



**DSU**  
It All Matters.



## 2023 ANNUAL

DELAWARE STATE UNIVERSITY

# SECURITY & FIRE SAFETY REPORT

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DOVER MAIN CAMPUS | DSU DOWNTOWN | WILMINGTON | GEORGETOWN

*Contains crime and fire statistics for 2020-2022*



## MESSAGE FROM THE PRESIDENT

The 2023 Annual Security and Fire Safety Report is a critical document that underscores our commitment to the safety, security, and inclusivity of our campus.

The Clery Act, enacted in 1990, requires educational institutions to disclose campus crime statistics and security information to their communities. This legislation is essential in promoting transparency and fostering a safer environment for our students, faculty, and staff. Our dedication to upholding the Clery Act's principles is unwavering, and this report represents our ongoing efforts to provide comprehensive security data, ensuring that you are informed about safety on our campus.

I would like to express my gratitude to every member of our campus community for your individual contributions to building a vibrant and diverse environment where we can all thrive. I wish, also, to thank our dedicated Public Safety team for their work in making our campus a safe and welcoming place for everyone. Our commitment to transparency, safety, and inclusion remains steadfast, and we will continue to work tirelessly to achieve these goals.

I encourage you to review the 2023 Annual Security and Fire Safety Report carefully and engage with us in a dialogue about how we can further enhance the safety and inclusivity of our campus.

Thank you for your dedication to Delaware State University.

*Dr. Tony Allen, Ph.D.*  
*President*  
*Delaware State University*

## MESSAGE FROM THE CHIEF OF POLICE

At Delaware State University, safety is our first priority in building a productive and thriving community where we can all learn, grow, and excel. Our Annual Security and Fire Safety Report serves as a testament to our commitment to campus safety.

The Clery Act is a pivotal federal regulation that guides our efforts, requiring us to provide comprehensive information about campus statistics and security as well as crime prevention policies and procedures. In this report, you will find a detailed overview of the safety measures in place as well as available resources.

Key highlights of our Annual Security and Fire Safety Report include:

1. **Crime Statistics:** We have meticulously compiled data on various on-campus and off-campus incidents, ensuring transparency in reporting. Your awareness is crucial to your safety.
2. **Security Policies and Procedures:** We have comprehensively overviewed our campus security policies and procedures, which outline how we handle various emergencies, investigations, and support services.
3. **Fire Safety:** Your safety is not limited to security alone. We have provided detailed information about fire safety measures and protocols that we maintain across our campus.
4. **Title IX Compliance:** Our commitment to preventing and addressing gender-based discrimination and sexual misconduct is unwavering. You will find information about our Title IX policies, resources, and reporting procedures.
5. **Prevention and Education:** Education is a powerful tool for prevention. Learn about our programs, workshops, and initiatives aimed at promoting a culture of respect and safety.
6. **Emergency Contacts:** Know who to call in case of an emergency and familiarize yourself with our emergency notification systems.

We encourage you to review this report thoroughly to ensure that you are well informed about the safety measures in place and your rights as a member of our community. Your active participation in creating a safe environment is vital.

As we embark on another academic year, please remember that safety is a collective effort. We encourage you to engage with our campus safety programs, attend awareness events, and be an active bystander when necessary.

Your feedback and suggestions are invaluable to us as we continually strive to enhance our safety initiatives. If you have any questions or would like to provide input, please do not hesitate to reach out to our Delaware State University Police Department.

Together, we can create a campus where every member of our community feels respected and empowered. Here at Delaware State University, inclusivity and excellence begin with safety.

Thank you for joining with us and your community to work toward a secure and inclusive academic year ahead.

*James T. Overton*  
*Assistant Vice President, Chief of Police*

## TABLE OF CONTENTS

<b>Preparation of the Annual Report</b> .....	<b>9</b>
Purpose of the Annual Security and Fire Safety Report.....	9
Collecting and Compiling Crime and Fire Statistics.....	9
<b>Campus Security Policies</b> .....	<b>10</b>
Security Maintenance of Campus.....	10
Access to Campus Facilities (Standard Operations).....	10
Access to Campus Facilities During COVID-19 Restrictions.....	11
Access to Main Campus -- Gate Hours of Operation (Standard Operations).....	11
<b>Campus Law Enforcement</b> .....	<b>12</b>
Authority of the Delaware State University Police.....	12
Student, Campus Oriented Policing and Education (S.C.O.P.E.).....	12
Working Relationships.....	14
Off-Campus Incidents.....	14
<b>Crime Prevention Education Programs</b> .....	<b>15</b>
Student and Staff Orientations.....	15
Presentations.....	15
Daily Crime and Fire Log.....	16
Walking Escort Service.....	17
911 Cellular Application.....	17
Need-Driven Programs.....	17
Safety Tips.....	17
<b>Reporting Crimes and Other Emergencies</b> .....	<b>18</b>
Main Campus -- Dover.....	18
Georgetown Campus.....	18
Kirkwood Campus.....	18
Wesley College (DSU Downtown) Campus.....	19
911 Cellular Application.....	19
Campus Security Authorities.....	19
Voluntary Confidential Reporting.....	19
Confidential Reporting.....	20
Anonymous Reporting.....	20
Off-Campus Incidents.....	20
<b>Emergency Contact Numbers</b> .....	<b>21</b>
<b>Important Contact Numbers</b> .....	<b>22</b>
<b>Emergency Response Procedures</b> .....	<b>23</b>
General Statement.....	23
Mass Notification System.....	23
Institutional Response to Emergencies.....	23
Emergency Notifications.....	24
Timely Warnings.....	25
Notifications for Inclement Weather.....	25
Notice to the Public.....	26
Testing Emergency Response and Evacuation Procedures.....	26
Campus Lockdown/Access Restriction.....	27
General Statement Regarding Preparation for Evacuations.....	27
Building Evacuation.....	28

Campus Evacuation.....	28
<b>Substance Abuse Programs and Education.....</b>	<b>29</b>
Substance Abuse Programs.....	29
Alcohol Education and Online Course.....	29
Rehabilitation Programs.....	30
Employee Assistance Program.....	30
Health Risks Associated with Alcohol and Drug Use.....	30
Facts About Alcohol Poisoning.....	31
<b>Substance Abuse Policies.....</b>	<b>32</b>
Drug Policy for Students.....	32
Violations and Possible Sanctions.....	32
Alcohol Policy for Students.....	33
Violations and Possible Sanctions.....	33
Drug and Alcohol-Free Workplace Policy.....	33
Tobacco-free and Smoke-free Campus.....	35
Federal Legal Sanctions (Drugs).....	35
Summary of State of Delaware Drug Laws.....	36
Delaware Alcohol Violations.....	37
<b>Policies Against Violence and Weapons on Campus.....</b>	<b>38</b>
Weapons on Campus (General Statement).....	38
Weapons/Firearms/Explosives Policy for Students.....	38
Violence and Criminal Behavior Policy for Students.....	38
Violence in the Workplace.....	39
<b>Sex Offender Registration and Notification Act.....</b>	<b>40</b>
Sex Offender Registry.....	40
Sex Offenders Prohibited from Residing on Campus.....	40
<b>Missing Student Policy.....</b>	<b>40</b>
Missing Person Contact Registration.....	40
Reporting Missing Persons.....	40
Initial Response.....	41
Notification Procedures.....	41
Investigative Action.....	41
<b>Understanding Dating Violence, Domestic Violence, Sexual Assault and Stalking.....</b>	<b>42</b>
General Statement.....	42
Jurisdiction.....	42
Delaware State University Definitions.....	43
State of Delaware Definitions.....	45
Federal Clery Act Definitions.....	53
<b>University's Sexual Misconduct Policy.....</b>	<b>54</b>
Policy Statement.....	54
University Considerations on Consensual Relationships.....	54

<b>Reporting a Crime of Dating Violence, Domestic Violence, Sexual Assault and Stalking.....</b>	<b>55</b>
General Statement.....	55
Reporting.....	55
Confidential Reporting.....	55
Federal Statistical Reporting (Clery Act) Reporting.....	56
Formal Reporting Options.....	56
Responsible Employees' Duty to Offer to Report.....	56
Reporting to Title IX Coordinator.....	57
Involvement of Law Enforcement.....	57
Police Investigations.....	58
Preserving Evidence.....	59
<b>Supportive Measures for Dating Violence, Domestic Violence, Sexual Assault and Stalking.....</b>	<b>60</b>
General Statement.....	60
Amnesty for Reporting Party and Witnesses.....	60
Confidentiality in Reporting.....	60
Protection from Retaliation.....	60
False Allegations and Information.....	61
Statement of Rights to Complainants and Respondents.....	61
Victim Bill of Rights.....	61
Interim Remedies.....	62
Supportive Measures Offered to the Complainant.....	62
Emergency Removal of the Respondent.....	62
General Statement Regarding Protection Orders.....	63
No Contact Order- University.....	63
No Contact Order- State.....	63
Order of Protection of Abuse.....	64
<b>University's Sexual Misconduct Procedures.....</b>	<b>65</b>
Preliminary Inquiry.....	65
Written Notice of Allegations.....	65
Investigator(s) Appointed.....	66
Investigation Timeline.....	66
Law Enforcement Involvement/Parallel Proceeding.....	66
Investigation Process.....	66
Inspect and Review of Evidence.....	67
Investigation Report.....	67
Resolution Process.....	67
Informal Resolution.....	68
Resolution Without a Hearing.....	68
University Compelling Formal Proceedings.....	69
Hearing.....	69
Participation.....	69
Selection and Role of Advisor.....	69
Hearing Panel.....	70
Notification of Hearing.....	70
Hearing Procedures.....	70

<b>Hearing Outcomes, Sanctions and Appeals.....</b>	<b>72</b>
Hearing Decisions.....	72
Notice of Outcome.....	72
Letter of Explanation.....	72
General Statement Regarding Sanctions.....	73
Student Sanctions.....	73
Employee Sanctions.....	74
Withdrawal or Resignation While Charges Pending.....	74
Appeals.....	74
Failure to Complete Sanctions/Comply with Responsive Actions.....	75
Records and Continued Privacy.....	75
Revision.....	75
<b>Training and Appointment of Equity Resolution Panel .....</b>	<b>76</b>
Equity Resolution Panel.....	76
ERP Roles.....	76
Appointment of ERP Members.....	76
Training of ERP Members.....	76
<b>University Sponsored Programs and Education.....</b>	<b>77</b>
Program Criteria.....	77
Primary Prevention and Awareness Programs.....	77
Ongoing Prevention and Awareness Programs.....	78
Safe Space Coalition.....	78
Risk Reduction.....	78
Bystander Intervention.....	79
<b>Definitions.....</b>	<b>80</b>
Clery Act Crimes.....	80
Hate Crimes.....	82
Unfounded Crimes.....	82
Clery Geography.....	83
<b>Statistics.....</b>	<b>84</b>
Main Campus (Dover) .....	84
Georgetown Campus.....	87
Kirkwood Campus (Wilmington) .....	90
Wesley College (DSU Downtown).....	93
<b>On-Campus Student Housing Facilities Fire Safety Information.....</b>	<b>96</b>
General Statement.....	96
Collection and Dissemination of Fire Information.....	96
<b>Fire Safety Procedures.....</b>	<b>96</b>
Reporting a Fire.....	96
Fire Investigations.....	96
Evacuation Procedures for Students and Employees in a Fire Emergency.....	97

<b>Fire Safety Policies and Programs.....</b>	<b>98</b>
Education.....	98
Propping Open Doors.....	98
Fire/Life Safety Inspections.....	98
Intentional Destruction or Tampering.....	99
Rules Regarding Open Flames.....	99
Smoking in Residential Halls.....	99
Portable Electrical Appliances.....	100
Other Prohibited Items.....	100
<b>Definitions.....</b>	<b>101</b>
<b>Fire Safety Systems.....</b>	<b>102</b>
General Statement.....	102
General Statement Wesley College (DSU Downtown).....	103
<b>Fire Statistics and Related Information.....</b>	<b>104</b>
2022.....	104
2021.....	105
2020.....	106
<b>Fire Statistics and Related Information Wesley College (DSU Downtown).....</b>	<b>107</b>
2022.....	107
2021.....	107
2020.....	108



## **PREPARATION OF THE ANNUAL REPORT**

### **Purpose of the Annual Security and Fire Safety Report**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, better known as the Clery Act, was established to afford students and employees, both prospective and current, the opportunity to educate themselves about campus safety information as well as policies related to sexual violence and emergency situations.

In accordance with the Clery Act, the Delaware State University Police Department is responsible for disclosing crime and fire statistics as well as summaries of security and fire safety policies in the Annual Security and Fire Safety Report. Unless otherwise noted, all information contained within the Annual Security and Fire Safety Report is applicable to each of Delaware State University's different campuses. Information about specific crimes and emergencies is made available on an ongoing basis throughout the year.

This report is disseminated to all current students and employees by October 1 of each year and contains three years of crime and fire statistics. Individuals may request a paper copy of the Annual Security and Fire Safety Report free of charge by responding to the Delaware State University Police Department during the University's normal business hours.

### **Collecting and Compiling Crime and Fire Statistics**

The Delaware State University Police Department is responsible for collecting, compiling and disclosing crime and fire statistics to the University community.

Crime, arrest, and referral statistics are retrieved from reports generated by various departments from within the University as well as from local law enforcement agencies. The statistical data contained in this report is compiled by the Delaware State University Police Department with contributions from the University's Campus Security Authorities (CSAs) as well as local law enforcement agencies. Additionally, statistics for the Georgetown Campus are compiled from contributions by Delaware Technical Community College's Public Safety Department.

Crime, arrest, and referral statistics are derived from reported incidents that occurred on campus properties owned or controlled by the University. The properties include residential halls, non-campus buildings or property not located within the same reasonably contiguous geographic area of the campus but that are owned or controlled by the University, and public property within the campus and/or immediately adjacent to and accessible from Delaware State University property.

Fire statistics are retrieved from reports generated by various departments from within the University as well as from local fire agencies. The statistical data contained in this report is compiled by the Delaware State University Police Department with contributions from the University's Campus Security Authorities (CSAs) as well as Enterprise Risk Management, Facilities Management and the Dover Fire Department.

Incident reports submitted by Delaware State University Police Department personnel or Campus Security Authorities (CSAs) are reviewed for proper classification and categorized in accordance with Clery crime and fire disclosure instructions. The crime data is examined to ensure that all reported incidents are classified in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting Handbook.

## **CAMPUS SECURITY POLICIES**

It is the policy of the Delaware State University Police Department to continually work toward fostering a safe and secure environment on our campuses for our current and prospective students, faculty, staff and visitors. The policies outlined in this report provide valuable information to current and prospective members of the University. In part, it focuses on security of and access to campus facilities, how to report crime and other emergencies as well as many more policies.

### **Security Maintenance of Campus**

The Delaware State University Police Department, Facilities Management and Enterprise Risk Management periodically conduct surveys and checks of the University properties, including the Main Campus, Kirkwood Campus and DSU Downtown Campus. For example, exterior and interior lights are checked to ensure dark areas throughout the campuses are illuminated; doors with automatic locking mechanisms are checked to ensure each is operating properly; and maintenance of the landscape is checked to ensure a secure environment. When deficiencies are located, service requests are submitted to Facilities Management, which usually completes the work order within 24 hours or the next business day.

The Delaware State University Police Department, Facilities Management and Enterprise Risk Management work together to identify facility deficiencies throughout the campuses, but we do encourage community members to promptly report any deficiencies to either the Delaware State University Police Department or Facilities Management. Reportable conditions include those listed above as well as unsafe steps or handrails, unsafe roadways on campus and unsecured equipment. Officers are available to respond to calls for service regarding unsafe facility conditions, personal safety, and property protection.

Deficiencies observed at the Georgetown Campus should be reported to Delaware Technical Community College's Public Safety either in person at the William C. Jason Technology Center, Room 199 or by telephone at (302) 259-6241.

### **Access to Campus Facilities (Standard Operations)**

The general community has access to the grounds of Delaware State University's Main Campus and DSU Downtown Campus. With an open campus environment, the Delaware State University Police Department must impose certain restraints to ensure reasonable protection of all members and those affiliated with the University community.

Most campus facilities are open during normal business hours (Monday through Friday 8 a.m.- 5 p.m.); however, an automated card access control system restricts public access to residential halls and several academic and administrative buildings. The automated card access control system allows the Police Department to monitor the status and history of use for all doors as well as to lock and unlock doors remotely. Access is controlled individually through student and employee identification cards. The campus is also closely monitored via surveillance cameras.

The security of academic and administrative buildings is monitored by the Delaware State University Police Department. Labs that contain computers and related equipment are only open for use when an instructor or other authorized staff member is present. Individuals who need to access University buildings or properties that are inaccessible during regular or non-business hours should make pre-arranged plans by contacting the appropriate

department administrator. University members with questions about the restricted access regulations should contact their department supervisor, building coordinator or the Delaware State University Police Department.

The Wellness and Recreation Center and the William C. Jason Library hours vary throughout the year. It is recommended that individuals check with staff members to determine hours of operation.

Wellness and Recreation Center.....(302) 857-7785  
William C. Jason Library.....(302) 857-6191

The security of residence halls is monitored by members of the Department of Housing and Residential Education as well as the Delaware State University Police Department. During the evening, rounds are conducted by staff of the Department of Housing and Residential Education to ensure that exterior doors are secured. Resident students and approved guests are permitted into the residential halls in accordance with the Campus Housing Violations of the Student Judicial Handbook. Over extended breaks, access to several residential halls is restricted and only those students having permission to be in the residence halls over breaks are granted access. Students are encouraged to remove all valuable items during breaks.

The University utilizes an access control management system at the Kirkwood Campus. The system allows the Police Department to monitor the status and history of use for all doors as well as to lock and unlock doors remotely. Access is controlled individually through student and employee identification cards. Surveillance cameras are also used to monitor the campus.

For any individuals requiring access to the Georgetown Campus, contact should be made with Delaware Technical Community College's Public Safety. Proper identification and/or authorization may be required to gain access. The Georgetown Campus is monitored by security cameras and an access control system.

**Access to Campus Facilities During COVID-19 Restrictions**

Delaware State University takes its commitment to provide a healthy and safe environment very seriously. The University promptly enacted policies and procedures that adhered to the COVID-19 regulations imposed by the State of Delaware beginning in March 2020. In addition to moving education to a remote platform and decreasing the number of personnel on campus, the University has conducted mandatory weekly testing of those permitted on campus, increased sanitation throughout the campus, and erected barriers in high-traffic areas. Rules regarding social distancing and masks have also been enforced.

**Access to the Main Campus – Gate Hours of Operation (Standard Operations)**

Monday through Thursday – 6 a.m. to 5 p.m.  
Friday – 6 a.m. to 5 p.m.  
Saturday and Sunday – Closed  
Holidays – Closed

The main gate is open 24 hours a day; however, after 5 p.m. a 100% identification check is conducted.

## **CAMPUS LAW ENFORCEMENT**

### **Authority of the Delaware State University Police**

The Delaware State University Police Department is a 24-hour, 7-day-a-week, fully operational law enforcement agency that is responsible for the safety and security of students, employees and visitors. The University Police Department consists of police officers, security officers, dispatchers, and auxiliary personnel. While it has jurisdiction over all University-owned locations within the State of Delaware, officers patrol only the Main Campus located in Dover, the Kirkwood Campus in Wilmington and as of July 1, 2021, DSU Downtown, the former Wesley College.

The Delaware State University Police Department is governed by state policies and procedures, general orders, and University-wide policies. The Department's police officers are certified by the Delaware Council on Police Training and have full investigative and arrest authority throughout the Main Campus and DSU Downtown, as well as on contiguous streets and highways and elsewhere in the state as provided by the law. Police officers are armed and patrol the campus by vehicle, on foot and on bicycle. They are empowered to enforce University rules and regulations.

Delaware State University security officers are also empowered to enforce University rules and regulations. Security officers do not have arrest powers, but do have the power to detain. Security officers patrol the campus by vehicle and on foot.

Members of the University Police Department attend in-service training annually and meet other statewide training requirements.

In addition to these full-time employees, the Delaware State University Police Department occasionally employs cadets and/or interns who supplement the Police Department's operations. Cadets and interns are Delaware State University students who aspire to become law enforcement officers. These students are vetted by the Police Department and are utilized to conduct an array of tasks, such as foot patrols, foot escorts, building checks, and special event security.

### **Student, Campus Oriented Policing and Education (S.C.O.P.E.) Model**

The Delaware State University Police Department developed a policing model to enhance service to students and the campus community at Delaware State University. This model allows the Police Department to be an integral part of the University achieving the same goals – in particular, student success. Student, Campus Oriented Policing and Education (S.C.O.P.E.) is a community policing-based model which urges all personnel of the Police Department to develop a leadership mentality, build quality relations with the campus community and utilize each contact, when necessary, to educate the community on how to be successful and remain safe while attending or working at Delaware State University.

**Student** – The primary focus is providing an environment which allows for “student success”:

- Educate students about the Delaware State University Police
- Assess students when making contact during an incident
- Refer students to resources as needed (e.g. mental health counseling, academic counseling, pastoral counseling, financial aid, disabilities services, life center, etc.)
- Follow up with the student 30, 60, and 90 days after initial contact to obtain an update or provide additional resources
- Provide students and student groups with information on how to be safe on and off campus.

**Campus** – The primary focus is providing a safe learning and working environment for everyone within the campus community:

- Educate the campus community about the operations, goals, and objectives of the Delaware State University Police
- Provide quality up-to-date training for the officers and staff which meets the demands/challenges in today’s policing
- Build quality relations with students, staff, faculty, vendors, and stakeholders of Delaware State University
- Maintain up-to-date policies to help direct daily operations.

**Oriented Policing** – The primary focus of this community-oriented policing model is to direct how “business” is conducted by the Delaware State University Police.

- Officers and staff are trained and must take on leadership roles in their daily work performance.
- Officers and staff must strive to be innovators and be progressive, along with the organization as a whole.
- Officers and staff must assess problems, provide solutions, and train each other.
- Officers and staff must understand and embrace the overall importance of building quality relationships with the campus community and its stakeholders.

**Education** – The primary focus is utilizing every opportunity to educate students, staff, and the campus community on how to be safe, how to prevent crimes, and how to prevent becoming a victim of crime:

- Provide information about the operations of the Delaware State University Police to the campus community (e.g., University Seminar, Citizen Police Academy, brochures, social media, etc.)
- Provide Crime Prevention Seminars
- Provide seminars addressing current threats to campus communities
- Provide information regarding how to interact with police during any encounter
- Provide current crime statistics at Delaware State University (e.g., Daily Crime and Fire Log, Annual Security and Fire Safety Report, at internal meetings, during community meetings, etc.)
- Remain transparent as an organization
- When making an arrest, advise the suspect/defendant why the act is illegal and how it can be prevented in the future.

### **Working Relationships**

The Delaware State University Police Department works with individuals and agencies both within and outside of the institution to compile and disseminate information required by the Clery Act. Such working relationships include partnerships with numerous law enforcement agencies throughout the State of Delaware. These collaborations provide a more comprehensive approach to the preparation of the Annual Security and Fire Safety Report and to the ongoing safety and security of the University.

The Delaware State University Police Department has an outstanding working relationship with surrounding agencies, including the Delaware State Police, the Dover Police Department, Delaware Capitol Police and the Department of Justice (commonly referred to as the Attorney General's Office). This professional working relationship with area law enforcement agencies and neighboring University police agencies allows for a partnership to exist with open lines of communication. Moreover, the University Police Department has direct contact with the local police agencies via radio communications, enabling the Department to monitor activity that has the potential to impact the University and warrant emergency response.

While Delaware State University has its own Police Department, Delaware Code permits members from these surrounding agencies to lawfully provide assistance in emergency situations. In addition to this mutual aid policy, the Delaware State University Police Department has a written Memoranda of Understanding (MOU) with the Dover Police Department authorizing its assistance with conducting investigations and making arrests on the University's Main Campus and DSU Downtown. At times, the University Police may assist with or openly investigate crimes occurring in the jurisdiction of other law enforcement agencies, especially if such investigations involve members of the University community.

On occasion, Delaware State University contracts law enforcement officers from outside agencies for assistance with special events and activities that require additional security. Should a crime occur and is either observed or reported to an officer from an assisting law enforcement agency, the Delaware State University Police Department is promptly notified and responds to the scene to investigate.

The Delaware State University Police Department has jurisdiction of all University-owned locations in Delaware, but officers only patrol the Main Campus, Kirkwood Campus and DSU Downtown. The University Police Department does not have jurisdiction over the Georgetown Campus and there are no formal agreements or Memoranda of Understandings (MOU) with law enforcement agencies that have jurisdiction over that location.

### **Off-Campus Incidents**

As a result of working relationships with the law enforcement agencies throughout the state, officers are encouraged to notify the Delaware State University Police Department about incidents occurring in and around all University properties. While the University does not have any property owned by an officially recognized student organization at this time, local law enforcement agencies are encouraged to contact the Delaware State University Police Department about incidents involving our students and employees.

When notified about a member of the University community, a Delaware State University Police Officer will take the appropriate action for internal purposes. The University has the jurisdiction to discipline students and employees for engaging in conduct that occurs off campus, study abroad, and outside of University premises and University activities, if such conduct adversely affects the vital interests of the University. Therefore, students and employees may be subject to disciplinary action by the University for off-campus conduct.

## **CRIME PREVENTION EDUCATION AND PROGRAMS**

The Delaware State University Police Department is dedicated to the safety and security of the campus community it serves. The programs implemented by the Delaware State University Police Department teach proactive crime-reduction strategies and provide related services. The crime prevention strategy on each campus rests on a multi-layered approach that involves students, faculty and staff. While the Police Department has numerous crime prevention programs in place, every member of the University community is reminded that they are ultimately responsible for their own safety and the safety of others.

### **Student and Staff Orientations**

The primary focus of the Police Department's crime prevention programs is to engage new members of the University about campus security procedures and practices. The Police Department partners with Judicial Affairs annually to inform incoming freshman, graduate, transfer and international students about infractions and laws pertaining to drugs and alcohol possession and use, domestic violence, and sexual assaults. Campus security procedures and practices as well as crime prevention methods are discussed. Students are encouraged to take responsibility of their own security and the security of others. Bystander intervention techniques, reporting procedures and the University's 911 Cellular application are also explained. Students attending the Georgetown or Kirkwood Campuses may participate in an online orientation.

Members of the Police Department conduct follow-up informational pieces with first-year students during University (freshman) Seminar. The information addressed during the New Student Orientation is summarized during the University Seminar class with the opportunity for the presentations to be guided by students' questions and concerns about reporting procedures, personal security and other relevant concerns. The Police Department's Student Campus Oriented Policing and Education model is also discussed. Each University Seminar class held on the Main Campus is contacted by the Police Department once per semester.

The information presented to incoming faculty and staff during New Hire Orientation is altered for relevance but highlights similar campus security procedures and practices. Employees are encouraged to take responsibility for their own security and the security of others. Orientations for new employees are conducted biweekly and include an active shooter presentation and discussions about crime prevention through environmental design. Site assessments are offered to all employees and are coordinated through the Police Department.

**Note:** Most programs and seminars were moved to an online format to accommodate COVID-19 restrictions.

### **Presentations**

Crime prevention presentations for members of the University are conducted either by request or on an as-needed basis. Members of the Police Department are available to provide guidance to any individual or group interested in developing programs that promote safety, education and awareness. Ongoing partnerships include the Department of Housing and Residential Education, Athletics and the Office of Student Leadership and Engagement. Prior collaborations included presentations on personal safety, roommate conflicts, domestic violence, sexual assault, drug and alcohol abuse, and anti-hazing policies.

### **Daily Crime and Fire Log**

Any institution with a campus police or security department must create, maintain and make available a daily crime log. A fire log is also required for those institutions with on-campus student housing facilities. Entry updates or changes in disposition must be posted on the log within two business days of receiving the information. Information documented on the log includes:

- Date the crime/fire was reported
- Date and time the crime/fire occurred
- Case number
- General location of the crime/fire
- Classification or nature of the crime/fire
- Brief narrative of the incident
- Disposition of the complaint.

Officers of the Delaware State University Police Department patrol both the Main Campus, Kirkwood Campus and DSU Downtown. The Main Campus and DSU Downtown have on-campus student housing facilities. The Daily Crime and Fire Log for the Main Campus and DSU Downtown is available for review in-person at the Police Department during normal business hours. The Daily Crime Log for the Kirkwood Campus is available for review in-person at the Main Office within the building. For convenience, a combined Daily Crime and Fire Log is also available for review on the University Police Department's webpage and contains information for both the Main Campus, Kirkwood Campus and DSU Downtown. It can be accessed online at <https://www.desu.edu/about/police-department/daily-crime-fire-log>.

All criminal incidents, alleged criminal incidents, and fires are documented on the Daily Crime and Fire Log. This includes reports of crimes and fires that occurred both within the Clery geography of the campus itself as well as within the patrol jurisdiction of the University's Police Department. The Delaware State University Police Department reserves the right to withhold any of the required fields of entry (i.e. date/time occurred, classification, location, and/or disposition) from the Daily Crime and Fire Log if any of the following conditions apply:

- The disclosure is prohibited by law.
- Disclosure would jeopardize the confidentiality of the victim.
- Disclosure would jeopardize an ongoing criminal investigation or the safety of an individual.
- Disclosure would cause a suspect to flee or evade detection.
- Disclosure would result in the destruction of evidence.

Members of the University community are encouraged to review the Daily Crime and Fire Log on a continuous basis to better equip themselves against victimization of person or property as information is ever-changing. Students and staff with information related to criminal activity or fires may forward the same to the Police Department in person or by contacting (302) 857-7911. Other options include contacting the Anonymous Tip Line at (302) 857-7918 or submitting a Silent Witness Form.

A Daily Crime and Fire Log is not maintained by Delaware State University for the Georgetown Campus. The Georgetown Campus has security personnel on-site who are not contracted by Delaware State University to provide services to our faculty, staff or students, nor are there on-campus student housing facilities. Inquiries regarding incidents at the Georgetown Campus should be directed to Delaware Technical Community College's Public Safety Department.



### **Walking Escort Service**

The Delaware State University Police Department provides an escort service on the Main Campus, Kirkwood Campus and DSU Downtown which consists of a walking partner for students, staff, faculty and visitors to or from any location on campus or within the designated escort perimeter. The escort service is conducted by Police Department personnel and is operational nightly at the Main Campus and DSU Downtown.

To arrange for escorts, contact Delaware State University Police at (302) 857-7911, and an officer will be dispatched to your location.

### **911 Cellular Application**

The 911 Cellular Application is available free of charge to all students and employees of Delaware State University. The application may be downloaded and used by the University community to report emergencies to the Police Department as well as to receive notifications about emergencies from the University.

### **Need-Driven Programs**

Crime prevention information is periodically uploaded to the Police Department's website in the form of text or video. Significant events or trends may warrant communication through Marketing and Communications, typically in the form of email, or may prompt the Chief of Police to hold a Town Hall Meeting to address certain activities or behaviors.

### **Safety Tips**

- Always be alert and aware of your surroundings. Walk with a confident attitude.
- Avoid walking alone at night. Walk in a group or take the University shuttle when possible. If those things are not possible, call the Delaware State University Police Department for an escort.
- When walking alone, make sure to use well-lighted paths and sidewalks while taking the most direct route.
- Use crosswalks and pedestrian crossing signals to safely cross streets.
- Immediately report all suspicious activity to the University Police Department at (302) 857-7911. The timely reporting of information is key to a successful investigation, the recovery of stolen property and a successful prosecution (criminal and/or judicial).
- Keep your doors locked. Do not prop open residence doors.
- Do not lend your keys, ID card or PDI card to anyone!
- Report maintenance problems (broken locks, windows, etc.) to the Department of Housing and Residential Education immediately. Attend Security Awareness programs held on campus throughout the school year.
- Be aware of campus and local crime trends. Remember to educate yourself because you are your best protection.

## **REPORTING CRIMES AND OTHER EMERGENCIES**

Delaware State University encourages accurate and prompt reporting of all crimes to the Delaware State University Police Department and the appropriate law enforcement agencies, when the victim of such crime elects or is unable to make such a report. This includes the reporting of all suspicious persons and suspicious activities. Individuals who report crimes accurately and promptly participate in the efforts of the University to prevent and reduce crime.

### **Main Campus -- Dover**

Any person living, studying, working or visiting the University's Main Campus who is victimized or observes or has knowledge of a criminal offense should immediately report the same to the Delaware State University Police Department. The Police Department will investigate all complaints. Any violations of the law could result in charges by the Police Department and/or Judicial Affairs.

University community members are also encouraged to contact the University Police Department in the event of other emergencies. The Delaware State University Police Department is trained to assess situations and can secure resources both on and off campus in the event of fire, medical or other emergencies. Priority response is given to crimes against persons and personal injuries.

Crimes and other emergencies may be reported in person at the University Police Department located at 1200 N. DuPont Hwy. (Bldg. 51), Dover, DE 19901, which is located directly behind the Price Building, or by telephone at (302) 857-7911. In emergency situations, University community members may also activate an emergency blue light telephone. Picking up the receiver or pushing the button will automatically dial the Police Department. Officers are dispatched to the location when an emergency is identified or no contact is made with the individual pressing the button.

### **Georgetown Campus**

For crimes and other emergencies occurring at or impacting staff, faculty or students of the Georgetown Campus, reports made be to Delaware Technical Community College's Public Safety Department and/or the Georgetown Police Department. The responding agency will investigate alleged crimes or other emergencies and secure additional resources as necessary:

#### **Delaware Technical Community College's Public Safety**

William C. Jason Technology Center, Room 199 | (302) 259-6241

#### **Georgetown Police Department**

335 N. Race Street, Georgetown, DE 19947 | (302) 856-6613

### **Kirkwood Campus**

For crimes and other emergencies occurring at or impacting staff, faculty or students of the Kirkwood Campus, reports made be to the Delaware State University Police Department (as described above) and/or Delaware State Police-Troop 6. The responding agency will investigate alleged crimes or other emergencies and secure additional resources as necessary:

#### **Delaware State Police - Troop 6**

3301 Kirkwood Highway, Wilmington, DE 19808 | (302) 633-5000

**Wesley College (DSU Downtown) Campus**

Crimes and other emergencies may be reported in person at the DSU Security Office in the lower level of the College Center or at the University Police Department located at 1200 N. DuPont Hwy. (Bldg. 51), Dover, DE 19901, which is located directly behind the Price Building, or by telephone at (302) 857-7911. In emergency situations, University community members may also activate an emergency blue light telephone. Picking up the receiver or pushing the button will automatically dial the Police Department. Officers are dispatched to the location when an emergency is identified or no contact is made with the individual pressing the button.

**911 Cellular Application**

The 911 Cellular Application can be used to report crimes and other emergencies regardless of location. With the application open, merely press the red button on the screen to automatically connect with a police dispatcher. Calls from within the University’s Main Campus and DSU Downtown will be forwarded to the University Police, whereas calls outside of the University’s Main Campus and DSU Downtown will be forwarded to the local law enforcement agency.

**Campus Security Authorities**

Administrators, directors and staff members identified as having a significant responsibility for student and campus activities that include, but are not limited to, those responsible for student housing, Greek Life and disciplinary and campus judicial proceedings have been designated as Delaware State University’s Campus Security Authorities (CSAs). Victims and witnesses are strongly encouraged to report crimes to Campus Security Authorities to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate. The following list does not depict all identified CSAs; however, victims and witnesses are strongly encouraged to report crimes to members of the following departments:

**Main Campus (1200 N. DuPont Hwy., Dover DE) and DSU Downtown (120 N. State St., Dover, DE)**

- Delaware State University Police Department..... (302) 857-7911
- Department of Housing and Residential Education.....(302) 857-6326
- Student Affairs..... (302) 857-7585
- Title IX..... (302) 857-6374
- Judicial Affairs..... (302) 857-6470
- Human Resources..... (302) 857-6261
- Athletics.....(302) 857-6030

**Georgetown Campus (21225 College Drive, Georgetown DE)**

- Director..... (302) 500-7011

**Kirkwood Campus (3931 Kirkwood Hwy., Wilmington DE)**

- Dean of Graduate, Adult and Extended Studies.....(302) 857-6800

**Voluntary Confidential Reporting**

With the exception being the Director of Campus Health Services, Delaware State University does not provide a confidential reporting option to Campus Security Authorities and does not allow for voluntary confidential reporting. The Director of Campus Health Services in their capacity as a Campus Security Authority can make crime reports to the Delaware State University Police Department to ensure inclusion in the annual disclosure of crime statistics without disclosing personal identifying information. The Director of Campus Health Services will work closely with the Delaware State University Police Department to properly assess reports for timely warning consideration and to avoid double counting of crimes.

### **Confidential Reporting**

Pastoral and Professional Counselors working in their primary role and function are not considered Campus Security Authorities and therefore do not report crimes for inclusion in the University's Annual Security and Fire Safety Report. Victims who want to report an incident confidentially may do so by reaching out to Pastoral or Professional Counselors acting in their primary function. Conversations between the victim and counselor are private and details may not be disclosed to anyone without expressed permission from the victim unless there is an existing threat of physical harm to the victim or someone else.

**Pastoral Counselor:** An employee of an institution who is associated with a religious order or denomination, who is recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

**Professional Counselor:** An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

The University Police Department has a strong working relationship with the University's Pastoral and Professional Counselors. While no policy exists, the Counselors may, if in their judgment find it appropriate, encourage victims to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. Under such circumstances, the procedures and avenues for reporting are explained.

### **Anonymous Reporting**

If you are the victim of a crime or want to file a report of a crime, but do not want to pursue any further action within the University or criminal justice system, we ask that you consider filing an anonymous report. Anonymous reports allow the Delaware State University Police Department to help ensure your safety and the safety of others. Anonymous reporting also allows the University to compile accurate data on the number and types of incidents occurring on campus for disclosure in the Annual Security and Fire Safety Report. Anonymous reports can be made using the Delaware State University Police Department Tip Line at (302) 857-7918 or by submitting a Silent Witness Form on our online website, <https://www.desu.edu/police>.

### **Off-Campus Incidents**

If you are a victim of a crime that occurred on or off campus, the University Police Department will assist you and/or refer you to the appropriate agency. Common referrals are made to the following police agencies:

#### **Dover Police Department**

400 S. Queen Street, Dover, DE 19904 | (302) 736-7111

#### **Smyrna Police Department**

325 W. Glenwood Avenue, Smyrna, DE 19977 | (302) 653-9217

#### **Delaware State Police- Troop 3**

3759 S. State Street, Camden, DE 19934 | (302) 697-4454

#### **Delaware State Police- Troop 9**

414 Main Street, Odessa, DE 19730 | (302) 378-5749

## EMERGENCY CONTACT NUMBERS

### All Campuses

University Police Department.....	(302) 857-7911
University Police Department Anonymous Tip Line.....	(302) 857-7918
University Counseling Services.....	(302) 857-7381
University Pastoral Counseling.....	(302) 857-7627
Student Affairs.....	(302) 857-7585
Judicial Affairs.....	(302) 857-6470
Title IX.....	(302) 857-6374
Human Resources.....	(302) 857-6261
Athletics.....	(302) 857-6030
Facilities Management.....	(302) 857-6230
Enterprise Risk Management.....	(302) 857-7095

### Main Campus (1200 N. DuPont Hwy., Dover DE) and DSU Downtown (120 N. State St., Dover, DE)

Campus Health Services.....	(302) 857-6393
Department of Housing and Residential Education.....	(302) 857-6326
Dover Police Department Non-Emergency Line.....	(302) 736-7111
Dover Police Department Emergency Line.....	911
Kent General Hospital.....	(302) 674-4700

### Georgetown Campus (21225 College Drive, Georgetown, DE)

Campus Department of Public Safety.....	(302) 259-6241
Georgetown Police Department.....	(302) 856-6613
Nanticoke Memorial Hospital.....	(302) 629-6611

### Kirkwood Campus (3931 Kirkwood Hwy., Wilmington, DE)

Delaware State Police-Troop 6.....	(302) 633-5000
Christiana Hospital.....	(302) 733-1000

## IMPORTANT CONTACT NUMBERS

### Law Enforcement

U.S. Attorney's Office Victim/Witness Assistance ..... (302) 573-6277

### Department of Justice

Kent County..... (302) 739-4211

New Castle County..... (302) 577-8400

Sussex County ..... (302) 856-5353

### Attorney General's Victim/Witness Program and Case Notification

Kent County..... (302) 257-3293

New Castle County..... (302) 577-8500

Sussex County ..... (302) 752-3263

Toll Free..... 1-800-870-1790

### Police Agency Victim Services

Delaware State Police Victim Center ..... 1-800-VICTIM1

Dover Police Victim Services ..... (302) 736-7134

New Castle County Police Victim Services ..... (302) 895-8500

Newark Police Victims Services..... (302) 366-7110

Wilmington Police Victim Services..... (302) 576-3622

Victims' Compensation Assistance Program..... (302) 255-1770

### Family Court

Kent County..... (302) 672-1000

New Castle County..... (302) 255-0300

Sussex County ..... (302) 855-7468

### Legal Services

Community Legal Aid Kent County..... (302) 674-8500

Community Legal Aid New Castle County..... (302) 575-0660

Community Legal Aid Sussex County..... (302) 856-0038

### Miscellaneous

Child Abuse Report Line ..... 1-800 292-9582

Elderly Crime Victim Information- New Castle County..... (302) 429-6280

### Domestic Violence

Kent & Sussex County ..... (302) 422-8058

New Castle County ..... (302) 762-6110

Northern Kent County..... (302) 678-3886

Sussex County (Bilingual)..... (302) 745-9874

### Rape Crisis / Contact

Kent & Sussex County ..... 1-800-262-9800

New Castle County..... (302) 761-9100

# EMERGENCY RESPONSE PROCEDURES

## **General Statement**

The University community is reminded that they are ultimately responsible for their own safety as well as the safety of others. Employees and students are encouraged to become familiar with emergency response and evacuation procedures prior to an actual emergency. These procedures are publicized within this publication and may also be accessed through mobile download of the 911 Cellular application. Additionally, Delaware State University community members should immediately report all threats to the safety and health of any member of the University as well as any suspicious persons and activities occurring on any of University property to the appropriate law enforcement agency (refer to the “Reporting Crimes and Other Emergencies” heading within this publication).

## **Mass Notification System**

The Delaware State University Mass Notification System, powered by 911 Cellular, is the University’s primary means of timely notifying the campus community of any potential or actual emergency or threat. This includes, but is not limited to a weather event, an environmental mishap such as a chemical leak, a fire, a criminal threat or any other type of emergency. In addition to a brief synopsis of the emergency, guidelines and/or precautions will also be disseminated in the alert.

Students, faculty and staff may opt to receive notifications via all means of contact information provided. Multiple avenues may be selected to receive such alerts; however, those who have not modified their request will automatically be notified through their Delaware State University email. It is incumbent upon University community members to provide and update contact information as it becomes available and/or changes.

Students, faculty and staff may access this service at:

<https://www.desu.edu/about/police-department/emergency-alerts>

## **Institutional Response to Emergencies**

Upon receipt of information that a potential safety or health risk may exist, an investigation into the legitimacy of the threat will commence immediately. For incidents on the University’s Main Campus and DSU Downtown, the investigation will be conducted by members of the University Police Department with the assistance of other campus departments and personnel or outside agencies as needed. Investigative resources and efforts will be coordinated by the Police Department. Additional first responders will report to the scene to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Depending on the situation, these first responders may include members of Delaware State University’s Police Department or Enterprise Risk Management, or personnel from other law enforcement agencies, the fire department, emergency management, etc.

For incidents occurring on the University’s Georgetown Campus, Delaware Technical Community College’s Public Safety and/or Georgetown Police Department will respond, investigate and coordinate additional resources as necessary.

For incidents occurring on the University’s Kirkwood Campus, the Delaware State University Police and/or Delaware State Police will respond, investigate and coordinate additional resources as necessary.

## **Emergency Notifications**

Delaware State University will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation that is occurring on campus or nearby. The Chief of Police and/or the Chief Risk Officer will assess the potential impact of the incident on the University and determine if the campus-wide notification system should be initiated. In taking into account the safety of the University community, the Chief of Police and/or the Chief Risk Officer in conjunction with the Office of Marketing & Communications will determine the content of the Emergency Alert and will initiate the notification process without delay. Notifications will include applicable measures that community members should take to preserve their health and safety. The only exception to this procedure is if in the professional judgment of the Chief of Police it is reasonable to assume that issuing a notification would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Depending on the nature of the incident or immediate threat, one or more of the following notification procedures may take place:

- a. The University Police Department will notify local and state law enforcement for assistance if necessary.
- b. The University Police Department or Chief Risk Officer will issue an emergency text message or email to all subscribers with accurate information regarding the emergency including instructions and directions.
- c. The Chief of Police or Chief Risk Officer or designee may also authorize the Associate Vice President of Marketing and Communications to issue an emergency email with information regarding the emergency with instructions and directions to faculty, staff and students.
- d. If safe to do so, the hall director in a residential building with a public address system will (under the direction of the Vice President of Strategic Enrollment Management and Student Affairs) make an announcement of the emergency.
- e. The University Police Department will notify the campus Child Development Center of the emergency with instructions and directions.
- f. When practical, the administrative emergency phone tree will be initiated.
- g. The Associate Vice President of Marketing & Communications will be notified to update the University Website with pertinent emergency notification information and to provide updated information and instructions.
- h. The Associate Vice President of Marketing & Communications will notify local media outlets regarding the campus emergency and seek their assistance in providing instructions and directions to potential visitors.
- i. The University Police will assign a police officer or employee to utilize a mobile public address system to alert the campus community of the emergency situation and provide specific instructions and directions.

In the event that the situation threatens the operation of the entire campus or when it is probable that a large segment of the University community will be affected by the situation, then a campus-wide notification will be made. In cases where only a small segment of the University community would be affected and identification of these individuals could be easily made, then a notification will be issued to only those affected individuals. In instances where only a small segment of the community will be notified, dissemination of pertinent information may be performed through alternative mediums rather than use of the mass notification system. While it is unlikely, content may vary depending on the situation, scale of the incident and recipient of the notification.



Once a University community member receives alert that an emergency situation has arisen, appropriate measures should be taken. To ensure their own safety as well as the safety of others, it is imperative that all University community members strictly adhere to the instructions outlined in the emergency notification. Deviating from these instructions may result in serious injury or death to you or others. Wait for official instructions or updates via the emergency notification system declaring an end to the emergency (as per the University President or designee).

### **Timely Warnings**

In addition to emergency notifications, Delaware State University may occasionally issue timely warnings. The intention of these alerts is to inform students, faculty and staff about crimes that have already occurred, but represent an ongoing threat to persons or property. All Clery crimes are subject to timely warnings. These alerts should be utilized by the University's community members to promote safety and to help guard themselves from potential criminal activity.

The decision to issue a timely warning will be incumbent upon the following factors:

- nature of the crime
- continuing danger to the campus community
- possible risk of compromising law enforcement efforts

The decision to issue a timely warning will be made on a case-by-case basis and is ultimately at the discretion of the University's Chief of Police (or his/her designee). Timely warnings will be disseminated through the mass notification system as soon as possible. Updates will be provided as new information becomes available and will include information to promote safety.

### **Notifications for Inclement Weather**

Delaware State University shall remain open except under the most extreme weather conditions. The decision to alter the normal University calendar and/or excuse or dismiss employees from work due to extreme weather conditions rests with the President (or his/her designee) upon advice from his/her Senior Administrative Council.

It will be the responsibility of the Office of Marketing & Communications to issue the appropriate announcements regarding University cancellations or early dismissals. Day cancellations will be announced by 5:30 a.m. Evening cancellations will be announced by 12 noon.

Notification will be communicated through the following modes:

- Internet – [www.desu.edu](http://www.desu.edu)
- The University's email distribution system
- The University's Emergency Alert mass notification system
- The University's information line (302-857-SNOW)
- Local media (if necessary)

### **Notice to the Public**

While faculty, staff and students have a right to privacy, Delaware State University is a public institution and as such must be sensitive to the public's right to know. All calls from the media should be forwarded to the University's Office of Public Relations at (302) 857-6062. The Office of Public Relations will handle any inquiries arising from members outside of the University community as quickly and reasonably as possible. Essential facts of a crisis or emergency will be released as it is determined to be factual information.

The Office of Public Relations will confer with the University Police to determine what information should be disseminated and through which outlets. Notifications may be disseminated through telephone contact, radio, television or other means as deemed necessary and appropriate. Outside agencies may also be involved in this decision as the situation warrants. The University anticipates that in such an incident, the Delaware Emergency Management Agency, local law enforcement, and local health officials would be the agencies involved in this coordinated approach. The collaborative decision to disseminate information, including time, means and content, will reflect that the safety and special needs of the affected outside community are of great priority.

In the event that the crisis involves a large number of students, then a parents' center will be established by Public Relations and the Vice President of Strategic Enrollment Management and Student Affairs to provide a continual flow of information to parents.

### **Testing Emergency Response and Evacuation Procedures**

A test of the emergency response and evacuation procedures for each of Delaware State University's campuses is performed on an annual basis and may be announced or unannounced. While the tests may vary in method and objective by location and/or year, each must:

- be scheduled
- contain drills
- contain exercises
- contain follow-through activities
- be designed for assessment of emergency plans and capabilities
- be designed for evaluation of emergency plans and capabilities

In conjunction with these tests, Delaware State University publicizes its emergency response and evacuation procedures via email at least once per calendar year.

The Delaware State University Police Department and/or Clery Compliance Officer will maintain documentation of emergency response and evacuation procedure tests for a period of seven years to include information regarding:

- a description of the exercise
- the date the test was held
- the time the test started and ended
- whether the test was announced or unannounced.

The University also tests the Emergency Alert system on a semiannual basis. This is performed to ensure that notifications are sent and received properly in case of emergency situations. Any issues with the functionality of the Emergency Alert system are evaluated and addressed. Records of these tests are maintained by the University's Police Department or Clery Compliance Officer for a period of three years.

### **Campus Lockdown/Access Restriction**

The term "Access Restriction" is defined as an emergency course of action or protocol, ordered by a University official with command authority, to contain a problem or incident within the area of its origin by controlling the movement of people.

Access Restriction may be issued as a result of any extraordinary event that will or has the potential to jeopardize the campus community. The major reasons for initiating a lockdown:

- Facilitate a speedy police or emergency services response.
- Contain a threat to the campus community.
- Prevent additional casualties.
- Minimize injury or loss of life.

During Access Restriction, proper procedures for the campus community may include:

1. Following the instructions of any emergency notification communication.
2. Securing yourself and others in the immediate area.
3. Locking and barricading doors if possible.
4. Turning off the lights.
5. Closing blinds and staying away from windows.
6. Remaining calm, quiet and out of sight.
7. Taking cover behind or under any solid objects or items that can provide protection.
8. Silencing all cell phones or other potential noises in the immediate area.
9. Placing a sign in an exterior window (if you feel it is safe to do so) identifying any injuries within your secure area.
10. Using x7911 on a University phone or (302) 857-7911 on any other phone to report any emergency or potential threats you are aware of.
11. Waiting for official instructions or updates via the emergency notification system declaring an end to the emergency before un-securing the area.

### **General Statement Regarding Preparation for Evacuations**

Employees and students are encouraged to become familiar with evacuation plans and to identify both a primary and secondary evacuation route from each building utilized. Evacuation route maps are located in each building and should be referenced to create these routes.

Those individuals requiring special assistance are encouraged to inform colleagues of those needs should an emergency event or emergency evacuation transpire. Employees and students who require special assistance are also encouraged to use the "Buddy System." The Buddy will make sure of the location of the person with a disability, then go outside and inform emergency personnel that a person in that location needs assistance in leaving the building.

## **Building Evacuation**

1. Building evacuations will occur when an alarm sounds and/or upon notification by the University Police or building coordinator(s).
2. When the building evacuation alarm sounds, leave by the nearest marked exit and alert others to do the same.
3. Assist the handicapped in exiting the building
  - a. Develop buddy systems between able and disabled employees in order to share the responsibility for assisting them across a broader group than just a single Fire Warden.
  - b. Never try to forcibly move a disabled person if you are not trained. Severe injury to you and the disabled person can result.
  - c. Ask a disabled person how you can assist him or her. The person is the best expert on his or her condition and limitations and can provide the best information on how you can help without hurting.
  - d. Never try to forcibly lead a blind or visually impaired person. Ask the person if he or she would like to take hold of your arm or shoulder and have you lead. If you do, it is important to clearly communicate verbal warnings of debris and obstacles in your path as well as distances.
  - e. Always make sure your emergency or evacuation plan for disabled persons includes procedures for casual visitors in addition to staff. Casual visitors can include customers, clients, visiting co-workers from other locations or any disabled person who is not routinely familiar with your facility and its layout.
  - f. Communicate! In many emergency situations vital instructions are relayed via a building's public address system. Those instructions may include special information to use alternate exits, to shelter in place or to assemble in a certain area. Make sure these aural instructions are shared with the deaf or hearing impaired. If you do not know sign language, then keep pen and paper handy so instructions can be communicated to them.
  - g. Never attempt to evacuate disabled persons via an elevator. While most modern fire alarm systems today will automatically shut down a building's elevator system, this may not be the case in every building. In some cases, a building's emergency plan may in fact designate an elevator lobby area as the Disabled Marshalling Area (DMA). In some scenarios fire-responder fire/rescue personnel may override the elevator cut-off to evacuate the disabled but only after making a professional assessment that the danger (usually fire) does not threaten that particular elevator shaft. Only a trained professional first responder can make this determination
4. Do not use elevators.
5. Once outside, proceed to a clear area that is at least 200 feet away from the building. Keep streets, fire lanes, hydrant areas and walkways clear for emergency vehicles and personnel.
6. Do not return to an evacuated building unless told to do so by a University official.

## **Campus Evacuation**

1. Evacuation of all or part of the campus grounds will be announced by the University Police Department.
2. All persons (students, faculty, staff and visitors) are to immediately vacate the site in question and relocate to another part of the campus grounds as directed.
3. University Police will carry out the evacuation of the entire campus, if necessary, with the assistance of other emergency personnel.

## **SUBSTANCE ABUSE PROGRAMS AND EDUCATION**

### **Substance Abuse Programs**

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

As a part of its substance abuse programs, Delaware State University annually distributes to its students in writing the following information:

- Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol on school property or as part of any school activities;
- A clear statement of the disciplinary sanctions that the University will impose on students who violate the standards of conduct;
- A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
- A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.

The University conducts a biennial review of its substance abuse program to determine its effectiveness, implement need for changes and ensure that disciplinary sanctions are consistently enforced.

Several departments on the University's Main Campus sponsor programs to deter drug and alcohol abuse throughout the school year. The primary role of these prevention programs is to educate students about the risks associated with drug and alcohol abuse and provide resources for additional information and/or treatment. Students are educated on the devastating effects of drug and alcohol abuse and the comorbidity of substance abuse with gender-based violence.

For more information on the health risks associated with drug and alcohol use/abuse or the Drug-Free Schools and Communities Act Amendments of 1989, please contact:

### **Judicial Affairs**

Martin Luther King Jr. Student Center, Suite 306 or by telephone at (302) 857-6470

### **Alcohol Education and Online Course**

In addition to other sanctions, all alcohol violators are required to take the Alcohol Education online course required of incoming freshmen. Any student who has taken (or re-taken) the Alcohol Education course as a sanction for a first offense and is later found to have committed further violations of the alcohol policy, may be subject to more severe sanctions. Students who fail to complete the Alcohol Education online course by the sanctioned time will be fined \$200 as an additional penalty for the violation. If the student fails to complete the course, the fine will be doubled (\$400), and additional sanctions imposed, including suspension from living in the residence hall and a hold placed on the student's registration for the next semester.

## **Rehabilitation Programs**

Counseling Services are designed to provide counseling and a wide range of personal development opportunities to help students maintain good mental health. These services are structured to assist students in utilizing the resources of the institution in order to maximize educational opportunities. Counselors are involved in helping traditional, nontraditional, and military veteran students explore their needs, feelings, interpersonal relationships and life goals. Individual, group and peer counseling sessions are all available.

Students and employees seeking rehabilitative programs should contact the following:

### **Counseling Services**

Cottage 504 (across from Warren-Franklin Hall) or by telephone at (302) 857-7381

### **Campus Health Services**

Campus Health Center (behind W. Richard Wynder Tower) or by telephone at (302) 857-6393

## **Employee Assistance Program**

An Employee Assistance Program (EAP) is available to any employee enrolled in the State of Delaware health benefits option. This program is provided to help employees if and when they are faced with problems that are overwhelming or when they are unable to cope and/or resolve their problems alone. This program offers confidential assessment and counseling services for employees and members of their established household. Examples of the areas professional counselors can assist with include feelings of being overwhelmed, marriage and family difficulties, parent/child conflicts, dealing with aging parents, emotional issues, drug and alcohol problems, career decisions, personal and job stress, grieving the loss of a loved one, enhancing communication skills, and improving coping skills. Professional counselors will also make legal and financial referrals if needed. The EAP allows the employees to seek assistance on a confidential, non-information-sharing basis. Employees and covered members of their household are entitled to up to five visits per calendar year, at no cost.

## **Health Risks Associated with Alcohol and Drug Use**

Drug and alcohol abuse are problems of overwhelming proportions in our society today. While alcoholism may develop in anyone, it tends to first appear between the ages of 20 and 40 and may be more prevalent in persons with a family history of alcoholism.

Generally, drugs and alcohol impair how your brain takes in and sorts out information. Users may feel they are at their best when in reality they are performing poorly. Use can also motivate crime to finance the use and can leave a criminal record behind, which impairs future activities.

Alcohol abuse is usually characterized by one of three different patterns: (1) regular daily intoxication, (2) consumption of large amounts of alcohol at specific times (binge drinking), or (3) periods of heavy daily drinking.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Chronic alcohol abuse can produce irreversible changes, including dementia, sexual impotence, cirrhosis of the liver and heart disease. [Death can occur either as a complication of one of these chronic problems; acutely, as a result of alcohol intoxication by poisoning or aspiration of vomiting; and as the result of an automobile accident while driving intoxicated.]

## **Facts About Alcohol Poisoning**

### **What Happens to Your Body During an Alcohol Overdose?**

Alcohol depresses nerves that control involuntary actions such as breathing and the gag reflex (which prevents choking). A fatal dose of alcohol will eventually stop these functions. It is common for someone who drank excessive alcohol to vomit since alcohol is an irritant to the stomach. There is then the danger of choking on vomit, which could cause death by asphyxiation in a person who is not conscious because of intoxication. You should also know that a person's blood alcohol concentration (BAC) can continue to rise even while he or she is passed out. Even after a person stops drinking, alcohol in the stomach and intestine continues to enter the bloodstream and circulate throughout the body. It is dangerous to assume the person will be fine by sleeping it off.

### **Critical Signs and Symptoms of an Alcohol Overdose**

- Mental confusion, stupor, coma, or person cannot be roused
- Vomiting
- Seizures
- Slow breathing (fewer than eight breaths per minute)
- Irregular breathing (10 seconds or more between breaths)
- Hypothermia (low body temperature), bluish skin color, paleness

### **What Should I Do If I Suspect Someone Has Overdosed?**

- Know the danger signals.
- Do not wait for all symptoms to be present.
- Be aware that a person who has passed out may die.
- If there is any suspicion of an alcohol overdose, call 911. Don't try to guess the level of drunkenness.

### **What Can Happen to Someone With an Alcohol Overdose That Goes Untreated?**

- Victim chokes on his or her own vomit.
- Breathing slows, becomes irregular, or stops.
- Heart beats irregularly or stops.
- Hypothermia (low body temperature).
- Hypoglycemia (too little blood sugar) leads to seizures.
- Untreated severe dehydration from vomiting can cause seizures, permanent brain damage, or death.

\*obtained from

**<http://www.collegedrinkingprevention.gov/parentsandstudents/students/factsheets/factsaboutalcoholpoisoning.aspx#WhatHappens>**

## **SUBSTANCE ABUSE POLICIES**

### **Drug Policy for Students**

Delaware State University will uphold the federal and state laws concerning the illegal use, possession, consumption, sale, trafficking, manufacturing, dispersing, and/or distribution of drugs, narcotics, controlled or counterfeit substances and drug paraphernalia. The illegal use, possession, sale, distribution, or consumption of drugs, narcotics, or other controlled or synthetic substances on University premises or during University activities is prohibited. Any student found in violation of this policy will be subject to University disciplinary and, where applicable, criminal action.

Students will be held accountable for any drug paraphernalia that tests positive for illegal drugs as the result of the ongoing field testing. Individual drug testing of any accused student is voluntary. Students who take this option do so at their own expense and must complete the test within 24 hours of the alleged violation for consideration by a campus judicial body. Any student found in violation of this policy will be referred to the judicial system.

### **Violations and Possible Sanctions:**

#### **Violation**

- Sale, trafficking, manufacturing, dispersing, and/or distribution of drugs

#### **Possible Sanctions**

- Disciplinary suspension from the University for a minimum of one (1) year, possible expulsion depending on severity
- Automatic expulsion

#### **Violation**

- Illegal use, possession, consumption of drugs

#### **Possible Sanctions**

- Disciplinary probation with privileges
- Disciplinary probation without privileges
- Community Service
- Substance abuse counseling
- Minimum \$200 fine
- Parental notification (if under 21)
- Disciplinary suspension from the University for a minimum of one (1) year
- Expulsion from Delaware State University

Note: Sanctions may be altered based on the severity of the behavior. Offenses are accumulative throughout matriculation at Delaware State University



## **Alcohol Policy for Students**

Although the legal drinking age in Delaware is 21, University regulations prohibit any student from possessing, consuming or selling alcohol (including empty containers) on University premises or at University activities. Any student found in violation of this policy will be subject to University disciplinary and, where applicable, criminal action. Further, the parents of any student violating this policy who is under 21 will be notified of the violation.

### **Violations and Possible Sanctions:**

#### **Violations**

- Under age 21 possession and/or consumption
- Open container of alcohol in public
- Hosting a party involving the use of alcohol
- Dispensing alcohol to minors
- Intoxication
- Constitution of a public nuisance by being offensive to public order or decency

#### **Possible Sanctions**

- Disciplinary probation with privileges for one (1) year
- Alcohol education
- Minimum \$100 fine
- Disciplinary probation without privileges for one (1) year
- Possible suspension from residence halls for one (1) year
- Substance abuse referral
- Parental notification (if under 21)
- Suspension from the University for one (1) year. The student will be held responsible for the full cost of the residence hall for the remainder of the academic year.
- Community service

Note: Sanctions may be altered based on the severity of the behavior. Offenses are accumulative throughout matriculation at Delaware State University.

## **Drug and Alcohol-Free Workplace Policy**

Employees are expected and required to report to work on time and in appropriate mental and physical conditions for work. Each employee is responsible to help ensure that Delaware State University remains a drug-free, healthful, safe and secure work environment.

The University prohibits the unlawful sale, possession, purchase, manufacture, distribution or dispensing of controlled substances, including illegal drugs, on University premises or while conducting University business off premises. Violations of this policy will result in disciplinary action, up to and including discharge from employment, and may have other legal consequences. Employees must, as a condition of employment, abide by the terms of this policy and report to the University any conviction under a criminal drug statute for violations occurring on or off University premises while employed by the University. A report of a conviction must be made to the Office of Human Resources within five days after the conviction.

Delaware State University is committed to protecting the health and safety of its employees, students and visitors by ensuring the safe and productive operation of the campus. To further these interests, the University has adopted the following drug-free awareness policy in accordance with the Federal Drug Free Workplace Act.

- No employee shall engage in the manufacturing, distribution, sale, possession or use of illegal drugs. Unauthorized prescription drugs, alcohol or illegal drugs while on the premises are strictly prohibited.
- All employees should know that the dangers of drug abuse in the workplace can create unsafe conditions as well as jeopardize the health and safety of all employees and students.
- As a condition of continued employment, the terms and conditions of this policy must be adhered to at all times.
- Delaware State University reserves the right to have employees tested for drugs and other controlled substances in accordance with applicable laws. The University may ask an employee to submit to a drug or alcohol test whenever it reasonably believes that the employee may be under the influence of drugs or alcohol at work, in violation of The Drug-free Workplace or Drug and Alcohol Abuse policies. This includes, but is not limited to, the following circumstances: evidence of drugs or alcohol on or about the employee's person or in the employee's vicinity; unusual, bizarre or erratic conduct on the employee's part that suggests impairment or influence of drugs or alcohol; an on-the-job accident or injury under circumstances that suggest possible use or influence of drugs or alcohol in the accident or injury; or excessive and unexplained absenteeism or tardiness.
- If an employee tests positive for drugs or alcohol under this policy, the employee is subject to disciplinary action up to and including termination.
- Nothing in these policies prohibits or in any way limits the lawful use of prescription and non-prescription drugs. However, an employee must inform his or her immediate supervisor or the Office of Human Resources if he or she is using a prescription or non-prescription drug, which at current prescribed dosage, could impair work performance or pose a risk of harm to the employee, to others or to property. It is the employee's responsibility to determine from his or her physicians if the medication can impair work performance or pose such a risk.
- If the lawful use of prescription or non-prescription drugs does limit or otherwise impair the employee's ability to perform the essential functions of his or her position or otherwise creates a safety risk, the Office of Human Resources will meet with the employee to determine whether or not a reasonable accommodation is available. Employees who have questions regarding this policy are encouraged to contact the Office of Human Resources for a determination as to whether an accommodation is available.

Delaware State University reserves the right within the limits of applicable law to conduct searches of Delaware State University property including lockers, desk drawers, cabinets, closets, bags, packages and vehicles parked on Delaware State University property to detect evidence of the presence of illegal substances.

### **Tobacco-free and Smoke-free Campus**

Delaware State University recognizes its responsibility to promote the health, welfare and safety of students, faculty, staff and others on campus property and participating in campus-sponsored activities. In an effort to foster a healthier and more productive living/learning environment, and in keeping with the University's commitment to green policies, Delaware State University has established a smoke-free and tobacco-free environment. No person is permitted to use tobacco products at any time on any University property. This applies to students, employees, visitors, vendors and attendees at any campus events, including conferences and sporting events. Tobacco use is prohibited in all buildings, facilities, residential housing, indoor and outdoor spaces, and the grounds owned by Delaware State University. This policy applies to parking lots, walkways, University vehicles and also private vehicles parked or operated on Delaware State University property. Students, employees and visitors will need to leave the campus property in order to use tobacco. Organizers of public events such as conferences, meetings, cultural events and sporting events are responsible for communicating the University tobacco-free policy to attendees at said events.

Smoking includes drug paraphernalia, cigarettes, e-cigarettes and vapor pens. Students are prohibited from smoking in cars, buildings, and residential housing or on any property of Delaware State University. All individuals found smoking on Delaware State University property and adjacent properties will be found in violation of the Student Code of Conduct and sanctioned accordingly.

### **Federal Legal Sanctions**

Federal law penalizes the manufacture, distribution, possession with intent to manufacture or distribute and simple possession of drugs ("controlled substances"). Controlled Substances Act, 21 U.S.C. §§ 841, 843(b), 844, 845, 846, 859 (2003). The following is a list of punishments prescribed for each crime/offense:

#### **Crime/Offense/Jail Time/Fine (\$)**

1st Degree/10-20 years/Max \$100,000

2nd Degree/10 years/Max \$100,000

3rd Degree/5 years/Max \$7,500

4th Degree/up to 18 months/Max \$7,500

Disorderly Persons (offense)/up to 6 months/Max \$1,000

Petty Disorderly (offense)/up to 30 days/Max \$500

### **Controlled Substances**

Controlled dangerous substances are classified into five different schedules (I-V):

#### **Schedule I includes:**

- Opiates (Heroin, Morphine, Dimepheptanol, Hydroxypethidine, Normethadone)
- Narcotics (Acetylcodone, Bensylmorphine, Nicocodeine)
- Hallucinogenic (LSD, Marijuana, Hashish, Mescaline, Peyote, Psilocybin)
- Methamphetamine

Schedule II includes:

- Oxycodone (Percodan)
- Fentanyl (Sublimaze)
- Methadone (Dolophine)
- Meperidine (Demerol)

Schedule III includes:

- Amphetamine (Biphedamine)
- Phenmetrazine
- Glutethimide (Doriden)
- Phencyclidine

Schedule IV includes:

- Barbitol
- Meprobamate (Equanil, Miltown)
- Chloral hydrate
- Phenobarbital (Donnatal, Bellergal)

Schedule V includes:

- Codeine
- Codeine Phosphate (Robitussin)
- Diphenoxylate (Lomotil)

**Summary of State of Delaware Drug Laws**

The sections of the Delaware Criminal Code dealing with drug laws are extensive. The following outline is an effort to provide a general summary of portions of the law. Students with specific questions about the law should contact Public Safety and not rely on the following summary for complete information. The law divides illegal drugs into five schedules (or categories):

Schedule I – Certain opiates, opium derivatives (including heroin) and hallucinogenic substances, including Phencyclidine (PCP), marijuana, LSD, mescaline, and psilocybin.

Schedule II – Opium and opiates, and derivatives; coca leaves and derivatives; certain central nervous system stimulants, such as amphetamines, phenmetrazines and methamphetamines; and certain central nervous system depressants, including methaqualones and certain barbiturates.

Schedule III – Any stimulant drug; certain barbiturates with short-term effects; and certain narcotic compounds and combinations; all having less potential for abuse than Schedule I and II.

Schedule IV – Certain barbiturates and other central nervous system depressants having lower potential for abuse than Schedule III. This schedule now includes dextropropoxyphene (Darvon).

Schedule V – Drug substances with a lower potential for abuse than Schedule IV. (These substances may contain narcotic drugs, but certain sufficient quantities of non-narcotic drugs with medicinal qualities must be present.)

## **Offenses**

Offenses are divided into two basic categories:

- I. Illegal delivery (sale); possession with intent to deliver, manufacture, or intent to manufacture.
- II. Illegal possession, use, or consumption (misdemeanor).

Hypodermic needles or syringes are also controlled under Delaware law. Illegal possession or use is punishable by a fine of not more than \$100, or imprisonment not to exceed one year or both. Illegal delivery or disposal is punishable by a fine of not more than \$3,000, or imprisonment not to exceed ten years, or both.

## **Penalties**

Delaware law prescribes ranges of permissible penalties upon conviction of any of the above offenses. The penalties are more severe for delivery (or possession with intent to deliver) than for possession. A jail sentence may be imposed for any of these offenses. Under Delaware law, the judge, at his or her discretion, may impose any sentence within the range allowed by the law. Some examples are:

### Felonies

I. Illegal manufacture, delivery, or possession with intent to manufacture or deliver a substance classified in Schedule I or II that is classified as a narcotic drug. Fine: Not less than \$5,000 or more than \$100,000 and, Imprisonment: Up to 30 years.

II. Illegal manufacture, delivery or possession with intent to manufacture or deliver a substance classified in Schedules I-V that is not a narcotic drug. Fine: Not less than \$1,000 or more than \$10,000, and, Imprisonment: Not more than 10 years.

### Misdemeanors

I. Illegal possession, use, or consumption of any substance in Schedules I or II that is a narcotic drug. Fine: Not more than \$3,000 and imprisonment: Not more than 5 years.

II. Illegal possession, use, or consumption of any substance in Schedule I-V that is not a narcotic drug. Fine: Not more than \$500, and imprisonment: Not more than 2 years.

There are numerous exceptions and variations in possible penalties, including:

I. More severe penalties for anyone delivering or attempting to deliver to a person under 18, and more severe penalties for repeat offenders. For second offenders, for delivery or possession with intent to deliver a narcotic drug, a mandatory jail sentence is not subject to probation, parole, or suspension.

II. Reduced penalties under certain circumstances, the most important of which allows the court, at its discretion, to put a first offender (on a charge of possession) on probation for a period of not less than three (3) years without a finding of guilt. If that person complies with the terms of probation, the charge is dismissed, and no conviction is recorded.

## **Delaware Alcohol Violations**

Delaware Code, Title 4, Section 904 makes it unlawful to purchase alcoholic liquor for or to give it to a person under 21 years of age, and also makes it unlawful for persons under 21 years of age to consume alcoholic liquor or to have it in their possession. It is also unlawful to be intoxicated in public.

## **POLICIES AGAINST VIOLENCE AND WEAPONS ON CAMPUS**

### **Weapons on Campus (General Statement)**

Delaware State University prohibits students, members of the faculty, employees (other than Delaware State University certified police officers as authorized by their position), contractors, vendors, and any other visitors (other than law enforcement personnel authorized to carry weapons) to our campus from possessing, carrying or using weapons on property owned by or under the control of the University.

For the purpose of this policy, “weapons” means: The use, possession, sale, or storage of articles and substances that endanger a person’s health and/or safety. This includes, but is not limited to, firearms (e.g. guns, pistols, rifles, stun guns, air rifles, pellet guns, etc.), fireworks, knives, weapons, ammunition, gunpowder, explosives or other material containing flammable substances, as well as replicas of any such articles or substances. Such articles will be confiscated by Campus Police.

Individuals who engage in any conduct prohibited by this policy may be removed from University property, and may be subject to discharge/expulsion or other disciplinary actions, arrest and/or criminal prosecution. This policy applies to all work locations including offices, classrooms, work sites, vehicles and field locations.

### **Weapons/Firearms/Explosives Policy for Students**

The use, possession and/or storage of firearms, ammunition, explosives, fireworks or other lethal weapons of any kind in motor vehicles, buildings or elsewhere on University premises or during University activities are prohibited. Students who violate this policy will be referred to the Judicial System. The penalty for possession of weapons may be expulsion.

### **Violence and Criminal Behavior Policy for Students**

Students who commit criminal behavior, acts of violence, threats, or conduct that demonstrates lack of respect for the property of others, may lose the privilege of attending Delaware State University, or be subject to other disciplinary measures. In addition to the specific infractions of community life and criminal law proscribed in this handbook, shoplifting, drug violations, violent acts, use of a weapon on or off-campus, conveying bomb threats, or other obvious violations of criminal law, may be dealt with through both the criminal court system and the University’s disciplinary system.

Students are expected to report all off-campus arrests to the Office of the Vice President of Strategic Enrollment Management and Student Affairs. Failure to do so will be considered a violation of University policy. The University does not assume responsibility for posting bail or bond for students who are arrested. The University will notify parents or guardians of students who are arrested.

## **Violence in the Workplace**

Delaware State University is committed to providing a safe, healthful workplace that is free from violence or threats of violence. For purposes of this employment standard, workplace violence is any violent or potentially threatening behavior that arises from or occurs in the workplace that affects University faculty, employees, students and visitors.

The University does not tolerate behavior, whether direct or through the use of University facilities, property or resources, that:

- Is violent
- Threatens violence
- Harasses or intimidates others, including stalking or bullying behavior
- Interferes with an individual's legal rights of movement or expression
- Disrupts the workplace, the academic environment or the University's ability to provide service to the public.

Violent or threatening behavior can include physical acts, oral or written statements, harassing telephone calls, gestures and expressions, or behavior such as stalking or bullying. Individuals who engage in any conduct prohibited by this standard may be banned from University property, and may be subject to discharge or other disciplinary actions, arrest and/or criminal prosecution. This policy applies to all work locations including offices, work sites, vehicles and field locations.

The University takes reports of threatening or violent workplace incidents seriously. Employees, supervisors and managers should contact the University Police at (302) 857-7911 immediately to report any threats that they have witnessed, received, or have been told that another person has witnessed or received.

Any employee who receives a protective or restraining order that lists a Delaware State University campus as a protected area is required to provide the Office of Human Resources and Campus Police with a copy of the order and any information requested by Delaware State University to identify the individual subject to the order. For example, if an employee has received a restraining order prohibiting a former spouse or partner from coming to the workplace, the employee must provide Human Resources and Campus Police with a copy of the order and a recent picture of the spouse, partner or person if possible.

For incidents occurring at the Georgetown Campus, employees should contact Delaware Technical Community College's Public Safety either in person at the William C. Jason Technology Center, Room 199 or by telephone at (302) 259-6241 or the Georgetown Police Department either in person at 335 N. Race Street, Georgetown, DE 19947 or by telephone at (302) 856-6613.

For incidents occurring at the Kirkwood Campus, employees should contact either the Delaware State University Police (as described above) or the Delaware State Police-Troop 6 either in person at 3301 Kirkwood Highway, Wilmington, DE 19808 or by telephone at (302) 633-5000.

## **SEX OFFENDER REGISTRATION AND NOTIFICATION ACT**

### **Sex Offender Registry**

Sex offender registration and notification programs have been developed to monitor and track sex offenders following their release into the community. Offenders convicted for sex offenses under Delaware Law are required to register, and any sex offenders enrolled at or employed at postsecondary institutions must provide this information to the State of Delaware. The Delaware State Police maintain a registry of sex offenders, which is available to the public via the Internet; however, only moderate-risk or high-risk sex offenders are listed. The public may view Delaware's Sex Offender Registry by accessing the following website: <https://sexoffender.dsp.delaware.gov/>.

### **Sex Offenders Prohibited from Residing on Campus**

Anyone listed on the above sex offender registry or any other sex offender registry of any state jurisdiction outside of Delaware is prohibited from residing in any Delaware State University residential facilities. Anyone who previously did not identify himself or herself as a person listed on any state sex offender registry during the residential application process and subsequently obtains residency with the University, upon the discovery of sex offender status, will be immediately evicted from the campus residential facility.

## **MISSING STUDENT POLICY**

### **Missing Person Contact Registration**

Students residing at Delaware State University's Main Campus and DSU Downtown located in Dover, Delaware, are encouraged to identify a Missing Person Contact upon gaining initial residency at the institution and at the beginning of each new school year. A Missing Person Contact is any individual of the student's choosing who will be notified within 24 hours if the student is determined to be missing. A Missing Person Contact may or may not be the same as a general emergency contact. Contact information should be updated annually but may also be done more frequently by request. Requests to add or modify a Missing Person Contact can be made in person by the student with the Department of Housing and Residential Education located in Tubman Laws Hall or at the student's residential facility through the Residential Director or Resident Assistants.

Missing Person Contact information is registered confidentially with the Department of Housing and Residential Education only to be accessible to authorized campus officials and law enforcement officers in furtherance of a missing person investigation. Students who register a Missing Person Contact are providing law enforcement personnel the permission to contact the identified individual in a missing student investigation.

### **Reporting Missing Persons**

Anyone receiving a missing student report should immediately notify the Delaware State University Police Department so that an investigation may commence, regardless of whether the student resides on campus. The Department of Housing and Residential Education may also be contacted to report a missing student, so long as there is an immediate referral to the Police Department. For students attending the Main Campus



and DSU Downtown in Dover, reports should be made in person at 1200 N. DuPont Hwy. (Bldg. 51), Dover, DE 19901, which is located directly behind the John R. Price Building, or by dialing (302) 857-7911.

For students attending either the Georgetown or Kirkwood locations, reports may be made to the University Police or directly with the police department having jurisdiction over the student's residence.

### **Initial Response**

All possible efforts will be made to locate the student and determine his/her state of health and well-being as a joint effort by the Delaware State University Police Department, the Department of Housing and Residential Education, the Office of Strategic Enrollment Management and Student Affairs. If the student resides on campus, an officer will secure authorization from the Department of Housing and Residential Education to make a welfare entry into the student's room. If the student is an off-campus resident, officers will contact and enlist the aid of the local law enforcement agency having jurisdiction over that particular area.

Investigating officers will attempt to determine the student's whereabouts by contacting the student's friends, associates, professors and employers to determine whether or not he/she has been attending classes, labs, and scheduled organizational or academic meetings and appearing for scheduled work. If located, the student's state of health and intention of returning to the campus will be verified. When it is appropriate, a referral will be forwarded to the University's Counseling Services and/or Campus Health Services.

### **Notification Procedures**

If not located during the initial canvass, as part of the ongoing investigation, the Missing Person Contact will be notified within 24 hours of the determination that the student is missing. If the missing student is under the age of 18 and is not an emancipated individual, in addition to notifying the Missing Person Contact, the Delaware State University Police Department or designee will notify the student's parent or legal guardian within 24 hours of the determination that the student is missing.

Nothing shall preclude the University's immediate notification of authorities, contact persons or family members in the event the University deems same necessary, in its sole discretion, to protect the health, safety or welfare of a student, employee or other member of the University community.

### **Investigative Action**

If the student is an off-campus resident, the Delaware State University Police Department will encourage and assist the appropriate family members or associates with filing a missing person report with the local law enforcement agency. The Police Department will also cooperate and assist with the investigative law enforcement agency.

If the student is an on-campus resident, Delaware State University Police will notify the Dover Police Department within 24 hours of the determination that the student is missing unless the Dover Police Department was the entity that made the determination that the student was missing. At the conclusion of an investigation, the Delaware State University Police Department's assigned investigator will conduct a follow-up with all parties contacted during the preliminary stage of the investigation with a status of the case whether it is open or closed.

## **UNDERSTANDING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING**

### **General Statement**

A Complainant may choose to report a crime of dating violence, domestic violence, sexual assault or stalking with Delaware State University, may choose to pursue criminal charges, and/or may choose to file a complaint with the Department of Education. As such, Delaware State University is required to provide definitions for dating violence, domestic violence, sexual assault and stalking on the University, State and Federal levels. The Complainant's avenue for reporting these crimes will dictate which definitions are applicable. Federal definitions are utilized to count and classify Clery Act crimes.

### **Jurisdiction**

The Delaware State University Sexual Misconduct Policy and Procedure (the "Policy") is applicable to members and non-members of the campus community, including students, student organizations, faculty, administrators and/or staff, guests, volunteers and vendors. It also applies to medical personnel working at any dispensary, clinic, infirmary, health center, athletic facility, or similar facility operated by the University. The Policy may be applied to an individual incident, patterns and/or to the University climate, all of which may be addressed and investigated in accordance with this Policy.

This Policy applies to behaviors that take place in the United States; on campus; on property owned or controlled by the University; on property controlled by a student organization officially recognized by the University, whether the property is on campus or off campus; and within the University's "education program or activity." Examples of "education program or activity" include locations, events or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Policy violation occurred. This includes but is not limited to admissions, employment, academics, athletics, housing, and student services.

The University reserves the right to address conduct which does not fit within this Policy through the University's Employee Handbook, Student Code of Conduct, the Human Resources Department and/or other departments' materials which govern these processes. This includes conduct which occurs outside of the United States which is related to a University program or activity.

## **Delaware State University Definitions**

**Consent:** Consent is knowing, voluntary and clear permission, by word or action, to engage in mutually agreed upon sexual activity.

Because individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is disoriented, helpless, asleep, incapacitated or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this Sexual Misconduct Policy, and may have violated applicable criminal law.

It is not a defense that the Respondent accused of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other. *See 11 Del.C. §421.*

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. Consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

Under Delaware law, a minor (a person under the age of 12 years) cannot consent to sexual activity. Sexual contact by an adult 20 years of age or older with a person younger than 16 years old is a crime, as well as a violation of this Policy, even if the minor wanted to engage in the act. *See 11 Del. C. §761(l)*

The State definition of consent, which is applicable to criminal prosecutions for sex offenses in Delaware, may differ from the definition used in this Policy to address Policy violations. The Policy definition will control the purpose of determining violations and sanctions.

**Non-Consensual Sexual Contact:** Any intentional sexual touching, however slight, of any clothing or body parts, for the purpose of sexual gratification that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

**Non-Consensual Sexual Penetration:** Any sexual penetration (anal, oral or vaginal), however slight, that is without consent and/or by force. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

**Incapacitation:** A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the who, what, when, where, why or how of their sexual interaction). This Policy also covers a person whose incapacity results from a mental health condition, disability or other impairment, involuntary physical restraint and/or from the taking of drugs or alcohol.

**Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. The following conduct is also considered Sexual Assault:

- **Rape:** Penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his or her temporary or permanent mental capacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the age of consent (18 years old).

**Sexual Violence:** Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the individual's age, use of drugs or alcohol, or because an intellectual or other disability prevents the individual from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

**Stalking:** Delaware State University identifies stalking as a pattern of repeated unwanted attention, harassment, contact, or conduct directed at a specific person or group that would cause a reasonable person or group to

- (a) Fear for their safety or the safety of others.
- (b) Suffer substantial emotional distress.

Additionally, Delaware State University utilizes the One Policy One Process to handle all incidents on campus that involve Stalking.

**Dating Violence:** A separate definition for "dating violence" does not exist on the University level. The term "dating violence" is encompassed in the definition for "domestic/relationship violence".

**Domestic/Relationship Violence:** Assault and battery to a person who is a relative, spouse, boyfriend, girlfriend or other intimate of the student.

### **State of Delaware Definitions**

**Consent:** Means the unambiguous, voluntary, and freely given agreement by all participants in each physical act in the course of sexual activity, including respect for personal boundaries. Consent does not include any of the following:

- a. The lack of verbal or physical resistance or submission resulting from the use of force, threat of force, or placing another individual in fear.
- b. A current or previous dating, social, or sexual relationship.

**“Without consent”** means:

(1) The defendant compelled the victim to submit by any act of coercion as defined in §§ 791 and 792 of this title, 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

#### **Acts Constituting Coercion; class A misdemeanor**

A person is guilty of coercion when the person compels or induces a person to engage in conduct which the victim has a legal right to abstain from engaging in, or to abstain from engaging in conduct in which the victim has a legal right to engage, by means of instilling in the victim a fear that, if the demand is not complied with, the defendant or another will:

- (1) Cause physical injury to a person; or
- (2) Cause damage to property; or
- (3) Engage in other conduct constituting a crime; or
- (4) Accuse some person of a crime or cause criminal charges to be instituted against a person; or
- (5) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some person to hatred, contempt or ridicule; or
- (6) Testify or provide information or withhold testimony or information with respect to another’s legal claim or defense; or
- (7) Use or abuse the defendant’s position as a public servant by performing some act within or related to the defendant’s official duties, or by failing or refusing to perform an official duty in such manner as to affect some person adversely; or
- (8) Perform any other act which is calculated to harm another person materially with respect to that person’s health, safety, business, calling, career, financial condition, reputation or personal relationships.

#### **Coercion; truth and proper motive as a defense**

In any prosecution for coercion committed by instilling in the victim a fear that the victim or another person would be charged with a crime, it is a defense that the defendant believed the threatened charge to be true and that the defendant’s sole purpose was to compel or induce the victim to take reasonable action to make good the wrong which was the subject of the threatened charge.

(2) The defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or

(3) 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

(4) Where the defendant is a health professional, as defined herein, 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

(5) 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.

(l) 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.

**Dating Violence:** While "dating violence" is not defined in the State of Delaware's criminal code, "teen dating violence" is being provided for comparative purposes.

**"Teen dating violence"** means assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.

**Domestic Violence:** Any act or acts committed by an adult member of a family against 1 or more members of the person’s family, as that term is defined in § 901(12) of this title, which constitute any of the following criminal offenses under Title 11: offensive touching (§ 601); menacing (§ 602); reckless endangering in the second degree (§ 603); assault in the third degree (§ 611); terroristic threatening (§ 621); vehicular assault in the second degree ([former] § 628); sexual harassment (§ 763); unlawful sexual contact in the third degree (§ 767); unlawful imprisonment in the second degree (§ 781); coercion (§ 791); reckless burning or exploding (§ 804); criminal mischief classified as a misdemeanor (§ 811); criminal trespass in the first, second or third degree (§§ 821, 822, 823); harassment (§ 1311); or aggravated harassment (former § 1312).

“**Family**” means spouses; a couple cohabitating 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 1 home under 1 head or where 1 is related to the other by any of the following degrees of relationship, both parties being residents of this State:

- |                    |                     |                   |
|--------------------|---------------------|-------------------|
| a. Mother;         | h. Sister-in-law;   | o. Grandson;      |
| b. Father;         | i. Son;             | p. Granddaughter; |
| c. Mother-in-law;  | j. Daughter;        | q. Stepfather;    |
| d. Father-in-law;  | k. Son-in-law;      | r. Stepmother;    |
| e. Brother;        | l. Daughter-in-law; | s. Stepson;       |
| f. Sister;         | m. Grandfather;     | t. Stepdaughter.  |
| g. Brother-in-law; | n. Grandmother;     |                   |

The relationships referred to in this definition include blood relationships without regard to legitimacy and relationships by adoption.

“**Domestic violence**” includes but is not limited to physical or sexual abuse or threats of physical or sexual abuse and any other offense against the person committed by 1 parent against the other parent, against any child living in either parent’s home, or against any other adult living in the child’s home. “Domestic violence” does not include reasonable acts of self-defense by 1 parent for self-protection or in order to protect the child from abuse or threats of abuse by the other parent or other adult living in the child’s home

“**Sexual assault**” means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood or marriage. “Sexual assault” includes the following behaviors: sexual harassment, as defined in § 763 of Title 11; sexual contact, as defined in § 761 Title 11; sexual intercourse, as defined in § 761 of Title 11; sexual penetration, as defined in § 761 of Title 11; and sexual abuse.

The State of Delaware defines “**sexual offense**” as any offense defined by Title 11, §§ 763 through 780, 783(4), 783(6), 783A(4), 783A(6), 787(b)(3), 787(b)(4), 1100A, 1108 through 1112B, 1335(a)(6), 1335(a)(7), 1352(2), and 1353(2), and 1361(b) of this title.

**Incest; class A misdemeanor.**

(a) A person is guilty of incest if the person engages in sexual intercourse with another person with whom the person has 1 of the following relationships:

- |   |  |
|---|--|
| A male and his child.                               | A female and her parent.                                 |
| A male and his parent.                              | A female and her child.                                  |
| A male and his brother.                             | A female and her brother.                                |
| A male and his sister.                              | A female and her sister.                                 |
| A male and his grandchild.                          | A female and her grandchild.                             |
| A male and his niece or nephew.                     | A female and her niece or nephew.                        |
| A male and his father's sister or brother.          | A female and her father's sister or brother.             |
| A male and his mother's sister or brother.          | A female and her mother's sister or brother.             |
| A male and his father's wife.                       | A female and her mother's husband.                       |
| A male and his wife's child.                        | A female and her husband's child.                        |
| A male and the child of his wife's son or daughter. | A female and the child of her husband's son or daughter. |

(b) The relationships referred to herein include blood relationships without regard to legitimacy and relationships by adoption. Incest is a class A misdemeanor and is an offense within the original jurisdiction of the Family Court.

**Unlawful sexual contact in the third degree; class A misdemeanor.**

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.

**Unlawful sexual contact in the second degree; class F felony.**

A person is guilty of unlawful sexual contact in the second degree when the person intentionally has sexual contact with another person who is less than 18 years of age or causes the victim to have sexual contact with the person or a third person.

**Unlawful sexual contact in the first degree; class D felony.**

(a) A person is guilty of unlawful sexual contact in the first degree when:

- (1) In the course of committing unlawful sexual contact in the third degree or in the course of committing unlawful sexual contact in the second degree, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury to the victim or the person displays what appears to be a deadly weapon or dangerous instrument; or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument.
- (2) [Repealed.]
- (3) The person intentionally has sexual contact with another person who is less than 13 years of age or causes the victim to have sexual contact with the person or a third person.

(b) Unlawful sexual contact in the first degree is a class D felony.



**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.

(4) [Repealed.]

(b) Paragraph (a)(3) of this section does not apply to a licensed medical doctor or nurse who places 1 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 third degree; class B felony.**

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

(1) Intentionally engages in sexual intercourse with another person, and the victim has not reached that victim's sixteenth birthday and the person is at least 10 years older than the victim, or the victim has not yet reached that victim's fourteenth birthday and the person has reached that person's nineteenth birthday and is not otherwise subject to prosecution pursuant to § 772 or § 773 of this title; or

(2) Intentionally engages in sexual penetration with another person under any of the following circumstances: a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or b. The victim has not reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim.

(3) [Repealed.]

(b) Paragraph (a)(2) of this section does not apply to a licensed medical doctor or nurse who places 1 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.

(c) Notwithstanding any law to the contrary, in any case in which a violation of subsection (a) of this section has resulted in the birth of a child who is in the custody and care of the victim or the victim's legal guardian or guardians, the court shall order that the defendant, as a condition of any probation imposed pursuant to a conviction under this section, timely pay any child support ordered by the Family Court for such child.

(d) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

**Rape in the second degree; class B felony.**

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

(1) Intentionally engages in sexual intercourse with another person, and the intercourse occurs without the victim's consent; or

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

a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or

b. The sexual penetration occurs without the victim's consent, and was facilitated by or occurred during the course of the commission or attempted commission of:

1. Any felony; or

2. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion or criminal trespass in the first, second or third degree; or

c. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or

d. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or

e. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or

f. The sexual penetration occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or

g. The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.

h. [Repealed.]

(b) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

(c) Notwithstanding any provision of this title to the contrary, the minimum sentence for a person convicted of rape in the second degree in violation of this section shall be 10 years at Level V.

**Rape in the first degree; class A felony.**

(a) A person is guilty of rape in the first degree when the person intentionally engages in sexual intercourse with another person and any of the following circumstances exist:

(1) The sexual intercourse occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or

(2) The sexual intercourse occurs without the victim's consent and it was facilitated by or occurred during the course of the commission or attempted commission of:

a. Any felony; or

b. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion; or criminal trespass in the first, second or third degree; or

(3) In the course of the commission of rape in the second, third or fourth degree, or while in the immediate flight therefrom, the defendant displayed what appeared to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or

(4) The sexual intercourse occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or

(5) The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.

(6) [Repealed.]

(b) Nothing contained in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

(c) Notwithstanding any law to the contrary, a person convicted of rape in the first degree shall be sentenced to life imprisonment without benefit of probation, parole or any other reduction if:

(1) The victim had not yet reached that victim's sixteenth birthday at the time of the offense and the person inflicts serious physical injury on the victim; or

(2) The person intentionally causes serious and prolonged disfigurement to the victim permanently, or intentionally destroys, amputates or permanently disables a member or organ of the victim's body; or

(3) The person is convicted of rape against 3 or more separate victims; or

(4) The person has previously been convicted of unlawful sexual intercourse in the first degree, rape in the second degree or rape in the first degree, or any equivalent offense under the laws of this State, any other state or the United States.

**Statutory Rape:** 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.

**Stalking; class G felony, class F felony, class C felony.**

- (a) 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:
- (1) Fear physical injury to himself or herself or that of another person; or
  - (2) Suffer other significant mental anguish or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- (b) A violation of subsection (a) of this section is a class G felony.
- (c) Stalking is a class F felony if a person is guilty of stalking and 1 or more of the following exists:
- (1) The person is age 21 or older and the victim is under the age of 14; or
  - (2) The person violated any order prohibiting contact with the victim; or
  - (3) The victim is age 62 years of age or older; or
  - (4) The course of conduct includes a threat of death or threat of serious physical injury to the victim, or to another person; or
  - (5) The person causes physical injury to the victim.
- (d) Stalking is a class C felony if the person is guilty of stalking and 1 or more of the following exists:
- (1) The person possesses a deadly weapon during any act; or
  - (2) The person causes serious physical injury to the victim.
- (e) Definitions. — The following terms shall have the following meaning as used in this section:
- (1) **“Course of conduct”** means 3 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. A conviction is not required for any predicate act relied upon to establish a course of conduct. A conviction for any predicate act relied upon to establish a course of conduct does not preclude prosecution under this section. Prosecution under this section does not preclude prosecution under any other section of the Code.
  - (2) **“A reasonable person”** means a reasonable person in the victim’s circumstances.
- (f) Notwithstanding any contrary provision of § 4205 of this title, any person who commits the crime of stalking by engaging in a course of conduct which includes any act or acts which have previously been prohibited by a then-existing court order or sentence shall receive a minimum sentence of 6 months incarceration at Level V. The first 6 months of said period of incarceration shall not be subject to suspension.
- (g) Notwithstanding any contrary provision of § 4205 of this title, any person who is convicted of stalking within 5 years of a prior conviction of stalking shall receive a minimum sentence of 1 year incarceration at Level V. The first year of said period of incarceration shall not be subject to suspension.
- (h) In any prosecution under this law, it shall not be a defense that the perpetrator was not given actual notice that the course of conduct was unwanted; or that the perpetrator did not intend to cause the victim fear or other emotional distress
- (i) In any prosecution under this section, it is an affirmative defense that the person charged was engaged in lawful picketing.
- (j) This section shall not apply to conduct which occurs in furtherance of legitimate activities of law-enforcement, private investigators, security officers or private detectives as those activities are defined in Chapter 13 of Title 24.

## **Federal Clery Act Definitions**

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition -

- dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed -

- by a current or former spouse or intimate partner of the victim.
- by a person with whom the victim shares a child in common.
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Sexual Assault:** An offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's UCR program.

**Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

**Fondling:** The touching of private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

For purposes of this definition -

**Course of Conduct:** Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**Reasonable Person:** A reasonable person under similar circumstances and with similar identities to the victim.

**Substantial Emotional Distress:** Significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

# UNIVERSITY'S SEXUAL MISCONDUCT POLICY

## **Policy Statement**

Delaware State University affirms its commitment to promote the goals of equal opportunity, fairness and equity in all aspects of the educational enterprise. The University adheres to all federal and state civil rights laws and regulations prohibiting sex discrimination in public institutions of higher education.

The University is committed to providing a workplace and educational environment, as well as other benefits, programs and activities that are free from sexual misconduct, sexual discrimination, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational enterprise, the University has developed internal policies and procedures that will provide a prompt, fair and impartial process for those involved in an allegation of sex misconduct and discrimination.

Sexual misconduct encompasses sexual harassment (which includes sexual assault, dating violence, domestic violence and stalking), non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation and sexual violence. Sexual discrimination includes discrimination on the basis of pregnancy, sexual orientation, gender identity, gender expression and domestic violence victim status. Sexual misconduct and sexual discrimination are prohibited, and all allegations are subject to resolution pursuant to the terms of this Policy.

This Policy is not meant to inhibit or prohibit academic freedom, educational content, or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters.

## **University Consideration on Consensual Relationships**

There are inherent risks in any casual, romantic or sexual relationship between individuals in unequal positions (such as faculty and student, supervisor and employee). These relationships may be less consensual than perceived by the individual who is in the superior or more powerful position. The relationship also may be viewed differently by each of the parties involved, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of this Policy. Therefore, for the personal protection of members of this community, relationships in which power differentials are a given (faculty-student, staff-student, administrator-student, supervisor-employee) are strongly discouraged even in cases of consensual, casual and/or romantic involvement.

Consensual casual and/or romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over another person present, at a minimum, a potential conflict. Given this, persons with direct supervisory or evaluative responsibilities who are involved in such a relationship must immediately bring that relationship to the attention of their supervisor. Disclosure of the relationship may necessitate the removal of the employee from the supervisory or evaluative responsibility, or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes, without limitation, Resident Assistants and students over whom they have direct responsibility. While no relationships are expressly forbidden by this Policy, failure to self-report such relationships to a supervisor as required may result in disciplinary action for an employee.

## **REPORTING A CRIME OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING**

### **General Statement**

While there are multiple resources on and off campus to assist victims, the foremost focus in any instance of dating violence, domestic violence, sexual assault or stalking is to care for a victim's immediate health and well-being. If such a crime is presently taking place or the danger still exists, law enforcement should be notified immediately. If the victim has any serious injuries, then medical attention should be sought. Contact information for resources on and off campus in incidences of dating violence, domestic violence, sexual assault and stalking can be reviewed under the "Emergency Contact Numbers" and "Important Contact Numbers" headings of this document.

### **Reporting**

The University has an obligation to promptly act on any reports of Policy violations made by any person (complainant, friend, parent or bystander) to the Title IX Coordinator, administrator, faculty, staff or employee. This notice provides the University with actual knowledge of a violation of The Policy. This notice may be in verbal or written form.

Once the University has actual knowledge, the University will respond promptly to the report by utilizing the steps outlined in The Policy, provide supportive measures and/or investigate the allegations.

Every effort should be made to report violations of Sexual Misconduct Policy promptly. However, there is no time limitation on the filing of complaints, so long as the Respondent remains subject to the University's jurisdiction.

### **Confidential Reporting**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with one of the following individuals: licensed clergy, campus health service providers, victim advocates, licensed professional counselors and medical providers, local rape crisis counselors, domestic violence resources, local or state assistance agencies, or non-university attorneys. All of these people may maintain confidentiality except in extreme cases of immediacy of threat or danger or abuse of a minor. For students, campus counselors are available to help free of charge and can be seen on an emergency basis during normal business hours. For employees, the Employee Assistance Program is available.

In cases indicating pattern, predation, threat and/or violence, the University may not be able to honor a request for confidentiality. In cases where the victim requests confidentiality and the circumstances allow the University to honor that request, the University will offer supportive measures to the victim, but will not otherwise pursue formal action. A Complainant has the right, and can expect to have complaints taken seriously by the University when reported.

### **Federal Statistical Reporting (Clery Act) Obligations**

Parties reporting sexual misconduct, intimate partner violence, and/or stalking should be aware that under the Clery Act, University administrators must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community. The University will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

### **Formal Reporting Options**

All University employees have a duty to report, unless they fall within the Confidential Reporting section above. The failure to abide by these mandatory reporting obligations will subject the employee to all penalties under Delaware state law. Employees must promptly share all details of the reports they receive. Complainants should consider carefully whether they wish to share personally identifiable information with non-confidential employees, as the non-confidential employee must report those details to the Title IX Coordinator.

If a Complainant does not wish for their name to be shared, an investigation to take place, or a formal resolution to be pursued, the Complainant may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law and the Sexual Misconduct Policy.

Formal reporting still affords privacy to the Complainant and only a small group of officials who need to know will be told, including, but not limited to, Strategic Enrollment Management, the Title IX Office, Public Safety, or the Threat Assessment Team. Information will be shared only as necessary with investigators and witnesses. The circle of people with this knowledge will be kept as limited as possible to preserve the privacy rights of the Complainant.

Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at <https://www.desu.edu/about/administration/university-policies-procedures/sexual-misconduct-form>. A Formal Complaint will still need to be filed after that, which will either have to be signed by the Complainant or, in certain circumstances, initiated by the Title IX Coordinator. Note: Anonymous reports may prompt a need for the University to investigate.

### **Responsible Employees' Duty to Offer to Report**

Responsible employees (as defined by 14 Del. C. §9001A), including University professors, faculty, trustees, directors, or employees who regularly interact with students in a teaching, mentoring, advisory or supervisory capacity, who are informed by a victim of an alleged sexual assault committed by a member of the University community, must offer to notify the University Police Department or local law enforcement of the allegation. The responsible employee must notify the sexual assault victim of their duty to offer to report to law enforcement. If permitted by the victim, the responsible employee must make the report to the University Police Department or local law enforcement within 24 hours.

In all cases, the University will consider the victim's wishes with respect to how the reported misconduct is pursued. However, the University reserves the right to investigate and pursue a resolution even if a victim chooses not to initiate or participate in the resolution process, if necessary, to protect the campus community.



### **Reporting to Title IX Coordinator**

The University's Title IX Coordinator oversees implementation of the University's Sexual Misconduct Policy. The Title IX Coordinator has the primary responsibility for coordinating the University's efforts related to investigation, resolution, and implementation of corrective measures to monitor, stop, remediate, and prevent conduct and retaliation prohibited under this Policy. Complainants may file a report of dating violence, domestic violence, sexual assault or stalking in person with the Title IX Coordinator located at Office 306 of the Martin Luther King Jr. Student Center, through the University Police or by submitting a completed Incident Report Form, located on the University's website:

<https://www.desu.edu/about/administration/university-policies-procedures/sexual-misconduct-form>. If the Complainant wants the University to conduct an investigation into the allegations of a Policy violation, the Complainant must file a Formal Complaint with the Title IX Coordinator in person, by mail, by email or online.

This Formal Complaint must:

- Allege a Policy violation against a Respondent;
- Describe the allegations of the Policy violation;
- Request that the University conduct an investigation into the allegations of the Policy violation; and
- Be signed by the Complainant (including a physical or digital signature – or a statement that the Complainant is the person filing the Formal Complaint).

The Formal Complaint is required to initiate the formal resolution process (investigation and hearing or informal resolution).

Note: Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the University President or designee and the Office of Enterprise Risk Management. The Title IX Coordinator may designate another person to oversee the procedure below if the Title IX Coordinator is otherwise unavailable or unable to fulfill his/her duties.

### **Involvement of Law Enforcement**

While Delaware State University encourages victims of all crimes to report incidents to the University's Police Department, it is ultimately the victim's decision to notify law enforcement. Victims of dating violence, domestic violence, sexual assault, and stalking have the right to decline notifying authorities. However, if victims choose, they may notify law enforcement authorities directly or may contact one of the following departments to assist in notifying law enforcement authorities. The University will comply with a victim's request for assistance in notifying authorities on or off campus.

University Police Department.....	(302) 857-7911
Georgetown Police Department.....	(302) 856-6613
Delaware State Police -Troop 6.....	(302) 633-5000
University Counseling Services.....	(302) 857-7381
University Pastoral Counseling.....	(302) 857-7627
Department of Housing and Residential Education.....	(302) 857-6326
Judicial Affairs.....	(302) 857-6470
Title IX.....	(302) 857-6374
Campus Health Services.....	(302) 857-6393
Human Resources.....	(302) 857-6261

## **Police Investigations**

To file a formal police report at the Main Campus or DSU Downtown about an incident of dating violence, domestic violence, sexual assault or stalking, a victim may contact the University's Police Department 24/7 either in person or by telephone at (302) 857-7911. If the victim opts to initiate the process via telephone, then an officer will be dispatched to the victim's current location as long as it is within a reasonable distance from the campus.

The University takes all reported incidents of violence seriously. If the victim elects to file a report with Delaware State University Police, the officer investigating the case will work with the victim to gather the evidence and pertinent information for case development. Any victims, suspects, and/or witnesses will be interviewed to ascertain details about the crime. These interviews are normally recorded. With sexual assaults, willing victims may have a SANE examination performed at a local hospital. Transportation can be provided to the hospital and back by the University Police. The victim is encouraged to have an advocate present with them through the process of a SANE examination. This may include a friend or roommate, a Resident Assistant or Resident Director, or a counselor from Counseling Services or local rape crisis center.

If the suspect is affiliated with the University, then notification will be made to Judicial Affairs, Title IX and/or Human Resources as applicable. At that time, interim suspension or a protection order may be issued to provide a safe environment. If the suspect is not affiliated with the University, then a Notice of Trespass may be issued by the Police Department and/or a No Contact Order may be established at the time of the suspect's criminal arraignment.

An officer with the University's Police Department will be in contact with the victim on a continuous basis to inform the victim about leads in the case, to obtain more information from the victim, and to discuss any applicable judiciary procedures. A member of the Attorney General's Office will also be in contact with the victim in the event that an arrest is made and/or to ascertain details about the case.

For incidents that did not occur on the University's Main Campus or DSU Downtown, the University Police Department will assist the victim in filing a report with the law enforcement agency with jurisdiction over the incident. If a victim prefers, incidents can be reported directly to the law enforcement agency with jurisdiction.

For incidents occurring at the Georgetown Campus, victims should contact Georgetown Police Department either in person at 335 N. Race Street, Georgetown, DE 19947 or by telephone at (302) 856-6613.

For incidents occurring at the Kirkwood Campus, victims should contact either the University Police (as described above) or the Delaware State Police-Troop 6 either in person at 3301 Kirkwood Highway, Wilmington, DE 19808 or by telephone at (302) 633-5000.

Despite whether the crime occurred on or off campus, members of the University's Police Department will provide assistance to victims of dating violence, domestic violence, sexual assault or stalking. This may include but is not limited to transportation to or from a hospital, transportation to or from the law enforcement agency whose jurisdiction the crime occurred in, and securing an order of protection. The actions of the investigating police agency will mimic the process described earlier to include collecting evidence, interviewing witnesses and contacting the victim.

For incidents that are not reported to the University Police, requests for University protection orders should be made with the University Police or Title IX.

**Preserving Evidence**

It is important for victims of dating violence, domestic violence, sexual assault, and stalking to preserve evidence of the incident as it may assist in proving that the alleged criminal offense occurred. In addition, evidence may be helpful in obtaining a protection order. The following should be retained as evidence as it pertains to the alleged crime:

- |                                   |                          |
|-----------------------------------|--------------------------|
| Video or Pictures                 | Phone Logs               |
| Text Messages                     | Documents                |
| Social Media Posts/Communications | Other Relevant Materials |
| Electronic Mail Messages          |                          |

In addition to preserving these items as evidence, victims of sexual assault should also consider receiving a SANE examination. Even if the victim is not currently considering involving law enforcement authorities of the assault or prosecuting, having a SANE examination performed helps preserve evidence in case the victim decides to file a police report at a later date. It also allows health care officials to provide treatment of injuries and addresses concerns of pregnancy and/or sexually transmitted diseases. SANE examinations must be performed within 72 hours after the sexual assault.

If you plan to have a SANE examination done, DO NOT:

- |        |                |                 |
|--------|----------------|-----------------|
| Shower | Smoke          | Douche          |
| Eat    | Comb your hair | Change clothing |
| Drink  | Urinate        |                 |

Note: Still get the exam done even if any or all of the previous actions have been performed. If you have already changed clothing, place the clothing you were wearing during the sexual assault (including underwear) in a paper bag and bring items with you to the exam. If you must urinate, collect the urine in a clean container with a lid and bring to the exam.

An individual requesting a SANE examination can respond to any of the following locations 24/7.

**Bayhealth- Kent**  
640 S. State Street  
Dover, DE 19901  
(302) 744-7121

**Beebe Medical**  
424 Savannah Road  
Lewes, DE 19958  
(302) 645-3311

**Christiana Care**  
4755 Ogletown-  
Stanton Road  
Newark, DE 19713  
(302) 733-4799

**Bayhealth- Sussex**  
21 W. Clarke Avenue  
Milford, DE 19963  
(302) 430-5720

**Nanticoke Memorial**  
801 Middleford Road  
Seaford, DE 19973  
(302) 629-6611 x2555

## **SUPPORTIVE MEASURES FOR DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING**

### **General Statement**

The University will provide interim supportive measures upon notice of alleged Policy violations, and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest or visitor who has been found to engage in violative conduct. Procedures for handling reported incidents are fully described below.

### **Amnesty for Reporting Party and Witnesses**

The University community encourages the reporting of misconduct and crimes by reporting parties and witnesses. Sometimes, reporting parties or witnesses are hesitant to report to University officials or participate in resolution processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident.

It is in the best interests of the University community that reporting parties choose to report to University officials, and that witnesses come forward to share what they know. To encourage reporting, the University maintains a policy of offering reporting parties and witnesses amnesty from minor violations - such as underage consumption of alcohol or the use of illicit drugs - related to the incident. Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution.

### **Confidentiality in Reporting**

All University employees (faculty, staff and administration) are expected to report actual or suspected violations of the Sexual Misconduct Policy to appropriate officials immediately (except in the case of confidential reporters, described in the Confidential Reporting section below). In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting individuals on campus.

On campus, some individuals may maintain confidentiality and are not required to report actual or suspected violations of the Sexual Misconduct Policy. They may offer options and resources without any obligation to inform an outside agency or campus official unless a reporting party has requested this information be shared.

If a Complainant expects formal action on their allegations, reporting to any employee can connect them with resources to report crimes and policy violations, and these employees will immediately forward reports to the Title IX Coordinator (and/or police, if desired by the reporter), who will take action when an incident is reported to them.

### **Protection from Retaliation**

The Policy expressly forbids retaliation against anyone exercising their rights under the Sexual Misconduct Policy. Retaliation against an individual for alleging a violation of the Sexual Misconduct Policy, supporting a Complainant or Respondent or assisting in providing information relevant to a claim pursuant to the Sexual Misconduct Policy is a serious violation and will be treated as an independent violation. The University will take appropriate steps to protect individuals who fear that they may be subjected to retaliation. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated.

### **False Allegations and Information**

Deliberately false and/or malicious accusations of conduct under the Sexual Misconduct Policy are just as serious the offense itself, and will be subject to appropriate disciplinary action. This does not include erroneous allegations, so long as they are made in good faith.

Witnesses and parties providing knowingly false evidence or deliberately misleading information to an investigator will be subject to discipline under University Code of Conduct.

### **Statement of Rights to Complainants and Respondents**

Under this Policy, the University will honor the following rights to both Complainants and Respondents at all times:

- To be treated with respect by the University officials.
- To take advantage of campus support resources (such as Counseling and Psychological Services, the Office of the Chaplains, and the University Campus Health Services, or Employee Assistance Program services for employees).
- To experience a safe living, educational and work environment.
- To have an advisor during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
- To be free from retaliation.
- To have complaints heard in accordance with these procedures.
- Referral to law enforcement and assistance in doing so.
- Adjustments to housing and living accommodations, if required.
- No contact orders between the parties, if required.
- To be informed in writing of the outcome/resolution of the complaint, sanctions (if any) and the rationale for both.

### **Victim Bill of Rights**

If the victim of a dating violence, domestic violence, sexual assault or stalking incident files a police report, the following information will be shared with the victim:

- How a criminal case goes through the system.
- After a defendant is released on bail, including the amount of bail and any conditions.
- Court events, possible plea agreements, outcome of the case, projected prison release dates and any sentence modification.
- If the conviction is reversed on appeal.
- Parole and pardon hearing dates, early release to the community based on programs or if the offender escapes from a correctional facility.
- Procedures to be followed if the offender threatens or intimidates you.
- Services available for victims of crime.

### **Interim Remedies**

Once the University has actual notice of an allegation of a Policy violation, the University will respond promptly and advise the Complainant regarding the availability of supportive measures. The University may also determine if emergency removal of the Respondent is warranted under the circumstances, regardless of whether a formal complaint has been filed.

### **Supportive Measures Offered to the Complainant**

The University will offer the Complainant supportive measures, which are intended to address the short-term effects of the alleged Policy Violation to temporarily redress an ongoing harm to the alleged victim or the community, and to prevent further violations of the Policy. These remedies can include, but are not limited to, referral to counseling and health services or to the Employee Assistance Program, change in housing, modifications of work and/or class, providing campus escorts, implementing limitations on contact between the parties – including no contact orders, and offering adjustments to academic deadlines and course schedules. The University/TIX Office will also provide the Complainant with information about how to file a Formal Complaint, should the Complainant want the University to conduct an investigation.

The University offers these supportive measures in an effort to restore the Complainant's access to the University's education program and activities. These supportive measures are supportive of the Complainant and not punitive toward the Respondent, unless the University determines that emergency removal of the Respondent is necessary.

### **Emergency Removal of the Respondent**

If the physical health or safety of any student, employee or other individual is jeopardized by the on-campus presence of the Respondent, the Title IX Coordinator will do the following: (1) refer the matter to the University Police Department who will perform a safety risk analysis, determine if the Respondent will be issued a no trespass order, and make all necessary referrals including, referring the matter to Judicial Affairs to determine if suspension (for students) or referral to Human Resources to determine if administrative leave (for faculty) of the Respondent is necessary; and (2) provide the Respondent with written notice of the potential for an interim suspension/administrative leave and an opportunity to challenge the removal decision within three (3) business days of notice. The Respondent will be given the opportunity to meet with the Title IX Coordinator prior to the imposition of any suspension/administrative leave to show cause why the suspension/administrative leave should not be imposed. After taking these steps and deciding that suspension/administrative leave is warranted, the Title IX Coordinator may suspend the Respondent on an interim basis pending the completion of the investigation and the Final Hearing. The Title IX Coordinator has sole discretion to implement or stay an interim suspension under the Policy, as well as to determine its conditions and duration. Violation of an interim suspension under this Policy may be grounds for expulsion or termination.

During an interim suspension or administrative leave, a student or employee may be denied access to University housing and/or University campus, facilities, and events. As determined by the Title IX Coordinator or Judicial Affairs this restriction includes classes and/or all other University activities or privileges for which the student or employee might otherwise be eligible. At the discretion of the Title IX Coordinator, alternative coursework or work options shall be pursued to ensure as minimal of an impact as possible on the Respondent.

### **General Statement Regarding Protection Orders**

Victims of dating violence, domestic violence, sexual assault and stalking may have the right to obtain one or more protection orders. Specifics about each type of protection order are reviewed below; however, victims should be aware that No Contact Orders through the State of Delaware can only be issued if the suspect is formally charged with a crime and that No Contact Orders through the institution can only be issued if the suspect is affiliated with Delaware State University. It is possible for victims to request and be granted one or all of the following protection orders.

### **No Contact Order - University**

In instances where the accused is a member of the University and the victim does not wish to seek criminal charges, it may be possible for a No Contact Order to be issued by the Title IX Office.

The victim of a crime of dating violence, domestic violence, sexual assault or stalking should request that a No Contact Order be issued during the initial meeting with the Title IX Coordinator to ensure prompt response and action. Depending on the severity of the complaint, the suspect may be suspended from the University until the hearing is complete. The suspension may encompass the entire University or may be limited to certain buildings.

The University will uphold its obligation to issue a No Contact Order at the request of the victim given that the request is reasonable. The University will also uphold its obligation to comply with reasonable requests regarding housing and academic accommodations (class changes). The Title IX Coordinator is responsible for determining which measures are reasonable to prevent contact with and further injury to the victim. Each incident will be evaluated on a case-by-case basis and considerations may include, but are not limited to, the alleged suspect's prior offense history, current potential for contact, and severity of the allegation.

If a suspect is in violation of a current No Contact Order, then either the University Police Department (302-857-7911) or the Title IX Office (302-857-6374) should be notified immediately so that the appropriate action can be taken.

### **No Contact Order - State**

Crimes of dating violence, domestic violence, sexual assault and stalking all include an inherent risk to the victim, which may be physical or emotional. To prevent any additional injury to the victim, a No Contact Order may be issued by a local court.

Victims must file a formal police report and the suspect must be identified, apprehended and charged accordingly for a No Contact Order to be issued. During the arraignment process, the police officer may request that a No Contact Order be issued between the two parties; therefore, it is imperative that victims requesting a No Contact Order be issued communicate this request to the police officer prior to the suspect's arraignment.

A No Contact Order may indicate that the suspect is not permitted to contact the victim, whether through primary or secondary means (i.e. social media, through a mutual party). It may also indicate that the suspect may not contact the victim's place of residence, place of work, or place of learning.

If the suspect is in violation of a current No Contact Order, then the local police authorities should be notified immediately so that the appropriate action can be taken.

**Order of Protection from Abuse**

The following individuals are permitted to file for an Order of Protection:

1. Spouse or former spouse;
2. Persons living together and holding themselves out as a couple (with or without a child in common);
3. Persons living separate and apart but who have a child in common;
4. Persons in a current or former dating relationship;
5. Any of these family relationships:
  - Parent or child (including step- and in-law)
  - Brother or sister (including in-law)
  - Son or daughter (including in-law and where parental rights have been terminated)
  - Grandparent or grandchild; or
6. Any other family member you are related to by blood, adoption or marriage but only if you reside "in one home under one head".

You do not need an attorney to seek an Order of Protection. Court staff will help you with the necessary forms, and volunteers from a Victim Advocacy Program may also be available to help.

Go to the Family Court between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Ask the clerk for a Protection from Abuse Petition (form #450). If you are asking for an emergency (ex parte) hearing, also ask the clerk for the Affidavit for Emergency Hearing Form.

**Kent County**  
 400 Court Street  
 Dover 19901  
 (302) 672-1000

**New Castle County**  
 500 North King Street  
 Wilmington DE 19801  
 (302) 255-0300

**Sussex County**  
 22 The Circle  
 Georgetown 19947  
 (302) 855-7468

The effectiveness of a PFA Order depends on the fact that the petitioner will not attempt to contact the Respondent or attempt to reconcile without asking the Court to change or set aside the Order.

A petitioner who believes an Order of Protection from Abuse has been violated should call the local police agency immediately or may go to Family Court to report the violation so that the appropriate action can be taken.

**Kent County**

Department of Justice..... (302) 739-4211  
 Legal Services..... (302) 674-8500

**New Castle County**

Department of Justice..... (302) 577-8400  
 Legal Services..... (302) 575-0660

**Sussex County**

Department of Justice..... (302) 856-5353  
 Legal Services..... (302) 856-0038

The following website may also be reviewed to obtain more details:

<http://courts.delaware.gov/family/pfa/index.aspx>



# UNIVERSITY'S SEXUAL MISCONDUCT PROCEDURES

## **Preliminary Inquiry**

Following receipt of a report or an alleged violation of the University Policy, the Title IX Coordinator engages in a preliminary inquiry to determine if the alleged conduct as reported would present a potential violation of the Policy and whether further action is warranted. The standard of review used for the Preliminary Inquiry is reasonable cause to believe the Sexual Misconduct Policy has been violated. The Title IX Coordinator may contact the Complainant for additional information. A Complainant's decision to maintain confidentiality, not to pursue an investigation or not to provide identifying information about a Respondent may limit the University's ability to respond to the alleged policy violation. The preliminary inquiry is typically 1-5 days in duration. The Title IX Coordinator will respond to the reported misconduct in a prompt, thorough, fair, impartial and effective manner.

The Title IX Coordinator must dismiss an allegation, report of a Policy violation or Formal Complaint when:

- the complaint alleges conduct that did not occur within the United States;
- the conduct alleged does not meet the definition of an act prohibited by this policy; or
- the conduct alleged did not occur within the University's education program or activity.

The Title IX Coordinator may dismiss an allegation, report, or Formal Complaint when:

- the Complainant notifies the Title IX Coordinator in writing that the Complainant wants to withdraw the allegation, report or Formal Complaint or some of the allegations in it;
- the Respondent is no longer enrolled or employed by the University; or
- if specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the allegations.

The University will give written notice of any dismissal to the parties, as well as the reasons for it. The University will also provide information about the appeal process and how to appeal the dismissal.

## **Written Notice of Allegations**

Once a Formal Complaint is filed, the Title IX Coordinator will provide written notice of the allegations ("Notice of Allegations") to the Complainant and Respondent at the start of the formal process and before any initial interview is conducted. The Notice of Allegations will include:

- 1) a summary of the allegations;
- 2) the identity of the parties involved (if known);
- 3) the precise misconduct being alleged;
- 4) the date and location of the alleged incident;
- 4) the specific policies violated and;
- 5) a statement of the potential sanctions that may result. It will also inform the parties that they may have an advisor of their choice.

The Notice of Allegations will also provide that

- The University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a policy violation.
- Determinations of responsibility are made at the conclusion of the resolution process.
- The parties may request to inspect and review all evidence obtained.

- The University's policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process.

### **Investigator(s) Appointed**

The Title IX Coordinator may conduct the investigation or may appoint one or more ERP members to conduct the investigation. Any individual involved in the resolution process including the Title IX Coordinator, investigator or ERP member cannot have or demonstrate a conflict of interest or bias for either party. The Title IX Coordinator will vet the assigned investigator(s) to ensure impartiality by ensuring there are no actual or perceived conflicts of interest or bias. The parties may at any time during the resolution process raise a concern regarding bias or conflict of interest and the Title IX Coordinator will determine whether the concern is justified. If it is determined that such bias or conflict exists, another investigator will be assigned and any impact of the bias or conflict will be remedied.

### **Investigation Timeline**

The University aims to complete all investigations promptly. However, depending the nature, extent and complexity of the allegations, availability of witnesses or police involvement, this time period may be extended as necessary by the Title IX Coordinator with notice provided to both parties. The Title IX Coordinator will communicate regularly with the parties to update them on the process and timing of the investigation.

### **Law Enforcement Involvement/Parallel Proceeding**

The University process for investigating and adjudicating a Formal Complaint will not be precluded because civil or criminal charges involving the same incident have been filed, except where such efforts are limited by court order or other judicial process. The University may agree to a short delay to allow evidence collection when criminal charges based on the same facts or events are being investigated by the University or local law enforcement. In that instance, notice of the delay will be provided to both parties and appropriate remedial actions will be implemented, if necessary.

### **Investigation Process**

The University is committed to providing investigations that are prompt, thorough, reliable, impartial and fair. Investigations will entail interviews with all relevant parties and witnesses, to the extent that they are willing to cooperate in this process; obtaining available evidence; and identifying sources of expert information, as appropriate. During the investigation, both parties may also suggest witnesses, provide evidence and fully review and respond to all evidence gathered by the University.

The University bears the burden of gathering evidence sufficient to reach a determination regarding responsibility, not either party.

The Respondent is presumed not responsible for the alleged conduct unless and until a determination is made based on a preponderance of the evidence that a policy violation has occurred.

### **Inspect and Review of Evidence**

Both parties and their advisors have an equal opportunity to inspect and review any evidence obtained by the University during the investigation. This information may be provided in electronic form or hard copy.

### **Investigation Report**

Upon completing the investigation, the Investigator will compile a draft Investigative Report (“Draft Report”) that fairly summarizes the evidence. Within the Draft Report, the Investigator will describe the relevant information learned during the investigation and summarize all interviews conducted. The Investigator will not offer any recommendations as to whether a violation of the Policy occurred. The Investigator will provide a copy of the Draft Report to the Complainant and the Respondent, and each may submit a written response to the Investigator. The written response must be submitted within ten (10) days after receiving the Draft Report. The Investigator will review and consider any written responses provided by the Complainant and the Respondent.

After considering the written responses provided by the parties, the Investigator may determine that additional investigation must be conducted. If the Investigator revises the Draft Report, the Investigator must then provide the revised Draft Report to the Complainant and the Respondent for their review and comment.

The Complainant and the Respondent will have ten (10) days after receiving the revised Draft Report to submit a written response to the Investigator. The Investigator will again review and consider any written responses provided by the Complainant and the Respondent to the revised Draft Report.

Once all of the investigation is completed, the Investigator will finalize the Investigative Report (“Report”). The Report will then be circulated to the Complainant and the Respondent at least ten (10) days before the Hearing. Complainants and Respondents are not permitted to share the Draft Report or the Report with any individual(s) other than their advisor and/or parent/guardian(s).

### **Resolution Process**

The University will act on any formal or informal notice of an alleged violation of the Sexual Misconduct Policy (the “Policy”) that is received by the Title IX Coordinator or any administrator, faculty, staff, or employee with the exception of confidential resources, as outlined in the Policy.

The resolution process below will apply to all allegations involving members of the University community, whether students, staff or faculty members. Unionized/other categorized employees are subject to the terms of their collective bargaining agreements/employees’ rights to the extent those agreements do not conflict with federal or state law or compliance obligations.

Upon receipt of an allegation, the University initiates this resolution process, which involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the Policy has been violated.

If so, the University will initiate one of three responses:

- A remedial response because the Complainant does not want to proceed formally;
- An informal resolution; or
- A formal resolution including an investigation and an opportunity for a hearing. Formal resolution is thorough, reliable, impartial, prompt, fair, and as private as possible.

The investigation and resolution processes determine whether the Policy has been violated. If so, the University will promptly implement effective remedies designed to end the sexual discrimination, prevent its recurrence and address its effects.

If at any point in the resolution process the evidence indicates that an incident does not rise to the level of a Policy violation but could be in violation of other University policies, the Title IX Coordinator may refer the matter to the appropriate office (e.g., Vice President of Strategic Enrollment Management and Student Affairs, Human Resources) for further investigation and resolution.

### **Informal Resolution**

Informal resolution is available at any time for the Complainant and the Respondent to consider. Informal resolution is not an option is when a University employee is the Respondent. For all other allegations, including sexual assault, informal resolution, such as mediation, is an option.

Each party must enter the informal resolution process voluntarily and must give written consent to do so. The University will never compel a party to engage in any type of alternative resolution. The University will still provide the Complainant and the Respondent with the Notice of Allegations and their respective rights, including information about how to withdraw from the informal resolution process. Anyone participating in conflict resolution can stop that process at any time before an agreement is reached and request the formal adjudication process instead.

If the parties elect to participate in mediation, the Title IX Coordinator will facilitate a dialogue between the parties – either with both parties present or with both parties separately – with the goal of identifying how the harm(s) alleged by the Complainant can be repaired. Together or separately, the parties and the ERP member will create a written agreement that may include items such as apology letters, agreement to a no contact order, restriction of access, and/or education related to the offense. Sanctions will not be imposed. The Title IX Coordinator will keep records of any resolution that is reached and report that resolution to the parties in writing. A failure by either party to abide by their accord may result in appropriate responsive action by the Title IX Coordinator.

### **Resolution without a Hearing**

If the Respondent admits responsibility in writing for all or any part of the alleged Policy violations at any point in the process, the Title IX Coordinator will render a finding that the individual is in violation of University Policy for the admitted conduct, recommend in writing an appropriate sanction or responsive action to the ERP panel on those admitted violations. Any disputed violations will proceed to a formal hearing.

### **University Compelling Formal Proceedings**

The University reserves the right to initiate formal resolution without a report or participation by the Complainant when deemed necessary by the Title IX Coordinator. This typically occurs to protect the community in situations evidencing a compelling safety risk.

### **Hearing**

For any complaints not resolved through informal resolution or complaints where there is no admission of responsibility, the Title IX Coordinator will initiate a Hearing.

### **Participation**

Every person has the right to choose to participate or not to participate in any part of the grievance process. No person will be forced, threatened, coerced or discriminated against for not participating. The University and the Hearing Panel will not draw any inference from a person's decision not to participate.

If a party or a witness chooses not to appear at the Hearing or chooses not to answer cross-examination questions, then the Chair will exclude the statements made by that party or witness and only evaluate evidence that does not involve those statements.

### **Selection and Role of Advisor**

Each Complainant and Respondent may be accompanied by one advisor of their choosing during all aspects of their case preparation, including all interviews and meetings up to and throughout the Hearing. The advisors will ask all of the cross-examination questions during the Hearing. An advisor may also be a witness and testify at the Hearing. Other than cross-examination or testifying at the Hearing as a witness (if applicable), advisors will not speak or otherwise participate on behalf of the student or employee. The parties are otherwise expected respond to questions and engage in the hearing process on their own behalf. The advisor may consult with the Complainant or the Respondent quietly, in writing, or during breaks.

The parties have the option to select an advisor from the ERP members or a friend, mentor, family member, attorney or any other individual a party chooses to advise and consult with throughout the resolution process. If a party does not have an advisor, the University will provide that party with an advisor of the University's choosing from the ERP member list, at no cost, for the purpose of conducting cross-examination at the Hearing. The ERP-appointed advisor is not an attorney and will in act in the best interests of their advisee. The Title IX Coordinator will manage ERP advisor assignments. A party may decline the assistance of an ERP advisor at any time.

All information concerning all aspects of the case will be communicated by the Title IX Office and/or Investigator directly to the student or employee. Timelines and/or deadlines for submission of materials may not be altered to accommodate an advisor's schedule.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University. The University may seek to restrict the role of any advisor who does not respect the confidentiality of the process or fails to abide by the University's privacy expectations.

### **Hearing Panel**

The Title IX Coordinator will assemble a hearing panel (“Hearing Panel”) to review the Report, conduct a Hearing, and determine whether it was more likely than not that, the Respondent violated the Policy. The Hearing Panel will consist of a non-voting panel Chair and three members of the ERP. No one appointed to the Hearing Panel may have been previously involved with the complaint or have a conflict of interest. Hearing panels may include both faculty and non-faculty employees, with at least one faculty member selected in a complaint against a faculty member. No member of the panel may be a student. The Title IX Coordinator will determine what times the Hearing Panel will meet.

The parties will be given a list of the names of each of the ERP Panel members at least two (2) business days in advance of the Hearing. Should any party object to any panelist, he or she must raise all objections, in writing, to the Chair immediately, but no later than one (1) business day before the Hearing. Panel members will only be unseated if the Chair, in consultation with the Title IX Coordinator, concludes that the alleged conflict or bias of the Panel member would prevent an impartial hearing. Additionally, any panelist or Chair who feels he or she cannot make an objective determination must recuse himself or herself from the proceedings when notified of the identity of the parties and witnesses in advance of the Hearing.

### **Notification of Hearing**

The Complainant and Respondent will be notified of the time and place of the Hearing at least seven (7) days before the Hearing. For compelling reasons, the Title IX Coordinator in his or her discretion may reschedule the Hearing. Hearings for possible violations that occur near or after the end of an academic term will be held as soon as is practicable after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University, and remain within the timely and thorough goal for resolution. This also presumes that a proper and complete investigation can be completed prior to the Hearing.

### **Hearing Procedures**

Participants will include the non-voting Chair, the three members of the Hearing Panel, the Investigator(s) who conducted the investigation on the complaint, the Complainant and the Respondent (or up to three organizational representatives in a case where an organization is charged), advisors to the parties and any called witnesses. The Chair will provide the names of witnesses the University intends to call, all pertinent documentary evidence and any written findings from the investigators to the parties at least ten (10) days prior to the Hearing.

The hearing should not exceed one day but can be extended by the Title IX Coordinator in certain extenuating circumstances. All parties will have the opportunity to present facts and arguments in full. Each party will have up to four (4) hours to present their case with extensions granted in extenuating circumstances by the Title IX Coordinator equally to both parties.

The advisors to the parties may cross-examine the other party and all witnesses during the Hearing. Cross-examination will be done in a respectful manner, as well as in real time with back and forth questions. Cross-examination can also include questions about credibility. All questions must be relevant. The Chair will decide if each question is relevant before a party or witness has to answer it. If the Chair decides to exclude a question as not relevant, the Chair must explain to the party’s advisor any decision to exclude a question as not relevant. Similarly, an advisor can object to any question that the advisor believes is not relevant. The Chair will similarly decide all objections before a party or witness answers the pending question.

If any party requests, the Hearing can be held with the parties located in separate rooms, with the necessary technology for the parties to see and hear each other. Any such request must be made at least two (2) business days prior to the Hearing. The University has the discretion to allow any or all parties, witnesses, and other participants to appear at the Hearing virtually.

The Chair will begin the Hearing by explaining the procedures to be followed and introducing the participants. The Investigator(s) will be present during the entire Hearing but not during deliberations of the Panel. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the Report will not be revisited and will be accepted as binding on the panel, except as necessary to determine sanctions/responsive actions. Once the report of the investigation has been presented, the ERP will permit questioning of and by the parties, and of any witnesses present. A party will be allowed to introduce evidence at the Hearing that was not gathered or presented prior to the Hearing.

Formal rules of evidence will not apply. Any evidence that the Panel believes is relevant and credible may be considered, including history and pattern evidence. The Chair will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant, immaterial or repetitive evidence and may ask the Panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and regarding the consideration of evidence. Anyone appearing at the hearing to provide information will respond to questions on his/her own behalf.

Unless the Chair determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless allegations of a pattern have been made; or (2) the sexual history of or the character of the Complainant. The prior sexual history of the Complainant may only be introduced in two narrow circumstances: (1) where someone other than the Respondent committed the Policy violation; and (2) the sexual behavior between the Complainant and the Respondent is offered to prove consent.

Where issues of competency or job performance are concerned, the Panel will not substitute its judgment of competency or performance for the judgment of other appropriate campus officials. The function of the Hearing Panel is to determine whether violations of the Policy have been committed. Issues of competency or performance may only be considered in that context.

In hearings involving more than one Respondent or in which two Complainants have asserted allegations against the same individual of substantially similar conduct, the standard procedure will be to hear the complaints jointly. However, the Title IX Coordinator may permit the hearing pertinent to each Respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each Respondent.

There will be no observers at the Hearing and it will be conducted in private. The Chair may allow witnesses who have relevant information to appear at a portion of the Hearing in order to respond to specific questions from the Panel or the advisors. All persons present at any time during the Hearing are required to maintain the confidentiality of the proceedings and are subject to University disciplinary action for failing to abide by this requirement. Character witnesses will not testify but the Panel will accept up to two (2) letters supporting the character of the individuals involved.

Hearings will be recorded by the University. No other recording or use of any technology during the Hearing is permitted by the Complainant, Respondent, witnesses, and/or advisors. Only ERP members, the parties

and/or the persons who initiated the action and appropriate administrative officers of the University will be allowed to listen to the recording in a location determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator and University's General Counsel. Persons given access to the recording will be required to sign an agreement confirming that they will protect the confidentiality of the information contained in the recording.

If any party does not appear at the scheduled hearing, the Hearing will be held in that party's absence. If a party or witness chooses not to appear at the Hearing or chooses not to answer cross-examination questions, the Chair will exclude the statements of that party or witness and evaluate only the evidence that does not involve those statements. The Panel will not draw any inference from a party's or a witness's decision not to participate in the Hearing. Similarly, the Panel will not draw any inference from a party's or a witness's decision not to be cross-examined.

## **HEARING OUTCOMES, SANCTIONS AND APPEALS**

### **Hearing Decisions**

The ERP Panel will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the violation(s) in question. The Panel will base its determination of responsibility on a preponderance of the evidence standard. If a majority of the Panel finds a Respondent responsible, the Panel will issue appropriate sanctions.

Every reasonable effort will be made for the Hearing Panel to reach its decision within three (3) business days after the Hearing. However, a failure to announce a decision within that time period does not constitute grounds for appeal. After the Hearing Panel reaches its decision, the Title IX Coordinator will compile two documents detailing the outcome of the complaint: (1) Notice of Outcome and (2) Letter of Explanation.

### **Notice of Outcome**

After the Hearing Panel's decision, the Title IX Coordinator will disclose, in writing, the Notice of Outcome to the Respondent and Complainant at the same time. It may include, but is not limited to:

- The Hearing Panel's findings for each alleged violation;
- Sanction(s); and
- Protective Measures and/or additional remedies.

### **Letter of Explanation**

Within ten (10) business days of distributing the Notice of Outcome to both parties, the Title IX Coordinator will distribute a Letter of Explanation to the Complainant and Respondent. The Letter of Explanation will offer a more detailed rationale regarding the Hearing Panel's decision and will include the following:

- Determination regarding responsibility;
- Findings of fact;
- Conclusions about whether the alleged conduct occurred;
- Rationale for the result as to each allegation;
- Sanction(s);
- Protective Measures and/or additional remedies;
- Information about how to file an appeal.



### **General Statement Regarding Sanctions**

The Hearing Panel will determine sanctions or responsive actions. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation.
- An individual's disciplinary history.
- Previous complaints or allegations involving similar conduct.
- Any other information deemed relevant by the ERP Panel.
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation.
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation.
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the victim and the community.

### **Student Sanctions**

The following are the usual, but not the exclusive, sanctions that may be imposed upon students or student organizations singly or in combination:

- *Warning*: A formal statement that the behavior was unacceptable and a warning that further infractions of any the University Policy, procedure or directive will result in more severe sanctions/responsive actions.
- *Probation*: A written reprimand for violation of the Policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University Policy, procedure or directive within a specified period of time. Terms of the probation will be specified and may include denial of specified social privileges, exclusion from co-curricular activities, no-contact orders and/or other measures deemed appropriate.
- *Suspension*: Termination of student status for a definite period of time not to exceed three (3) years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure at the University. This sanction may be noted as a Conduct Suspension on the student's official transcript.
- *Expulsion*: Permanent termination of student status, revocation of rights to be on campus for any reason, or attend any University-sponsored events. This sanction will be noted as a Conduct Expulsion on the student's official transcript.
- *Withholding Diploma*: The University may withhold a student's diploma for a specified period and/or deny a student participation in commencement activities if the student has a complaint pending or as a sanction if the student is found responsible for an alleged violation.
- *Organizational Sanctions*: Deactivation, de-recognition, loss of all privileges (including University registration), for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

### **Employee Sanctions**

Sanctions for an employee who has violated this policy include warning, required counseling, demotion, suspension with pay, suspension without pay and termination, or any other sanctions as deemed appropriate. Sanctions for violations of the Policy are in all ways separate and apart from other sanctions under the various union collective bargaining agreements.

### **Withdrawal or Resignation While Charges Pending**

**Students:** The University does not permit a student to withdraw if that student has a complaint pending for violation of the Policy or for charges under the Code of Student Conduct. Should a student decide to leave and not participate in the investigation and/or hearing, the process will nonetheless proceed in the student's absence to a reasonable resolution and that student will not be permitted to return to the University unless all sanctions have been satisfied.

**Employees:** Should an employee resign while charges are pending, the records of the Title IX Coordinator will reflect that status, as will the University responses (which will always be in writing) to any future inquiries regarding employment references for that individual. The Title IX Coordinator will act to promptly and effectively remedy the effects of the conduct upon the victim and the community.

### **Appeals**

All requests for appeal must be submitted by any party in writing to the Title IX Coordinator within seven (7) business days of the date of the Letter of Explanation. Requests must state the explicit grounds for the appeal, which must be based on one of the following:

- A procedural error or omission occurred that impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)
- Newly discovered evidence, unknown or unavailable during the original hearing or investigation that could affect the outcome. A summary of this new evidence and its potential impact must be included.
- Hearing Panel members, Chairperson or Investigator had a conflict of interest or bias that affected the outcome.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

After an appeal has been submitted by a Complainant and/or Respondent, the Title IX Office will review the document to ensure that it follows the established policies and procedures. The Title IX Office will then allow the Complainant and/or Respondent access to the other party's Statement of Appeal, in addition to any other information that the Title IX Office deems relevant to the appeal.

Each party may submit to the Title IX Office a written response to the other party's appeal within two (2) days of receiving a copy of the appeal. The response must respond to the specific ground(s) for appeal raised in the other party's appeal. The Title IX Coordinator will allow the other party to review the response.

The Title IX Coordinator will appoint three (3) members from the ERP to serve on the Appeals Panel ("Appeals Panel"). No one appointed can have been involved in any aspect of the complaint previously. The Appeals Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on at least one of the grounds listed above, and such a decision is final. The original finding and sanction are presumed to have been decided reasonably and appropriately.

Where the Appeals Panel finds that at least one of the appellate grounds is satisfied, additional principles governing the hearing of appeals include the following:

- Appeals decisions by the Appeals Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanction/responsive action only if there is a compelling justification to do so.
- Appeals are not intended to be full re-hearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. The Appeals Panel may elect to listen to the recording of the original hearing, in its sole discretion. Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration.
- Sanctions imposed are implemented immediately upon the issuance of the Notice of Outcome, unless the Title IX Coordinator stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Appeals Panel will render a written decision on the appeal, which the Title IX Coordinator will provide to the parties simultaneously within three (3) business days from hearing of the appeal.
- Once an appeal is decided, the outcome is final and binding on all parties. Further appeals are not permitted.

### **Failure to Complete Sanctions/Comply with Responsive Actions**

All Respondents are expected to comply with conduct sanctions/responsive/corrective actions within the timeframe specified by the Title IX Coordinator. Failure to follow through on conduct sanctions/responsive/corrective actions by the date specified, whether by refusal, neglect or any other reason, may result in corrective actions, which may include suspension, expulsion and/or termination from the University. A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **Records and Continued Privacy**

In implementing this Policy, records of all complaints, resolutions, and hearings will be kept by the Title IX Coordinator for seven (7) years. Those records will be kept private and confidential, and the information contained therein revealed only in response to a valid governmental request, a court-ordered subpoena, or pursuant to a release signed by the individual requesting the information and seeking information solely about his/her personal conduct.

### **Revision**

These policies and procedures will be reviewed and updated annually or more frequently, if required, by the Title IX Coordinator in consultation with the University General Counsel. Suggested improvements or changes from any member of the University community will always be considered. The Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party. However, the Title IX Coordinator may also vary procedures materially with notice (on the University's website, with appropriate date of effect identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedure. Policy and procedures in effect at the time of an offense will apply even if they are changed subsequently, unless the parties consent to be bound by the revised Policy or procedures.

## **TRAINING AND APPOINTMENT OF EQUITY OF RESOLUTION PANEL**

### **Equity Resolution Panel**

The resolution process relies on a group of officials (the “Equity Resolution Panel” or “ERP”) to carry out the process.

### **ERP Roles**

Members of the ERP are trained annually in all aspects of the resolution process and can serve in any of the following roles, at the direction of the Title IX Coordinator:

- To perform or assist with preliminary inquiries.
- To provide appropriate and sensitive intake and initial guidance pertaining to allegations.
- To act as advisors to the parties.
- To serve in a mediation role in conflict resolution.
- To investigate allegations.
- To serve on the Hearing Panels.
- To serve on the Appeal Panels.

### **Appointment of ERP Members**

The University President, in consultation with the Title IX Coordinator and such others as the President deems necessary, appoints the ERP, which reports to the Title IX Coordinator. The ERP will be composed of approximately twenty-five (25) diverse members from various University departments, representative of the University community.

Students will not be permitted to serve on the ERP. ERP members are typically appointed to a three to five year term. Individuals who are interested in serving on the ERP are encouraged to contact the Title IX Coordinator.

### **Training of ERP Members**

ERP members receive annual training organized by the Title IX Coordinator, including, but not limited to, a review of the Policy. All ERP members are required to attend this annual ongoing training. In addition, any member of the ERP who will serve as the Chair of the Hearing Panel receives training on hearing procedures, the relevance of evidence, and cross-examination.

# UNIVERSITY SPONSORED PROGRAMS AND EDUCATION

## **Program Criteria**

The University's Counseling Services, Title IX, Judicial Affairs and Police Department implement a comprehensive approach to prevention. Primary and ongoing prevention and awareness programs related to dating violence, domestic violence, sexual assault, and stalking are combined with presentations on risk reduction, bystander intervention and drug and alcohol abuse. This comprehensive approach equips faculty, staff, and students with the understanding of what these crimes constitute, how to report crimes, what resources are available, and behaviors that will minimize victimization. These presentations encourage the empowerment of the University community to take responsibility for their own safety as well as the safety of others.

The University has implemented primary and ongoing prevention and awareness programs that are:

- culturally relevant,
- inclusive of diverse communities and identities,
- sustainable,
- responsive to community needs,
- informed by research or assessed for value, effectiveness, or outcome, and
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

## **Primary Prevention and Awareness Programs**

Primary prevention and awareness programs are conducted to empower students and employees with strategies to stop dating violence, domestic violence, sexual assault and stalking before they occur and to share information and resources to promote safety and reduce perpetration. These programs are performed for incoming freshman, graduate, transfer, and international students as well as incoming employees during their respective orientations. Students attending the Georgetown or Kirkwood campuses may participate in an online orientation. Primary prevention and awareness programs:

- Identify dating violence, domestic violence, sexual assault and stalking as prohibited conduct.
- Define consent, dating violence, domestic violence, sexual assault and stalking at the Federal, State and University levels.
- Provide descriptions of safe and positive options for bystander intervention.
- Provide information on risk reduction.
- Identify what resources and reporting methods are available and how to access them.

## **Ongoing Prevention and Awareness Programs**

In an effort to continually empower students, faculty and staff members to embrace the responsibility to prevent crimes of dating violence, domestic violence, sexual assault and stalking, ongoing prevention and awareness programs are conducted. These programs reiterate the information presented during student and employee orientations but are tailored in consideration of the audience and relevant events. Ongoing prevention and awareness programs include:

- **Active Shooter/Workplace Violence Training:** This training prepares faculty and staff members to have a survival mindset for an active shooter or workplace violence incident. It identifies concerning pre-incident behaviors and addresses law enforcement response during an incident. These programs are done during annual faculty and staff trainings and by request.
- **Alcohol/Drug Awareness Programs:** Interactive programs address substance abuse and potential consequences on both the University and State levels. These programs educate students and employees about the effects of alcohol and drug use. Programs are conducted periodically for on-campus residents, during Alcohol Awareness Month and prior to Homecoming.
- **University Seminar Classes:** First-year students are contacted during their University seminar class. Discussions range in topic and are guided by students' questions, but typically address resources on campus, means for reporting incidents, and personal safety.
- **Student Athlete Forums:** These educational programs are performed by request. They typically address drug and alcohol abuse, dating violence, domestic violence, sexual assault and stalking.
- **E-blasts/tips flyers:** Email communication is occasionally used to alert the campus community about potential threats to personal safety and/or property. These strategies are used to address local crime trends or incidents that do not meet the criteria for an Emergency Alert or timely warning.
- **Brochures and pamphlets:** Terms and best practices are defined. Procedures for reporting a sexual assault, the role of alcohol and the rights of victims are also identified.
- **Employee workshops:** These educational programs are performed by request. They typically address drug and alcohol abuse, sexual harassment, and workplace violence.

## **Safe Space Coalition**

The [Safe Space Coalition](#) assesses University safety protocols, campus policies, and response services that deal with sexual assaults, domestic violence, harassment, bullying, mental illness, and health-related matters. It will submit recommendations to the President, monitor implementation, and regularly report out to the broader University community. Strategic committees have been formed—to work in parallel with and report into—the coalition.

## **Risk Reduction**

Risk reduction is defined as options designed to:

- decrease perpetration and bystander inaction
- increase empowerment for victims in order to promote safety
- help individuals and communities address conditions that facilitate violence.

Taking proactive measures is a major component of risk reduction. Consider developing back-up plans, securing windows and doors, and being aware of the resources available to you in the event of an emergency. Additional safety measures include staying aware of your surroundings, protecting your drinks, knowing your limits, and utilizing a buddy system.

## **Bystander Intervention**

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. When considering whether to intervene, it is important to not only recognize the threat, but to assess its severity and the needs required for intervention. While some incidents may be simply resolved by distracting the aggressor or asking the victim if they are ok, others may require the assistance of others, including law enforcement. Never place yourself in danger.

To be a proactive bystander who helps prevent cases of sexual harassment or sexual violence:

- Believe violence is unacceptable and say it out loud
- Treat people with respect
- Speak up when you hear people making statements that blame victims
- Talk with male friends about confronting violence against women
- Encourage female friends to trust their instincts
- Be a knowledgeable resource for victims
- Don't laugh at sexist jokes or comments
- Look out for friends at parties and bars
- Educate yourself and your friends
- Use campus resources
- Attend an awareness event
- Empower victims to tell their stories.

To be a reactive bystander who positively intervenes in instances of sexual harassment or sexual violence:

- Get campus police or other authorities involved
- Tell someone else
- Get help
- Ask a friend in a potentially dangerous situation if he/she wants to leave
- Make sure he/she gets home safely
- Ask a victim if he/she is okay
- Provide options and a listening ear
- Call the campus or local counseling/crisis center for support and options.

Sources: "What Can I Do?" Prevention Innovations, UNH, [www.unh.edu/preventioninnovations](http://www.unh.edu/preventioninnovations); The Transformation Project/Green Dot, The University of Tennessee Chattanooga

## DEFINITIONS

The following definitions are used for the purposes of counting and disclosing offenses as specified by the Clery Act. These definitions should be used to interpret the tables in this section.

### **Clery Act Crimes**

**Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** The killing of another person through gross negligence.

**Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. Count one offense per victim.

**Robbery:** 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:** 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. It is not necessary that injury result when a gun, knife or other weapon that could cause serious personal injury is used.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. This includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. Included in this definition are all incidents where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned, including joyriding.

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



**Domestic Violence:** A felony or misdemeanor crime of violence committed -

- by a current or former spouse or intimate partner of the victim.
- by a person with whom the victim shares a child in common.
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition -

- dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- dating violence does not include acts covered under the definition of domestic violence.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress.

For purposes of this definition -

**Course of Conduct:** Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

**Reasonable person:** A reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress:** Significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

**Liquor Law Violations:** The violation of laws or ordinances prohibiting the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned activities. (Drunkenness and driving under the influence are not included)

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); dangerous non-narcotic drugs (barbiturates, Benzedrine); all illegally obtained prescription drugs.

**Weapons Law Violations:** Violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; using, manufacturing, etc. of silencers; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned acts.

## **Hate Crimes**

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. While there are a number of different categories of bias, for the purposes of Clery reporting, only the following are recognized.

- Race
- Religion
- Sexual Orientation
- Gender
- Gender Identity
- Ethnicity
- National Origin
- Disability

For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias.

- Murder and Non-negligent Manslaughter
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

Definitions for the additional criminal offenses are listed below.

**Larceny-Theft:** The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

## **Unfounded Crimes**

For Clery Act purposes, a crime may only be considered unfounded if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place.

### **Clery Geography**

The following are abbreviated descriptions of the types of geography used to categorize crime locations as defined by the Clery Act.

**On campus:** Includes the total number of crimes that occurred on campus, including crimes that occurred in student housing facilities.

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**On-campus Student Housing Facilities (Residential Facility):** The number of crimes that occurred in on-campus student housing facilities.

### **Non-campus buildings or property:**

Any building or property owned or controlled by a student organization that is officially recognized by the institution;

or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

<b>MAIN CAMPUS (DOVER)</b>					
TYPE OF OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
RAPE	2022	9	6	0	0
	2021	5	4	0	0
	2020	2	2	0	0
FONDLING	2022	3	3	0	0
	2021	3	3	0	0
	2020	5	2	0	1
INCEST	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
STATUTORY RAPE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
ROBBERY	2022	1	0	0	0
	2021	0	0	0	0
	2020	2	0	0	0
AGGRAVATED ASSAULT	2022	2	0	0	0
	2021	2	2	0	0
	2020	10	7	0	0
BURGLARY	2022	2	1	0	0
	2021	7	6	0	0
	2020	7	6	0	1
MOTOR VEHICLE THEFT	2022	0	0	0	0
	2021	0	0	0	1
	2020	0	0	0	1
ARSON	2022	0	0	0	0
	2021	1	1	0	0
	2020	0	0	0	0

<b>MAIN CAMPUS (DOVER)</b>					
OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2022	5	5	0	0
	2021	2	2	0	0
	2020	11	9	0	0
DATING VIOLENCE	2022	0	0	0	0
	2021	3	3	0	0
	2020	7	6	0	0
STALKING	2022	0	0	0	0
	2021	1	1	0	0
	2020	2	2	0	0

<b>MAIN CAMPUS (DOVER)</b>					
OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
<b>ARRESTS</b>					
DRUG ABUSE VIOLATIONS	2022	1	0	0	0
	2021	1	1	0	0
	2020	5	1	0	0
LIQUOR LAW VIOLATIONS	2022	0	0	0	0
0	2021	0	0	0	0
	2020	2	1	0	0
WEAPONS VIOLATIONS	2022	1	0	0	0
	2021	0	0	1	0
	2020	3	2	0	0
<b>JUDICIAL REFERRALS</b>					
DRUG ABUSE VIOLATIONS	2022	87	86	0	0
	2021	7	7	0	0
	2020	0	0	0	0
LIQUOR LAW VIOLATIONS	2022	26	20	0	0
	2021	33	12	0	0
	2020	15	12	0	0
WEAPONS VIOLATIONS	2022	0	0	0	0
	2021	5	1	0	0
	2020	1	0	0	0

## **MAIN CAMPUS (DOVER) MISCELLANEOUS**

### **Hate Crimes**

**2022:** There were no reported hate crimes.

**2021:** There were no reported hate crimes.

**2020:** There were no reported hate crimes.

### **Unfounded Crimes**

**2022:** There were no reported unfounded crimes.

**2021:** There were no reported unfounded crimes.

**2020:** One report of on-campus motor vehicle theft was determined to be unfounded.

<b>GEORGETOWN CAMPUS</b>					
<b>TYPE OF OFFENSE</b>	<b>YEAR</b>	<b>ON CAMPUS</b>	<b>RESIDENTIAL FACILITY</b>	<b>NON-CAMPUS PROPERTY</b>	<b>PUBLIC PROPERTY</b>
MURDER/NON-NEGLIGENT MANSLAUGHTER	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
RAPE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
FONDLING	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
INCEST	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
STATUTORY RAPE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
ROBBERY	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
AGGRAVATED ASSAULT	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
BURGLARY	2022	0	0	0	0
	2021	1	0	0	0
	2020	0	0	0	0
MOTOR VEHICLE THEFT	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
ARSON	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

<b>GEORGETOWN CAMPUS</b>					
OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
DATING VIOLENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
STALKING	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

<b>GEORGETOWN CAMPUS</b>					
OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
<b>ARRESTS</b>					
DRUG ABUSE VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
LIQUOR LAW VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
WEAPONS VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<b>JUDICIAL REFERRALS</b>					
DRUG ABUSE VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
LIQUOR LAW VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
WEAPONS VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

\*Caveat: There are no Residential Facilities at the Georgetown Campus.



## **GEORGETOWN CAMPUS MISCELLANEOUS**

### **Hate Crimes**

**2022:** There were no reported hate crimes.

**2021:** There were no reported hate crimes.

**2020:** There were no reported hate crimes.

### **Unfounded Crimes**

**2022:** There were no reported unfounded crimes.

**2021:** There were no reported unfounded crimes.

**2020:** There were no reported unfounded crimes.

<b>KIRKWOOD CAMPUS (WILMINGTON)</b>					
TYPE OF OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
RAPE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
FONDLING	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
INCEST	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
STATUTORY RAPE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
ROBBERY	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
AGGRAVATED ASSAULT	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
BURGLARY	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
MOTOR VEHICLE THEFT	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
ARSON	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

<b>KIRKWOOD CAMPUS (WILMINGTON)</b>					
OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
DATING VIOLENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
STALKING	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

<b>KIRKWOOD CAMPUS (WILMINGTON)</b>					
OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
<b>ARRESTS</b>					
DRUG ABUSE VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
LIQUOR LAW VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
WEAPONS VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<b>JUDICIAL REFERRALS</b>					
DRUG ABUSE VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
LIQUOR LAW VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
WEAPONS VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

\*Caveat: There are no Residential Facilities or Non-Campus Properties at the Kirkwood Campus.

## **KIRKWOOD CAMPUS (WILMINGTON) MISCELLANEOUS**

### **Hate Crimes**

**2022:** There were no reported hate crimes.

**2021:** There were no reported hate crimes.

**2020:** There were no reported hate crimes.

### **Unfounded Crimes**

**2022:** There were no reported unfounded crimes.

**2021:** There were no reported unfounded crimes.

**2020:** There were no reported unfounded crimes.

**WESLEY COLLEGE (DSU DOWNTOWN)**

TYPE OF OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER/NON-NEGLIGENT MANSLAUGHTER	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
RAPE	2022	1	1	0	0
	2021	0	0	0	0
	2020	0	0	0	0
FONDLING	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
INCEST	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
STATUTORY RAPE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
ROBBERY	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	1	1
AGGRAVATED ASSAULT	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
BURGLARY	2022	0	0	0	0
	2021	1	0	0	0
	2020	0	0	0	0
MOTOR VEHICLE THEFT	2022	1	0	0	0
	2021	0	0	0	0
	2020	1	0	0	0
ARSON	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

<b>VAWA REPORTED OFFENSES</b>		<b>WESLEY COLLEGE (DSU DOWNTOWN)</b>			
OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
DATING VIOLENCE	2022	0	0	0	0
	2021	0	0	0	0
	2020	3	1	2	2
STALKING	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

<b>WESLEY COLLEGE (DSU DOWNTOWN)</b>					
OFFENSE	YEAR	ON CAMPUS	RESIDENTIAL FACILITY	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
<b>ARRESTS</b>					
DRUG ABUSE VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	1	0	0	0
LIQUOR LAW VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
WEAPONS VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
<b>JUDICIAL REFERRALS</b>					
DRUG ABUSE VIOLATIONS	2022	2	2	0	0
	2021	0	0	0	0
	2020	8	4	0	0
LIQUOR LAW VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0
WEAPONS VIOLATIONS	2022	0	0	0	0
	2021	0	0	0	0
	2020	0	0	0	0

\*Caveat: Wesley College was acquired July 1, 2021 and named DSU Downtown (stats reflect the same).

## **WESLEY COLLEGE (DSU DOWNTOWN) MISCELLANEOUS**

### **Hate Crimes**

**2022:** There were no reported hate crimes.

**2021:** There were no reported hate crimes.

**2020:** There were no reported hate crimes.

### **Unfounded Crimes**

**2022:** There were no unfounded crimes on campus.

**2021:** There were two reported unfounded crimes -- dating violence on campus and robbery off campus.

**2020:** One report of on-campus motor vehicle theft was determined to be unfounded.

## **ON-CAMPUS STUDENT HOUSING FACILITIES FIRE SAFETY INFORMATION**

### **General Statement**

The Higher Education Opportunity Act, enacted on August 14, 2008, requires institutions with on-campus student housing facilities to publish an Annual Fire Safety Report that outlines the fire safety policies, practices, and standards of the institution and discloses statistics for fire related incidents. Delaware State University's Main Campus and DSU Downtown are in Dover, Delaware, and are currently the University's only two sites with on-campus student housing facilities. Therefore, the information contained hereafter is applicable only to the Main and DSU Downtown Campuses and pertains only to those on-campus student housing facilities, not the campus as a whole.

### **Collection and Dissemination of Fire Information**

The Delaware State University Police Department is responsible for collecting, compiling and disclosing fire statistics to the University community and also provides summaries of fire safety policies in the Annual Security and Fire Safety Report. Typically, this report is disseminated to all current students and employees by October 1 of each year and contains three years of fire statistics. Individuals may request a paper copy of the Annual Security and Fire Safety Report free of charge by responding to the Delaware State University Police Department during the University's normal business hours. Additional information can be reviewed under the headings "Purpose of the Annual Security and Fire Safety Report" and "Collecting and Compiling Crime and Fire Statistics" within this publication.

## **FIRE SAFETY PROCEDURES**

### **Reporting a Fire**

Individuals reporting an active fire should immediately notify the Delaware State University Police Department at (302) 857-7911 or extension 7911 from a campus telephone or by activating a fire alarm. Fire alarm monitoring for student residential facilities is performed by outside agencies that provide immediate notification of a fire emergency to both the Delaware State University Police Department and the Dover Fire Department, which has responsibility for fire response at Delaware State University's Main Campus and DSU Downtown. Upon notification of a potential fire emergency, personnel from the Delaware State University Police Department are dispatched to the location to assess the scene and request additional resources, as necessary.

If the fire event is no longer a danger, students should contact a member of the University's Department of Housing and Residential Education so the information can be forwarded to both the University Police Department and Enterprise Risk Management. All reported fires are documented in the Daily Crime and Fire Log. Additional information about the Daily Crime and Fire Log can be reviewed under the heading "Daily Crime and Fire Log" within this publication.

### **Fire Investigations**

Every fire that is not known to be accidental (such as a cooking fire) is investigated by Enterprise Risk Management in coordination with the University's Police Department and personnel from the Fire Department or Fire Marshal, as necessary. Any fire determined through investigation to be willfully or maliciously set are classified as arsons for Clery reporting purposes.



## **Evacuation Procedures for Students and Employees in a Fire Emergency**

Before a fire occurs:

- Identify the location of fire extinguishers, fire exits, and alarm systems in the building.
- Develop an evacuation plan and identify primary and secondary evacuation routes.
- Inform colleagues of any special assistance that you may require in the event of an emergency or emergency evacuation (e.g., help hearing the alarm, guidance during the alarm, etc.).
- Use the "Buddy System" -- a "Buddy" can inform emergency personnel of your exact location and the type of assistance you require in the event of an emergency.

In the event of a fire emergency:

- Don't risk self -- leave the area if unsafe.
- Give the alarm by sounding the building evacuation alarm by pull box.
- Notify the Delaware State University Police Department by telephone at (302) 857-7911.
- Isolate the area by closing all doors and windows -- do not lock doors.
- Evacuate the building and alert others to do the same.
  - Use a portable fire extinguisher to assist oneself to evacuate, assist another to evacuate or control a small fire, if properly trained.
  - Do not use elevators during a fire. Exit using the nearest safe hallway or stairway.
  - Smoke is the greatest danger in a fire, so stay near the floor where the air is less toxic.
- Once outside, move to an area at least 200 feet from the building.
  - Do not reenter the building until advised by personnel from the University Police and/or Enterprise Risk Management.
  - Keep all entrances, sidewalks and driveways clear to allow access to emergency vehicles and personnel.
  - Notify the Fire Department and/or University Police of any missing or trapped individuals.
  - Assemble in the following locations based on residential facility.

If you become trapped in a building during a fire:

- Do not panic.
- Place an article of clothing (shirt, coat, etc.) outside the window as a marker for rescue crews.
- Contact the University Police Department via telephone at (302) 857-7911 and provide your location.
- Seal up cracks under the door with sheets or towels.
- Stay low to the floor where the air will be less toxic.
- Shout at intervals to alert emergency crews of your location.

In the event of a small fire, the following may be done using good judgment:

- Evacuate the immediate area of the fire using verbal instructions.
- Ask for assistance from a person in the immediate area.
- Extinguish the fire with a portable fire extinguisher by directing the charge of the extinguisher toward the base of the flame with a sweeping motion.
- Contact the Delaware State University Police Department at (302) 857-7911 and wait for their response.
- Contact Enterprise Risk Management at (302) 857-7095 immediately even if no appreciable damage results.
- Do not allow re-occupancy of the immediate fire area until cleared by the Delaware State University Police Department and/or Enterprise Risk Management.

Note: Student housing facilities should be evacuated for all fire alarms, including but not limited to accidental alarm, false alarm or conditions caused by fire and/or smoke.

# **FIRE SAFETY POLICIES AND PROGRAMS**

## **Education**

Each student who completes a housing application must agree to the Terms and Conditions before the application can be submitted. The housing application includes both prohibited actions and prohibited items and serves as an educational tool to students residing on campus. In addition, Resident Assistants (students charged with the safety and well-being of other students) undergo annual training at the Delaware State Fire School where they receive basic fire education training and learn techniques to extinguish fires.

Students and staff members are encouraged to become familiar with the location of fire extinguishers, fire exits and fire pull stations. Evacuation route maps for each residential facility are posted in the hallways of the building and indicate where the closest egress route is located. Also indicated on the evacuation route map is the location of the assembly area once the building has been exited.

## **Propping Open Doors**

The act of propping open an exterior door or interior door of any University building is strictly prohibited. Propping open doors creates a security risk and may also increase the risk to persons and property should a fire or other emergency occur.

## **Fire/Life Safety Inspections**

During the academic semester, personnel from Delaware State University's Department of Housing and Residential Education will schedule meetings with residents and conduct fire/life inspections. Rooms and public areas are examined for prohibited electronic appliances and items that can cause an open flame. Students are notified of most upcoming inspections and are urged to participate. If a violation is found, the student(s) will be informed of the violation and will be expected to make the changes necessary to comply with housing policies. If the violation(s) has/have not been corrected after an unannounced re-inspection, the occupant(s) will be subject to disciplinary action. Some common violations are as follows:

- Extension cords and multi-tap electric units without a breaker
- Items stored closer than 18 inches from a sprinkler head
- Blocking of electrical panels
- Blocking of egress (exit) pathways
- Evidence of burning of candles, incense, or tobacco products
- Evidence of cooking; or cooking appliances, even if unused
- Evidence of a heavy load of combustibles in a room, on the walls, or ceiling
- Covering a door with paper or other combustible material
- Use of electrical wiring, devices, and appliances which are modified or damaged
- Use of portable heaters
- Smoke detectors that have been tampered with
- Use of halogen lamp/lighting
- Unsafe lifting or propping of beds
- Strings of lights, twinkle lights, holiday lights.

### **Intentional Destruction or Tampering**

Arson or the setting of fire, tampering with or misuse of fire safety equipment (including automatic door closures, smoke detectors, sprinkler heads), fire-alarm systems, firefighting equipment, or building security systems is prohibited, extremely dangerous, and illegal. Immediate evacuation when an alarm sounds is mandatory, and reentry into a building before an alarm is silenced or staff authorization is given is prohibited.

Anyone turning in a false fire or bomb report, either by telephone or by setting off an alarm, or anyone tampering with fire extinguishers or smoke detectors is subject to suspension from the University and prosecution under the Delaware State Code and/or the Code of Student Conduct. Tampering, altering or rewiring electrical outlets is a fire and safety hazard and is not permitted. The overloading of outlets with many appliances is also a fire hazard. Any arrangement of furniture or decorations that block or impede exits or entrances to a residence hall room are prohibited.

### **Rules Regarding Open Flames**

The burning of candles, incense, and similar materials is a fire hazard and is prohibited in residence hall rooms and on exterior windowsills. The storage and use of flammable or combustible fluid is also prohibited.

### **Smoking in Residential Halls**

Smoking and the use of tobacco products is prohibited on University premises, including within residential facilities. Additional information can be reviewed under the heading "Tobacco-free and Smoke-free Campus" within this publication.

### **Portable Electrical Appliances**

Below is a list of portable electrical appliances that are prohibited in traditional residence halls:

- Toaster Ovens
- Hot Plates
- Slow Cookers
- Deep Fryers
- Microwaves
- Refrigerators
- Portable Space Heater
- Coffee Makers (w/out on/off indicator)
- Toasters
- Popcorn Machines or Poppers
- Grills
- Nuwave Pro Infrared Ovens
- Electric Skillets
- Barbecue Grills
- Hibachis
- Smokers (gas, electric, charcoal)
- Electric Woks
- Griddles
- Sandwich Makers
- Air Conditioners
- Gas Appliances
- Dehumidifiers
- Heating Pads
- Electric Blankets
- Candle Warmers
- Cotton Candy Machines
- Funnel Cake Fryers
- Hot Dog Rollers or Steamers
- Snow Cone Machines
- Sun Lamps or Halogen Lights
- Indoor Grills
- Hoverboards

**Note:** Use of refrigerators and portable space heaters may be authorized through the University's Enterprise Risk Management but require the authorization of a licensed medical professional.

The following appliances may be used with reasonable caution:

- Blow dryers
- Irons
- Curling Irons

The following is a list of approved appliances for use in residential facilities:

- Clocks
- Radios
- Computers
- Stereos
- Fans
- Televisions
- UL-approved Lamps
- Typewriters
- Coffee Makers with on/off indicator

### **Other Prohibited Items**

Live trees are not permitted in residential halls. Artificial holiday trees are permitted but must be of fire-retardant or non-combustible material. Indoor trees must be placed out of the way of traffic; not block doorways, exits, exit signs or any of the fire protection equipment (fire hose cabinets, fire extinguishers, sprinkler heads and piping, fire alarm pull boxes, smoke detectors, etc.); or not be placed in any manner that could present a fall or trip hazard, or impede egress. All decorative lights must be unplugged at the end of each day and be removed prior to the University's annual holiday closure.

Aside from fish, pets are prohibited on University premises unless working as a service animal or if the student has received an accommodation letter through the Center for Disability Resources.

Alcohol, drugs and drug paraphernalia are prohibited on University property. Additional information can be reviewed under the headings "Alcohol Policy for Students" and "Drug Policy for Students" within this publication.

Firearm, knives, and other weapons as well as fireworks, paintball guns, airguns and BB guns are also prohibited. Additional information can be reviewed under the heading "Policies Against Violence and Weapons on Campus" within this publication.

Any other item that is deemed a threat to public safety may be confiscated.

## DEFINITIONS

The following definitions are used for the purposes of fire safety reporting and should be used to interpret the tables in this section.

**Cause of fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

**Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire drill:** A supervised practice of a mandatory evacuation of a building for a fire.

**Fire-related death:** Any instance in which a person (1) is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or (2) dies within one year of injuries sustained as a result of the fire.

**Fire-related injury:** Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause, while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term "person" may include students, employees, visitors, firefighters or any other individuals.

**Fire safety system:** Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

**Value of property damage:** The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

## FIRE SAFETY SYSTEMS

### General Statement

All Delaware State University residence halls are equipped with safety equipment that detects, warns of and controls smoke and fire. Smoke detectors are placed in each bedroom and common area of the residential facility to detect and warn of smoke and fire. Both auditory (horn) and visual (strobe) warnings are utilized to promote evacuation of the building. Fire alarms with integrated fire sprinkler systems, fire doors and fire extinguishers have been installed in residential facilities as precautionary measures to warn of and control the spread of smoke and fire. The Office of Enterprise Risk Management periodically reviews the fire systems in all residence halls and will make upgrades, repairs or revisions when problems are identified or as necessary. Recent upgrades and improvements to functionality, exit signs, emergency lights and means of egress in residence halls on campus were completed by the end of 2020. There are no additional plans for future fire safety improvements in any of the residence halls.

The following is a chart depicting the various mechanisms utilized in fire detection, warning, and control in on-campus residential facilities. Each residential facility that employs a mechanism will be marked with an "X" in the appropriate column. Notated in the last column is the number of fire drills that were conducted in each on-campus residential facility for the calendar year.

<b>ON-CAMPUS STUDENT RESIDENTIAL FACILITIES FIRE SAFETY SYSTEMS</b>						
Residential Facility	Off-Site Fire Alarm Monitoring	Sprinkler System	Smoke Detectors	Fire Extinguishers	Evacuation Plans and Placards	Fire Drills per Calendar Year
<b>1200 N. DuPont Highway</b>						
Medgar Evers Hall	X	X	X	X	X	0
Meta V. Jenkins Hall	X	X	X	X	X	0
Tubman Laws Hall	X	X	X	X	X	0
University Village Bldg. 1	X	X	X	X	X	0
University Village Bldg. 2	X	X	X	X	X	0
University Village Bldg. 3	X	X	X	X	X	0
Warren-Franklin Hall	X	X	X	X	X	0
W. Richard Wynder Towers	X	X	X	X	X	0
<b>1570 N. DuPont Highway</b>						
Living and Learning Commons	X	X	X	X	X	0
<b>430 College Road</b>						
University Courtyard Bldg. 1	X	X	X	X	X	0
University Courtyard Bldg. 2	X	X	X	X	X	0
University Courtyard Bldg. 3	X	X	X	X	X	0
University Courtyard Bldg. 4	X	X	X	X	X	0
University Courtyard Bldg. 5	X	X	X	X	X	0
University Courtyard Bldg. 6	X	X	X	X	X	0
University Courtyard Bldg. 7	X	X	X	X	X	0

**ON-CAMPUS STUDENT RESIDENTIAL FACILITIES  
FIRE SAFETY SYSTEMS  
WESLEY COLLEGE (DSU DOWNTOWN)**

Residential Facility	On-Site Fire Alarm Monitoring	Sprinkler System	Smoke Detectors	Fire Extinguishers	Evacuation Plans and Placards	Fire Drills per Calendar Year
<b>120 N. State St.</b>						
Carpenter Hall	X	X	X	X	X	0
Gooding Hall	X	X	X	X	X	0
Honors Hall	X	X	X	X	X	0
Malmberg Hall	X	X	X	X	X	0
Roe Hall	X	X	X	X	X	0
Williams Hall	X	X	X	X	X	0
Zimmerman Hall	X	X	X	X	X	0

**STATISTICS AND RELATED INFORMATION  
REGARDING FIRES FOR RESIDENTIAL FACILITIES  
2022**

Residence Hall	Total Number of Fires	Fire Number	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
<b>1200 N. DuPont Highway</b>						
Medgar Evers Hall	0	0	N/A	0	0	0
Meta V. Jenkins Hall	0	0	N/A	N/A	N/A	N/A
Tubman Laws Hall	1	1	Incense caught cardboard on fire	0	0	\$0-\$100
University Village Bldg. 1	0	0	N/A	N/A	N/A	N/A
University Village Bldg. 2	0	0	N/A	N/A	N/A	N/A
University Village Bldg. 3	0	0	N/A	N/A	N/A	0
W. Richard Wynder Towers	0	0	N/A	N/A	N/A	N/A
Warren-Franklin Hall	1	1	Extension cords started a small fire.	0	0	\$100 - \$999
<b>1570 N. DuPont Highway</b>						
Living and Learning Commons	0	0	N/A	N/A	N/A	N/A
<b>430 College Road</b>						
University Courtyard Bldg. 1	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 2	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 3	0	0	N/A	0	0	N/A
University Courtyard Bldg. 4	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 5	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 6	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 7	0	0	N/A	N/A	N/A	N/A



**STATISTICS AND RELATED INFORMATION  
REGARDING FIRES FOR RESIDENTIAL FACILITIES**

**2021**

Residence Hall	Total Number of Fires	Fire Number	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
<b>1200 N. DuPont Highway</b>						
Medgar Evers Hall	1	1	Intentional ignition of hand sanitizer.	0	0	\$100 - \$999
Meta V. Jenkins Hall	0	0	N/A	N/A	N/A	N/A
Tubman Laws Hall	0	0	N/A	N/A	N/A	N/A
University Village Bldg. 1	0	0	N/A	N/A	N/A	N/A
University Village Bldg. 2	0	0	N/A	N/A	N/A	N/A
University Village Bldg. 3	0	0	N/A	N/A	N/A	N/A
W. Richard Wynder Towers	0	0	N/A	N/A	N/A	N/A
Warren-Franklin Hall	0	0	N/A	N/A	N/A	N/A
<b>1570 N. DuPont Highway</b>						
Living and Learning Commons	0	0	N/A	N/A	N/A	N/A
<b>430 College Road</b>						
University Courtyard Bldg. 1	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 2	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 3	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 4	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 5	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 6	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 7	0	0	N/A	N/A	N/A	N/A

**STATISTICS AND RELATED INFORMATION  
REGARDING FIRES FOR RESIDENTIAL FACILITIES  
2020**

Residence Hall	Total Number of Fires	Fire Number	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
<b>1200 N. DuPont Highway</b>						
Medgar Evers Hall	1	1	Intentional aerosol can and lighter.	0	0	\$100 - \$999
Meta V. Jenkins Hall	0	0	N/A	N/A	N/A	N/A
Tubman Laws Hall	0	0	N/A	N/A	N/A	N/A
University Village Bldg. 1	0	0		0	0	N/A
University Village Bldg. 2	0	0	N/A	N/A	N/A	N/A
University Village Bldg. 3	1	1	Unintentional-cigar caught paper towel on fire. Fire caused significant water damage.	N/A	N/A	\$500,000 - \$999,999
W. Richard Wynder Towers	0	0	N/A	N/A	N/A	N/A
Warren-Franklin Hall	1	1	Unintentional-smoking materials	0	0	\$0-\$99
<b>1570 N. DuPont Highway</b>						
Living and Learning Commons	0	0	N/A	N/A	N/A	N/A
<b>430 College Road</b>						
University Courtyard Bldg. 1	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 2	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 3	1	1	Unintentional-cooking	0	0	\$1,000-\$9,999
University Courtyard Bldg. 4	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 5	0	0	N/A	N/A	N/A	N/A
University Courtyard Bldg. 6	1	1	Unintentional-cooking	N/A	N/A	\$0-\$99
University Courtyard Bldg. 7	0	0	N/A	N/A	N/A	N/A

**STATISTICS AND RELATED INFORMATION  
REGARDING FIRES FOR RESIDENTIAL FACILITIES**

**WESLEY COLLEGE (DSU DOWNTOWN)**

**2022**

Residence Hall	Total Number of Fires	Fire Number	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
<b>120 N. State St. Dover, DE</b>						
Carpenter Hall	0	0	N/A	N/A	N/A	N/A
Gooding Hall	0	0	N/A	N/A	N/A	N/A
Honors Hall	0	0	N/A	N/A	N/A	N/A
Malmberg Hall	0	0	N/A	N/A	N/A	N/A
Roe Hall	0	0	N/A	N/A	N/A	N/A
Williams Hall	0	0	N/A	N/A	N/A	N/A
Zimmerman Hall	0	0	N/A	N/A	N/A	N/A

**WESLEY COLLEGE (DSU DOWNTOWN)**

**2021**

Residence Hall	Total Number of Fires	Fire Number	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
<b>120 N. State St. Dover, DE</b>						
Carpenter Hall	0	0	N/A	N/A	N/A	N/A
Gooding Hall	0	0	N/A	0	0	N/A
Honors Hall	0	0	N/A	N/A	N/A	N/A
Malmberg Hall	0	0	N/A	N/A	N/A	N/A
Roe Hall	0	0	N/A	N/A	N/A	N/A
Williams Hall	0	0	N/A	N/A	N/A	N/A
Zimmerman Hall	0	0		N/A	N/A	N/A

## WESLEY COLLEGE (DSU DOWNTOWN)

**2020**

Residence Hall	Total Number of Fires	Fire Number	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property Damage
<b>120 N. State St. Dover, DE</b>						
Carpenter Hall	0	0	N/A	N/A	N/A	N/A
Gooding Hall	0	0	N/A	N/A	N/A	N/A
Honors Hall	0	0	N/A	N/A	N/A	N/A
Malmberg Hall	0	0	N/A	N/A	N/A	N/A
Roe Hall	0	0	N/A	N/A	N/A	N/A
Williams Hall	0	0	N/A	N/A	N/A	N/A
Zimmerman Hall	1	1	Unintentional	N/A	N/A	N/A



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It All Matters.

**2023 ANNUAL**

# **SECURITY & FIRE SAFETY REPORT**

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**DOVER MAIN CAMPUS | DSU DOWNTOWN  
WILMINGTON | GEORGETOWN**

This report is prepared and published by Delaware State University's Police Department. We encourage members of the entire Delaware State University community to use this report as a guide for information and engaging in safe activities on and off campus. A copy of this report is available on the Department's website at <https://www.desu.edu/police>. To obtain a hard copy of the Annual Security Report or to view the Daily Crime Log, contact the Police Department at (302) 857-7911.