult has submitted the required background check request form and has subsequently received clearance to participate. The Human Resources Department will maintain a roster of individuals who have been cleared to participate and the dates on which new background checks will be required. The failure of an Authorized Adult to fulfill his or her obligations under this paragraph shall be subject to discipline, up to and including termination or removal from the program.

- The background check will be limited to criminal offenses, including, but not limited to, child abuse, for which an individual has been convicted, pled guilty to a felony or misdemeanor, or where such charges are currently pending. The University may accept successful documented background clearances from the governmental agencies (e.g., School Districts) that have been completed within one year from the start date of employment.

- A decision not to permit an individual to participate in a program or activity covered by this Policy based on the results of a background check will be made by the Assistant Vice President for Human Resources. The results of background checks conducted under this Policy will be used only for the purposes of this Policy, except that Wilmington University reserves the right to take appropriate action with respect to employees who may have falsified or failed to disclose information material to their employment on employment applications uncovered as a result of the background check, including and up to immediate termination of employment. Copies of background check reports will be retained in the Human Resources Department.

Conduct Requirements

Authorized Adults or any adult participating in programs and activities covered by this Policy shall not:

- Have one-on-one contact with Minors; in general, it is expected that activities where Minors are present will involve two or more Authorized Adult participants/supervisors.
- Participate in a sleepover under the auspices of the program or activity.
- Engage in abusive conduct of any kind toward, or in the presence of, a Minor.
- Strike, hit, administer corporal punishment to, or touch in an inappropriate or illegal manner any Minor.
Conduct Requirements, cont.

- Pick up Minors or drop off Minors from their homes, other than the driver's child or children or friends of the driver's child or children other than when such child or children are present, at their homes in the adult's personal vehicle, whether before, during, or after the program or activity.
- Engage in the use of alcohol or illegal drugs, or be under the influence of alcohol or illegal drugs during such programs or activities.
- Make pornography in any form available to Minors participating in programs and activities covered by this Policy or assist them in any way in gaining access to pornography.

Allegation of Inappropriate Conduct

Authorized Adults participating in programs and activities covered by this Policy shall:

- Be familiar with and strictly adhere to Wilmington University’s Minors on Campus Policy.
- Strive to ensure the safety of Minors participating in programs and activities covered by this Policy, and, when appropriate, remove Minors from dangerous or potentially dangerous situations. In such case, University Safety and the Human Resources Department will be notified.
- Discontinue any further participation in programs and activities covered by this Policy when an allegation of inappropriate conduct has been made against him or her, until such allegation has been satisfactorily resolved.

Training

- Authorized Adults who will be participating with Minors in a covered program or activity shall complete annual mandatory training on the conduct requirements of this Policy, on protecting Minors from abusive emotional and physical treatment, and on mandatory reporting of suspected child abuse.
- Training resources can be obtained from the Human Resources Department.
- **Note:** All contracts for the services of independent contractors *must* include a provision assuring that the employees of such independent contractors or the contractor (in the case of a solo contractor) has complied with, at a minimum, background checks and training comparable to those required by the University under this Policy. In addition, all independent contracts must reference and attach copies of this Policy to such contracts.
Consensual Sexual Relationship Policy

Sexual behavior that is welcome or consensual does not constitute sexual harassment under the law. However, amorous, dating or sexual relationships that might be appropriate in other circumstances have inherent dangers when they occur between: i) co-workers, ii) a faculty, staff, student or community member or iii) any person for whom an employee has a professional or academic responsibility. These dangers can include:

- That a student or employee may feel coerced into an unwanted relationship because he or she fears the refusal to enter into the relationship will adversely affect his or her education or employment;
- That conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make personnel or academic decisions about a person with whom he or she is having a romantic relationship;
- That students or employees may perceive that a fellow student or co-worker involved in a romantic relationship will receive an unfair advantage, or
- That if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

Faculty, supervisors and other members of the University community who are professionally responsible for other individuals, must remain aware that any romantic or sexual involvement with a student or employee for whom they have any academic or professional responsibility will raise questions about their integrity, the mutuality of the relationship and may lead to charges of sexual harassment.

For the reasons stated above, such relationships are not permitted.