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December 14, 2018

To: Governor John C. Carney
President Pro Tempore of the Senate David B. McBride
Senate Minority Leader Gerald W. Hocker
Speaker of the House Peter C. Schwartzkopf
House Minority Leader Daniel B. Short

Re: **Annual Report on Campus Sexual Assault in Delaware**

Dear Governor Carney and Members of the General Assembly,

Pursuant to 14 *Del. C.* § 9006A, the Delaware Department of Justice (DOJ) has prepared and submits the first annual report on campus sexual assault in Delaware. Six colleges – Delaware State University, Delaware Technical Community College, Goldey Beacom College, the University of Delaware, Wesley College, and Wilmington University – met the criteria to report to DOJ and we extend our thanks to them, their public safety agencies where applicable, and the Statistical Analysis Center (“SAC”) for providing the required information and clarification where needed.

Colleges were asked to report on their compliance with training requirements, the numbers of sexual assaults (as defined in 14 *Del. C.* § 9001A) reported and how such reports were handled, and in the case of schools with public safety agencies, the numbers of reports to campus public safety of criminal sex offenses. It should be noted that the definition of “sexual assault” in § 9001A is not the same as criminal violations.

- Schools variously reported providing training – the curricula, methods, and length of which are chosen by each school – to between 73% and 100% of faculty members depending on the school; to between 63% and 100% of staff members depending on the school; and to between 40% and 100% of newly enrolled students depending on the school.
- There were 53 campus reports of nonconsensual penetration (used interchangeably with rape in this report), 11 campus reports of nonconsensual genital contact, and 15 campus reports of nonconsensual sexual contact. We were unable to determine whether two reported actions fell within the definition of “sexual assault” because the information presented did not state whether there was physical contact, a necessary element to meet the statute’s definition.

- There was 1 criminal report of rape and unlawful sexual contact, 4 criminal reports of rape, 5 criminal reports of unlawful sexual contact, and 2 criminal reports of indecent exposure.

Difference is seen between the numbers of criminal reports and the numbers of campus reports of sexual assault. Schools are generally tracking the number of reports they receive, regardless of whether the student proceeds with a formal school or criminal complaint or seeks resources, so those numbers would be expected to be higher. Also and as indicated above, it is possible for an action to constitute sexual assault as defined in § 9001A but not meet the elements necessary to charge a criminal sex offense.

All information was provided and is presented without identifying information regarding the complainant or respondent to protect the privacy of all individuals. The statute requires DOJ to present what is received from schools, their public safety agencies, and SAC; as such, the information contained herein has not been verified by DOJ.

Sincerely,



Gregory Patterson
Chief of Staff

cc: Members of the Delaware Senate
Members of the Delaware House of Representatives
Title IX staff of Delaware State University, Delaware Technical Community College,
Goldey Beacom College, University of Delaware, Wesley College, and Wilmington
University
Delaware Statistical Analysis Center

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Statute Requiring Report

Title 14

§ 9006A Annual report.

(a) By October 1 of each year, an academic institution is required to make a report to the Department of Justice detailing the following information for the prior calendar year:

(1) Certify its compliance with the training requirements of this section. The certification shall include information on training participation rates for faculty, staff, and students, as well as information regarding the format and length of training for each group.

(2) Total number of reports of sexual assault made to the academic institution's Title IX coordinator. The report shall include aggregate data regarding the nature of the assault, the outcomes of any investigation, and any penalties enforced by the school against the perpetrator of a sexual assault where the assault was found substantiated.

(3) Where the academic institution has law-enforcement officers or public-safety officials of its own, that campus law-enforcement agency shall provide the aggregated data of the number and nature of alleged sexual assault reports they received.

(b) By October 1 of each year, the Statistical Analysis Center shall submit to the Department of Justice a report on the outcome or status of complaints of violations of §§ 767-773 of Title 11 where the alleged victim or the alleged perpetrator, or both, is a student of an academic institution and whether the alleged offense occurred on campus at an academic institution. The report shall cover the previous calendar year. The Statistical Analysis Center may work with the Delaware Criminal Justice Information System to create a mechanism for police reports of such complaints to indicate whether the alleged victim or the alleged perpetrator, or both, is a student of an academic institution and whether the alleged offense occurred on campus at an academic institution as defined in this section.

(c) By December 15 of each year, the Department of Justice shall furnish to the Governor and the General Assembly all the information provided by each academic institution in subsection (a) of this section and the statistical information reported by the Statistical Analysis Center under subsection (b) of this section. This report shall be considered a public record and shall be posted on the Department of Justice website.

(d) No reports under this section shall contain any personally identifiable information relating to the alleged victims or perpetrators of a sexual assault.

Methodology

DOJ contacted the Statistical Analysis Center within the Criminal Justice Council and each school subject to this law in September to remind them of their obligations to submit information for this report by October 1. DOJ provided an online portal for campuses and campus law enforcement to submit that information electronically. In some cases, because this was the first year of reporting this information, some campus reports were determined to be incomplete or unclear and DOJ contacted the submitter to request clarification. Appreciation is due to DOJ's Kim Siegel for soliciting, collecting and compiling the information.

The statute requires reporting of aggregate data on the "nature" of incidents, which is not defined. The schools each have their own methods of classifying campus offenses that in some cases did not fit the categories DOJ requested that they be reported (nonconsensual penetration, nonconsensual genital contact, and nonconsensual physical or sexual contact, including attempts within each category). As a result, the aggregate data for schools in the report may differ from schools' own reports because in certain cases, DOJ found that the description of an offense was more suited to a different classification of offense than used by the school or, in the case of a definition that encompassed verbal harassment or non-sexual violence, did not meet the definition of sexual assault in the statute. We have also opted to provide narrative description of offenses (when such information was provided) to highlight the variety of actions encompassed by the statute and how schools responded.

Any feedback regarding the methodology of this first annual report could be utilized to refine the collection of data and second annual report in 2019.

Campus Compliance With Training Requirements

Delaware State University

DSU reported that they provided the training described below to 253 of their 335 faculty members; 541 of their 546 staff members; and 813 of 951 newly enrolled students. The 45 minute training was done in person and included: federal law and a description of Title IX, Delaware state law regarding sexual assault, university process and procedures regarding Title IX and the Equal Opportunity Equity Resolution Policy, VAWA trauma information, description of sexual misconduct as defined by DSU and the State of Delaware, resources, and scenarios of reporting. Student training also included “13 Reasons Why”, “13 Reasons Why Part 2”, as well as information on healthy relationships and bystanders. Trainees received a certificate, pamphlet of the responsible employee card, the web link to file a complaint, and a web link to the Delaware Victim's Bill of Rights.

Delaware Technical Community College

DTCC reported training 915 out of 1095 faculty members and 940 of 1,050 staff members. They received a Power Point presentation during in-service by the Title IX Coordinator or legal counsel, which took 15-25 minutes. There was also an online training, required annually, called "Prevent Sexual Violence Together" for all employees, which took 30 to 45 minutes to complete. DTCC trained 2,848 of 3,067 newly enrolled students. Training included a 15 minute lecture during orientation by the Chief of Public Safety and a video, lecture, and case study during the first year seminar delivered by course instructors, which took 30-45 minutes. Monthly sexual misconduct awareness and prevention campaigns are conducted at each campus.

Goldey Beacom College

Goldey Beacom reported providing 20 minutes of online training to all 20 full-time faculty members, 69 of 73 part-time faculty members, all 55 full-time and 63 part-time staff members, 14 of 15 contract employees, and 10 of 11 volunteers, including the Board of Trustees, in 2017. To be counted as completing this training, each individual was required to get a score of 80 or higher on the 360 Stay Safe training assessment. An annual reminder of their responsible employee obligations was sent by the Title IX Coordinator to all faculty and staff, and the Board of Trustees was reminded of their obligations at their October 2017 meeting. All faculty and staff were required at their hiring meeting to sign the Sexual Misconduct Obligation to Report form to document their understanding of their obligation to report sexual or dating violence, abuse, or gender discrimination. Faculty were also refreshed on Violence Against Women Act crimes and reporting practices at their Fall 2017 faculty meeting.

Online training was completed by 195 of Goldey Beacom's 271 newly enrolled full-time students, 150 of their 168 student athletes and 264 of their 287 residential students in 2017. A score of 80 or higher was required to be marked as complete. The module for newly enrolled undergraduate students took 45 to 50 minutes and covered “Forming Healthy Relationships,

Sexual Assault, Stalking and Bystander Intervention.” The module for graduate and returning students received a 20 to 25 minute video training on similar topics. Both modules provided information on the Clery Act, links to the College’s Annual Security and Fire Report, and the contact information for the College’s Title IX Coordinators.

University of Delaware

The University of Delaware reported that all faculty and staff received 60 minutes of online sexual misconduct training provided by a contractor and customized by the University. All new students (6,540) in Fall 2017 received 60 minutes of online sexual misconduct training provided by a contractor and customized by the University.

Wesley College

Wesley College reported that a 40 minute online training was completed by 130 of 153 faculty members and 210 of 215 staff members. Content of the training included information on Title IX, VAWA, and sexual assault. Faculty also received a flyer with this information at their faculty meeting. A 40 minute group lecture was provided to 278 of the 544 full-time freshmen students. The lecture included an opportunity for questions and information on campus resources.

Wilmington University

Wilmington University reported that a 60 to 75 minute training, including online and in person components, was provided to 1184 of 1623 faculty and 340 of 539 staff. Topics included: harassment and discrimination prevention; Title IX, the Clery Act and reporting guidelines; federal and state law definitions of consent, sexual assault, domestic and dating violence; victim protections; bystander intervention; and the responsibilities of “Responsible Employees” and “Campus Security Authorities”.

A 60 minute online course was provided to 630 of 1,573 students. Topics included: hooking up, substance abuse, sexual violence, and healthy relationships through a variety of interactive, realistic scenarios and guided self-reflection.

Campus Sexual Assault Reports

Delaware State University

There were six recorded allegations of rape resulting in one suspension, one expulsion, and a one-year ban from campus.

- One complainant did not wish to file a school complaint or police report, and so no investigation was conducted.
- One respondent admitted their actions and was given a three-year suspension.
- One respondent, referred to DSU by police, was accused of raping a minor under 16. The complainant was not a DSU student. The respondent was suspended during the investigation, found responsible, and expelled after an Equity Resolution Panel hearing. They unsuccessfully appealed the severity of the punishment.
- A recent graduate was accused of rape while a student at DSU. The complainant wished to remain anonymous. The respondent provided a statement and denied the accusation. After a review of available information, the Title IX coordinator issued a one year no trespass order.
- A complaint of rape was received from a non-student. The complainant, respondent, and witnesses were interviewed and an Equity Resolution Panel hearing was held. The respondent was found not responsible after the complainant did not appear at the hearing.
- Resident Life interviewed a complainant who did not wish to report to police or to the Title IX investigator.

There was one report of nonconsensual genital contact filed by the complainant. The complainant, respondent, and witnesses were interviewed and an Equity Resolution Panel hearing was held. The report to the panel included information from a police investigation. The panel found that there was insufficient evidence to find the respondent responsible.

Delaware Technical Community College

There were four reports of rape by three individuals. All incidents happened off campus and none of the respondents were DTCC students or employees, so no investigations were conducted. It is unclear whether any of the incidents happened within the jurisdiction of the local police agency to which they were advised they could report, but DTCC reported that all three students declined to report to that police agency or agencies. Two of the complainants indicated that they had already contacted or planned to contact police. DTCC advised the complainants of resources.

One student reported nonconsensual genital contact by a relative. This did not take place on campus and the respondent was not a DTCC student or employee so no investigations were conducted. The student declined the College's offer of assistance to report to the local police agency, and it is not clear whether that agency would have jurisdiction. DTCC advised the complainant of resources.

One student reported being kissed without their permission on DTCC property, but did not wish to report the respondent's name or have an investigation conducted. They declined DTCC's offer of assistance to report to local police and requested that the Title IX Coordinator not contact them.

Goldey Beacom College

There were two reports of rape. In both cases, the Title IX Coordinator interviewed complainants, respondents, and witnesses, and then initiated institutional investigations. These investigations are College policy when a hostile environment or threat to the campus is indicated or when requested by a complainant. They were conducted by two investigators, who prepared a report for the Title IX Coordinator to determine whether the respondents had violated any College policy.

- The Title IX Coordinator found one respondent of rape in violation of the College's consent policy. Neither the respondent nor the complainant were permitted to contact each other or have someone contact the other on their behalf. Because the respondent intended to transfer at the end of the semester, the following sanctions were imposed, but were subject to revision if the transfer did not take place: The respondent was prohibited from being in or around the Athletic Department and from attending extracurricular activities unless granted permission by the Title IX Coordinator. In the event such permission was granted, the Title IX Coordinator would inform the complainant of the respondent's presence at the activity.
- The Title IX Coordinator found a second respondent in violation of the College's consent policy. Neither the respondent nor the complainant were permitted to contact each other or have someone contact the other on their behalf. Additionally, the respondent was prohibited for one year from attending extracurricular activities unless granted permission by the Title IX Coordinator. In the event such permission was granted, the Title IX Coordinator would inform the complainant of the respondent's presence at the activity. The respondent was also prohibited from living in the same residence hall as the complainant for the rest of their time at the College.

There was one report of nonconsensual genital contact. Due to a conflict of interest, the Deputy Title IX Coordinator handled the case. The complainant chose not to pursue an investigation, and no institutional investigation was opened, as the respondent was already under investigation for unrelated conduct violations and was banned from the campus as a result of those violations. There were two reports of conduct in which it was unclear if any physical contact took place. Such actions are only considered sexual assault under 14 *Del. C.* § 9001A(4) if they involve "physical contact of a sexual nature perpetrated without consent or where consent is unable to be given," but we have opted to err on the side of caution by including them here.

- A complainant reported an incident of a sexual act or acts directed at them without their consent; it was not clear whether physical contact was attempted or took place. The

complainant met with the Title IX Coordinator, but later advised that they did not wish to pursue an institutional investigation. While there was no finding of responsibility, the Title IX Deputy Coordinator met with the respondent to discuss responsible decision making, the College's anti-retaliation policy, and the need to complete the required online training.

- A complainant reported an incident of a sexual act or acts directed toward the complainant without the complainant's consent. The Title IX Coordinator met separately with the complainant, a witness, and the respondent. The complainant requested that the respondent be spoken to about why their actions were inappropriate, which the Title IX Coordinator did in a separate meeting in which the respondent took responsibility and committed to not repeat such actions. At the complainant's request and because the Title IX Coordinator's investigation determined that no hostile environment or larger threat to the College was present, no institutional investigation was initiated.

University of Delaware

There were 40 reports of rape or nonconsensual penetration. In 31 cases, the complainant remained anonymous or chose not to proceed to an investigation. Nine cases continued to an investigation, resulting in four suspensions from the school and/or residence halls and five bans on contacting the complainant.

- A complainant accused a respondent, whom they had dated, of stalking, violence, and coerced sex. The respondent was suspended from January 2017 through the spring semester of 2018, suspended from the residence halls through graduation, and prohibited from contacting the complainant.
- A complainant alleged that the respondent had touched and digitally penetrated them while they were asleep. The incident happened in Philadelphia. The respondent was suspended from April 2017 through the winter term of 2018, suspended from the residence halls through graduation, and prohibited from contacting the complainant.
- Complainant alleged that after smoking marijuana with the respondent, said respondent held their head during oral sex. The respondent was suspended from July 2017 through the fall semester of 2018, SRH through graduation, suspended from the residence halls through graduation, and prohibited from contacting the complainant.
- Both parties consumed alcohol. Complainant did not recall the events of the evening. The respondent believed they had consensual sex. The respondent was given a deferred suspension from July 2017 through graduation and prohibited from contacting the complainant.

- A complainant alleged rape by someone they dated in high school. An investigation found that they had lied or given conflicting accounts and the respondent was found to not be responsible.
- A complainant accused the respondent of not stopping intercourse after they withdrew consent. The school concluded that no intercourse had occurred on the date reported and there was no corroborating evidence.
- A complainant alleged that the respondent had sex with them while they were too intoxicated to consent. The respondent was found to not be responsible because they could not have known the complainant was intoxicated.
- A complainant alleged that the respondent had sex with them while they were too intoxicated to consent. The incident took place in another state while school was not in session. The respondent was found responsible, suspended through fall 2018 (initially spring 2019), and prohibited from contacting the complainant.
- A complainant accused a respondent of sexual intercourse with them when they were too intoxicated to consent. Witnesses affirmed the complainant was not incapacitated. Complainant was found to have consented to sexual progression.

There were eight reports of nonconsensual genital contact. In five cases, the complainant remained anonymous or chose not to proceed to an investigation. Three cases continued to an investigation, resulting in 1 probation, deferred suspension from the residence halls, and a prohibition on contacting the complainant.

- A respondent grabbed a complainant's genitals while reaching for something in the complainant's lap. They were put on probation and a deferred suspension from residence halls from April 2017 through the spring semester of 2018, suspended from their current resident hall, and prohibited from contacting the complainant.
- A complainant alleged that they were pressured into sex acts with two respondents while too intoxicated to consent. The respondents were found to not be responsible because they could not have known about the complainant's alcohol consumption. There was a dispute over whether consent was given.
- A complainant reported a series of nonconsensual acts by a friend. Certain acts were deemed consensual and there was not sufficient evidence to find the respondent responsible for others.

There were fourteen reports of nonconsensual sexual contact. In ten cases, the complainant remained anonymous or chose not to proceed to an investigation. Four cases continued to an investigation, resulting in two bans on contacting complainants, and one person receiving probation and a suspension from their residence hall in addition to the prohibition on contact.

- Complainant reported that the respondent made sexual comments and snapped the waistband of complainant's underwear. Complainant made clear this was not welcome contact. The respondent was given a deferred suspension through graduation and prohibited from contacting the complainant.
- The respondent entered the complainant's room without permission. The complainant initially denied requests for hugs but acquiesced to end the situation. The respondent touched the complainant above their breast without permission. The respondent was put on probation from February 2017 through spring semester of 2017, suspended from their dorm, and prohibited from contacting the complainant.
- The respondent took complainant to their room, held them down, and asked for a kiss. The complainant was able to get away. The respondent was considered not responsible for a sexual violation but referred for discipline for disruptive conduct.
- A respondent was accused of unwanted communications, grabbing buttocks, and grinding genitals against three individuals. It was determined that this was mutually flirtatious behavior and there was no indication that the behavior was unwanted.

Wesley College

Wesley had one report of rape and no reports of nonconsensual genital or physical contact. The rape allegation was reported to the Title IX Coordinator. The complainant, respondent and witnesses were interviewed and other evidence reviewed. No determination of responsibility or substantiation was reached, as the complainant chose not to move forward.

Wilmington University

Wilmington University reported receiving no sexual assault complaints.

Statistical Analysis Center Report on Criminal Offenses

Because DELJIS does not have an indicator for sexual assaults involving a college student, the SAC searched for data on violations of 11 *Del. C. § 767-773* that would approximate the results of such an indicator by searching for victims or suspects between the ages of 17 to 30 and then reviewing the results for references to student status. We note that this age band could have potentially excluded older students and most faculty or staff members. As noted in the statute, “The Statistical Analysis Center may work with the Delaware Criminal Justice Information System to create a mechanism for police reports of such complaints to indicate whether the alleged victim or the alleged perpetrator, or both, is a student of an academic institution and whether the alleged offense occurred on campus at an academic institution as defined in this section,” so that is an option to consider to refine this data for future reports.

| | On Campus | | | Off Campus | | |
|------------------------------------|--------------|--------------|----------------|--------------|--------------|----------------|
| | Adult Arrest | Pending Case | No Prosecution | Adult Arrest | Pending Case | No Prosecution |
| Student Victim/Student Suspect | 2 | 3 | 1 | 1 | 1 | 1 |
| Student Victim/Non-Student Suspect | 2 | 1 | 0 | 2 | 6 | 0 |
| Non-Student Victim/Student Suspect | 1 | 1 | 0 | 0 | 0 | 1 |

Campus Law Enforcement Reports

Delaware State University reported the following incidents occurring off-campus:

- Five charges of Unlawful Sexual Contact and one case in which the crime report did not list Unlawful Sexual Contact as an offense, though it would have been applicable.
- Five charges of Rape and one case in which the crime report did not list Rape as an offense, though it would have been applicable. There was only one case in which both Rape and Unlawful Sexual Assault were charged.
- One crime report in which continuous sexual abuse was not listed as an offense, though it would have been applicable.
- One crime report in which Sexual Abuse by a Person in Position of Trust was not listed as an offense, though it would have been applicable.

The University of Delaware reported two arrests for indecent exposure and one pending but inactive case of unlawful sexual contact.

Delaware Technical Community College, Goldey Beacom College, Wesley College, and Wilmington University do not have security agencies with jurisdiction to charge offenses. However, Delaware Technical Community College's public safety agency reported two incidents of unlawful sexual contact and three incidents of rape, and Wesley College's public safety agency reported one incident of rape on campus.

APPENDIX A

Memo to Academic Institutions



MATTHEW P. DENN
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

PHONE (302) 577-8400
FAX (302) 577-2610

September 13, 2018

To: Presidents, Counsels, Title IX Coordinators and Registered Lobbyists of
Delaware Technical Community College
Delaware State University
Goldey-Beacom College
University of Delaware
Wesley College
Wilmington University

From: Delaware Department of Justice

Re: Campus Sexual Assault Reporting Requirement

House Substitute 1 for House Bill 1, passed by the Delaware General Assembly and signed by the Governor in 2016, created responsibilities for “institutions of postsecondary education receiving State funds or a private institution of postsecondary education with campuses physically located in Delaware serving over 1,000 students.” The law can be found at [14 Del. C. §§ 9001A — 9007A](#).

One of those responsibilities is an annual report on sexual assault incidents and sexual assault training from each institution to the Delaware Department of Justice (DOJ).

§ 9006A(a) By October 1 of each year, an academic institution is required to make a report to the Department of Justice detailing the following information for the prior calendar year:

(1) Certify its compliance with the training requirements of this section. The certification shall include information on training participation rates for faculty, staff, and students, as well as information regarding the format and length of training for each group.

(2) Total number of reports of sexual assault made to the academic institution's Title IX coordinator. The report shall include aggregate data regarding the nature of the assault, the outcomes of any investigation, and any penalties enforced by the school against the perpetrator of a sexual assault where the assault was found substantiated.

(3) Where the academic institution has law-enforcement officers or public-safety officials of its own, that campus law-enforcement agency shall provide the aggregated data of the number and nature of alleged sexual assault reports they received.

October 1, 2018 is the first date for submission of these reports following the effective date of the legislation. DOJ has created an online form for institutions to report this information to our office, as well as a webpage providing information about the law and its provisions.

Online form for institution reporting:

<https://attorneygeneral.delaware.gov/college-compliance-reporting/>

Or on DOJ's home page, select "Forms" then "View All Forms" then "Other" then "College Compliance Self-Reporting to Delaware DOJ"

Information page:

<https://attorneygeneral.delaware.gov/campus-sexual-assault/>

Or on DOJ's home page, select "Resources" then "Campus Sexual Assault Compliance"

As required in the law, information submitted to DOJ as part of this report will be provided in a public report to the Governor and General Assembly by December 15 and posted on DOJ's website.

If you have any question about submitting this report, please contact Kim Siegel at DOJ, (302) 577-5306 or kim.siegel@state.de.us.

APPENDIX B

Information submitted by
Delaware State University

Siegel, Kim (DOJ)

From: DOJ_DoNotReply@state.de.us
Sent: Friday, September 28, 2018 2:28 PM
To: Siegel, Kim (DOJ); csanders@desu.edu
Subject: Online Form Submission - College Compliance Self-Reporting
Attachments: Copy of 2017 statistics Clery and 11 Del. C. BB 761-778A.xlsx

Name of School: Delaware State University

Name of Person Completing the Form: Candy E. Young

Email Address of Person Completing the Form: csanders@desu.edu

Send a copy to me?: yes

Phone Number of Person Completing the Form: 302-857-7698

Number of Faculty Trained: 253

Number of Faculty Employed: 220 Full-time 115 Part-time

Minutes of Training Provided To Faculty: 45 minutes

Description and Format of Training Provided To Faculty: Face-to-face training with each department was completed during the fall of 2016 and the spring of 2017. The information includes the Federal Law and description of Title IX, Delaware State law for Sexual Assault, The University process and procedures of Title IX EOERP, VAWA trauma information, Description of sexual misconduct as defined by DSU and the State of Delaware, Resource information, Scenarios of reporting, Certificate of Training, provided a pamphlet of the responsible employee card, filing a complaint link, and the Delaware Victim's Bill of Rights link.

Number of Staff Trained: 541

Number of Staff Employed: 546- Full-time, 40 Part- time

Minutes of Training Provided To Staff: 45

Description and Format of Training Provided To Staff: Face-to-face training with each department was completed during the fall of 2016 and the spring of 2017. The information includes the Federal Law and description of Title IX, Delaware State law for Sexual Assault, The University process and procedures of Title IX EOERP, VAWA trauma information, Description of sexual misconduct as defined by DSU and the State of Delaware, Resource information, Scenarios of reporting, Certificate of Training, provided a pamphlet of the responsible employee card, filing a complaint link, and the Delaware Victim's Bill of Rights link.

Number of Students Trained: 813 which includes athletes, freshman orientation (589), NSO (480 appx)- no attendance sheets / may be duplications in the count

Number of Students Enrolled: 951 Newly enrolled students

Minutes of Training Provided to Students: 45

Description and Format of Training Provided To Students: Face-to-face training with each department was completed during the fall of 2016 and the spring of 2017. The information includes the Federal Law and description of Title IX, Delaware State law for Sexual Assault, The University process and procedures of Title IX EOERP, VAWA trauma information, Description of sexual misconduct as defined by DSU and the State of Delaware, Resource information, Scenarios of reporting, Certificate of Training, provided a pamphlet of the responsible employee card, filing a complaint link, and the Delaware Victim's Bill of Rights link. 13 Reasons Why, 13 Reasons Why Part 2. Healthy Choice Relationships Information, and Bystander information

Number of Reports of Rape (Any Nonconsensual Penetration), Including Attempts: 5 Nonconsensual Penetration

Number of Reports of Nonconsensual Genital Contact, Including Attempts: 2 Nonconsensual Genital Contact

Number of Reports of Nonconsensual Sexual or Physical Contact, Including Attempts: 0


Please Describe The General Nature Of Alleged Assault Using Categories Above: ii. Non-Consensual Sexual Intercourse Defined as: • any sexual penetration or intercourse (anal, oral or vaginal) • however slight • with any object • by a person upon another person • 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. iii. Non-Consensual Sexual Contact Defined as: • any intentional sexual touching • however slight • with any object • by a person upon another person • 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. v. Consent Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since 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 unable to understand what is happening or is disoriented, helpless, asleep 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 policy. It is not an excuse that the individual respondent accused of sexual misconduct was him or herself intoxicated and, therefore, did not realize the incapacity of the other. Incapacitation is defined as 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 mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs. 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. The existence of 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. In Delaware, a minor (meaning 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. 3761. The state definition of consent which is applicable to criminal prosecutions for sex offenses in Delaware, may differ somewhat from the definition used in this Policy to address Policy violations. The Policy definition will control for the purpose of determining violations of and sanctions under this Policy. (Data secured through the EOERP) Sexual Assault: any unwanted touching of a sexual nature or any other conduct that would be defined as assault or rape under Delaware law. This includes, but is not limited, to: • Unwanted kissing, touching or fondling; • Penetration with a finger or a foreign object; • Rape (vaginal or anal intercourse, oral-genital contact). These acts constitute sexual assault when they are attempted or committed through force, threat, or intimidation; when the perpetrator has been informed that his/her actions are unwanted; or by taking advantage of the victim’s incapacity or helplessness caused by alcohol or other drugs. Rape: unlawful sexual intercourse by force or deception. A person is guilty of rape in the first degree when he/she intentionally engages in sexual intercourse with another person without consent. “Rape” can occur in many forms, including: • Stranger Rape: The sexual assault of an individual by someone the victim does not know. • Date/Acquaintance Rape: The sexual assault of an individual by someone the victim knows, usually an acquaintance or a date. Date rape is the most common type of rape occurring on college or university campuses, but the least frequently reported. • Group/Gang Rape: The sexual assault of an individual by multiple perpetrators. Many gang rapes on college campuses occur in residence halls, fraternity houses or at off-campus parties and in vehicles. • Statutory Rape: Sexual intercourse with or penetration of an individual under the age of 16; intercourse with an individual under the age of 18 by a person 30 years of age or older; or intercourse with or penetration of an individual under the age of 18 by a person who is in a position of authority over the minor.

Please Describe The Methods Of Investigation Used: If the complaint does not appear to allege a policy violation or if conflict resolution is desired by the person bringing the complaint, and it appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation. A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. Delaware State University aims to complete all

investigations within a 60 business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties. 4. Investigation If a complainant wishes to pursue a formal complaint or if Delaware State University, based on the alleged policy violation, wishes to pursue a formal complaint, then the Title IX Coordinator appoints ERP members to conduct the investigation, such appointments usually occurring within two business days of determining that a complaint should proceed. Investigation of complaints brought directly by those alleging harm should be completed expeditiously. Investigation may take longer when initial complaints fail to provide direct, first-hand information. Delaware State University may agree to a short delay to allow evidence collection when criminal charges on the basis of the same behaviors that invoke this process are being investigated. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.

Please Describe The Findings. If Reports Were Substantiated, Please Describe What Penalties Were Imposed: 5 Nonconsensual Penetrations #001DOJ- Responsible- 3 years suspension and Counseling Recommended to both parties. #004DOJ- Anonymous Report, alleged perpetrator was identified in the report, however the person had graduated before the report was filed- 1 year of no trespass or until the person graduated (2019). #005DOJ-Not Responsible- The complainant was a non DSU student, who did not show up for the hearing, insufficient evidence to support the claim- Counseling Recommended to both parties #006DOJ-Responsible- 3 year suspension, Counseling recommend to both parties. #007DOJ-Jane Doe, did want to report, refused Campus Police and Title IX Consultation. Non Consensual Genital Contact #003DOJ- Responsible- Expulsion: Sexual contact with a minor Non Consensual Genital Contact Attempt #002- Not Responsible, After the complaint started to sob quietly, he as if she was okay and stopped any further sexual activity.

Campus Police or Public Safety Reporting (Only For Those Institutions with Their Own Public Safety Agencies): Please Upload, Preferably In Microsoft Excel or Word Format, A Chart of All Reports of Offenses Under 11 Del. C.  761-778A

| | Sexual Harassment | Indecent Exposure | Incest | Unlawful Sexual Contact | Rape | Sexual Extortion | Bestiality | Continuous Sexual Abuse | Sex Offender Unlawful Contact | Sexual Abuse by a Person in Position of Trust |
|--------------|-------------------|-------------------|--------|-------------------------|------|------------------|------------|-------------------------|-------------------------------|---|
| S4-17-000238 | | | | W | X | | | | | |
| S4-17-000323 | | | | X | W | | | | | |
| S4-17-000365 | | | | | X | | | | | |
| S4-17-000411 | | | | X | X | | | | | |
| S4-17-000705 | | | | X | | | | | | |
| S4-17-000733 | | | | | X | | | | | |
| S4-17-000378 | | | | X | | | | | | W |
| S4-17-000383 | | | | X | | | | | | |
| S4-17-000350 | | | | | X | | | W | | |

X: denotes that this charge was listed as an offense on the crime report

W: denotes that this charge was not listed as an offense on the crime report, but would have been applicable



MATTHEW P. DENN
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

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FAX: (302) 577-2496
FRAUD DIVISION (302) 577-8600
FAX: (302) 577-6499

October 5, 2018

VIA EMAIL

Candy Young
csanders@desu.edu

RE: Additional Information Requested for Campus Sexual Assault Report

Dear Ms. Young:

On September 14, 2018, the Department of Justice ("DOJ") provided information on Delaware's new campus sexual assault law and a website on which colleges subject to the law could complete their report to DOJ. We received your response on September 28, 2018.

There appears to have been some confusion regarding the questions about sexual assaults on campus. Specifically, we noted that when asked to generally describe the assaults reported and how they were investigated, you provided what appear to be DSU's policies outlining sexual misconduct and the investigative process. While the penalties were described in each case, the response provided no information on what action was alleged and what investigative steps were taken.

Passage of this law was driven by the General Assembly's desire for public information about colleges' reporting and investigations of sexual assaults. We do not believe that providing incomplete information about how these cases were individually handled by the university would comport with the intent of the bill.

We request that you review the numbered cases in your report and provide a more detailed explanation of the nature of each alleged assault (without identifying information), as well as what steps DSU took to investigate the allegations, by October 29, 2018.

Sincerely,

/s/ Kim Siegel

Kim Siegel, MPA
Legislative Affairs Manager

| Incidents from January 1, 2017 to December 31, 2017 | | | | |
|--|--|---|---|----------------------|
| Case # | Type of Incident | Method of Investigation | Findings/Responsible or Not Responsible | Penalties/Sanction |
| 001DOJ | Nonconsensual Penetration Alleged Sexual Assault/Rape | Police Interview document submitted to T9/ formal complaint filed by police | Responsible | 3 Year Suspension |
| | | He was placed on Interim Suspension | | Resources Provided |
| | | Notification request sent to the complainant non student, called her | | |
| | | Non cooperative victim (complainant) | | |
| | | Notification request sent to the respondent, and witnesses | | |
| | | Title IX investigators interviewed with respondent admitted having sex with the victim | | |
| | | He produced evidence of a video of the victim intoxicated during the sexual encounter | | |
| | | Findings were rendered by the T9 Coordinator based on policy of admittance by the respondent | | |
| | | There was no request for an appeal | | |
| 002DOJ | Nonconsensual Genital Contact Attempt Alleged Sexual Misconduct/Attempted Rape | Received a formal complaint filed by the complainant | Not Responsible | Resources provided |
| | | Notification sent to both parties | Insufficient evidence to support the allegation | to both parties |
| | | No request made for accommodation, no interim suspension by the office of T9 | | recommended* |
| | | Investigative interview of all witnesses, complainant and respondent with findings | | |
| | | Report included the police investigation information | | |
| | | Sent to an ERP hearing to determine the outcome | | |
| | | Equity Resolution Panel Decision | | |
| | | No appeal requested | | |
| 003DOJ | Nonconsensual Genital Contact Alleged Non Consensual Sexual Intercourse Alleged Sex with a minor younger than 16 | Received a formal complaint by the campus police | Responsible | Expulsion |
| | | Notification was sent to the respondent | | |
| | | Interim Suspension was in place | | |
| | | Title IX Investigator interviews with both parties, and witnesses | | |
| | | Findings were sent to an ERP hearing to determine the outcome | | |
| | | Equity Resolution Panel Decision | | |
| | | Appeal was requested due to the level of the sanction being to severe | | |
| | | Appeal was heard and denied | | |
| 004DOJ | Nonconsensual Penetration Alleged Sexual Assault/Rape | Received a formal complaint -anonymous report/ Jane Doe- | Perpetrator identified in the report | No Trespass to |
| | | Title IX received the report without the identity of the victim | Perpetrator graduated before the | DSU for 1 year |
| | | Request statement from the respondent | report was filed | Resources provided |
| | | The respondent graduated from the institution however had another year of eligibility | He did not want to return and risk losing | to both parties* |
| | | He admitted to having consensual sex with more than 50 young ladies, but it was not rape | eligibility if the case was reopened | |
| | | The respondent identified a female who he thought made the allegation (Jane Doe) identity | | |
| | | The complainant demonstrated a level of fear in a conversation which she did not want disclosed | | |
| | | The T9 coordinator reviewed the information and issued a no trespass. | | |
| | | The respondent was made aware if he returned as a student the case would be reopened | | |
| | | | | No appeals requested |
| 005DOJ | Nonconsensual Penetration Alleged Sexual Assault /Rape | Received a formal complaint | Not Responsible | Resources provided |
| | | Notification was sent to the complainant- who was not a DSU Student | The complainant was a non DSU student | to both parties * |
| | | Notification sent to the respondent | | |
| | | Title IX investigator interviewed all both parties including witnesses | | |
| | | The findings were sent to an ERP hearing | | |
| | | The complainant chose not to show up to the hearing | | |
| | | There was no request for an appeal filed | | |
| 006DOJ | Nonconsensual Penetration Alleged Sexual Assault/Rape | Received a complaint from the Police Department | Responsible | 3 year Suspension |
| | | Notification was sent to both parties, complainant and then respondent | | Resources provided |
| | | Respondent placed on Interim Suspension | | to both parties* |
| | | Investigation conducted by the office of Title IX | | |
| | | Police Interview Investigation | | |
| | | ERP Hearing | | |
| | | No request for an appeal | | |
| 007DOJ | Nonconsensual Penetration Sexual Assault/Rape | Anonymous/ Jane Doe | Did not want to report | |
| | | Residential Life Interview | Refused police and Title IX | |
| | | Jane Doe would not come forward | consultations | |
| * Resources: http://delcode.delaware.gov/title11/c094?sco1/index.shtml | | | | |
| DSU Police Emergency- 302-420-5751 or 302-857-7381 | | | | |
| Delaware Victim Center- 800-842-8461 | | | | |
| National Sexual Assault Hotline-800-646-HOPE | | | | |

APPENDIX C

Information submitted by
Delaware Technical
Community College

Siegel, Kim (DOJ)

From: DOJ_DoNotReply@state.de.us
Sent: Friday, September 28, 2018 1:16 PM
To: Siegel, Kim (DOJ); cgilles2@dtcc.edu
Subject: Online Form Submission - College Compliance Self-Reporting
Attachments: Public Safety Reporting Chart - Delaware Technical Community College.xlsx

Name of School: Delaware Technical Community College

Name of Person Completing the Form: Christina Garcia

Email Address of Person Completing the Form: cgilles2@dtcc.edu

Send a copy to me?: yes

Phone Number of Person Completing the Form: 302-857-1903

Number of Faculty Trained: 915

Number of Faculty Employed: 1095

Minutes of Training Provided To Faculty: 15 - 45

Description and Format of Training Provided To Faculty: Annual Power Point presentation during Employee In-service, Campus Update, Adjunct In-service delivered in-person by Title IX Coordinator / Legal Counsel. (15-25 minutes). Annual on-line training "Prevent Sexual Violence Together" for all employees (30-45 mins)

Number of Staff Trained: 940

Number of Staff Employed: 1050

Minutes of Training Provided To Staff: 15 - 45

Description and Format of Training Provided To Staff: Power Point presentation during "Employee In-service" and "Campus Update" delivered in-person by Title IX Coordinator / Legal Counsel. (15-25 mins). Annual on-line training "Prevent Sexual Violence Together" for all employees (30-45 mins)

Number of Students Trained: 2848

Number of Students Enrolled: 3067

Minutes of Training Provided to Students: 45 - 60

Description and Format of Training Provided To Students: (1) Lecture-based presentation during "New Student Orientation" delivered in-person by campus Chief of Public Safety (15 mins). (2) Video, lecture, and case study during "First Year Seminar (SSC-100) delivered in-person by course instructor (30-45 mins). Monthly sexual misconduct awareness and prevention campaigns at each campus.

Number of Reports of Rape (Any Nonconsensual Penetration), Including Attempts: 3

Number of Reports of Nonconsensual Genital Contact, Including Attempts: 1

Number of Reports of Nonconsensual Sexual or Physical Contact, Including Attempts: 1

Please Describe The General Nature Of Alleged Assault Using Categories Above: ""Sexual Assault" means a sexual act or acts to which a person has not consented or for which a person is incapable of consenting due to age, intoxication or other reasons. Sexual assault includes, but is not limited to: A. Rape, or attempted rape; B. Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a person upon another person without consent, of the person's breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party with any of the body parts or areas when such touching would be reasonably and objectively offensive; C. Any sexual act in which there is force, violence, or use of duress or deception upon the victim; D. Any sexual act perpetrated when the victim is unable to give consent; and, E. Sexual intimidation, which includes, but is not limited to: 1. Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent; 2. Stalking or cyber-stalking; and, 3. Engaging in indecent exposure. (DTCC Policy)"

Please Describe The Methods Of Investigation Used: All incidents occurred off-campus, outside the jurisdiction of Delaware Tech. Title IX Coordinator provided interim protective measures and resources as necessary.

Please Describe The Findings. If Reports Were Substantiated, Please Describe What Penalties Were Imposed:
Not applicable. All incidents occurred outside the jurisdiction of Delaware Tech and complainants were offered the assistance of local law enforcement authorities.

Campus Police or Public Safety Reporting (Only For Those Institutions with Their Own Public Safety Agencies): Please Upload, Preferably In Microsoft Excel or Word Format, A Chart of All Reports of Offenses Under 11 Del. C. §§ 761-778A

College (Delaware Tech) Compliance Self-Reporting to Delaware DOJ

| Offense | On-campus | Off-campus |
|--|-----------|------------|
| 763 Sexual harassment | 0 | 0 |
| 764 Indecent exposure 2nd degree | 0 | 0 |
| 765 Indecent exposure 1st degree | 0 | 0 |
| 766 Incest | 0 | 0 |
| 767-769 Unlawful sexual contact | 0 | 2 |
| 770-773 Rape | 0 | 3 |
| 774 Sexual extortion | 0 | 0 |
| 775 Bestiality | 0 | 0 |
| 776 Continuous sexual abuse of a chold | 0 | 0 |
| 777 Dangerous crime against a child | 0 | 0 |
| 777A Sex offender unlawful exual conduct against a child | 0 | 0 |
| 778 Sexual abuse of a child by a person ina postion of trust 1st degree | 0 | 0 |
| 778A Sexual abuse of a child by a person ina postion of trust 2nd degree | 0 | 0 |



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ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
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FAX: (302) 577-2496
FRAUD DIVISION (302) 577-8600
FAX: (302) 577-6499

October 8, 2018

VIA EMAIL

Christina Garcia
cgilles2@dtcc.edu

RE: Additional Information Requested for Campus Sexual Assault Report

Dear Ms. Garcia:

On September 14, 2018, the Department of Justice ("DOJ") provided information on Delaware's new campus sexual assault law and a website on which colleges subject to the law could complete their report to DOJ. We received your response on September 28, 2018.

There appears to have been some confusion regarding the questions about sexual assaults on campus. Specifically, we noted that when asked to generally describe the assaults reported, you provided what appears to be a DTCC policy defining sexual misconduct.

Passage of this law was driven by the General Assembly's desire for public information about colleges' reporting and investigations of sexual assaults. We believe additional information about these cases is required to comport with the intent of the bill.

We request that you review the numbered cases in your report and provide a more detailed explanation of the nature of each alleged assault (without identifying information) by October 29, 2018.

Sincerely,

/s/ Kim Siegel

Kim Siegel, MPA
Legislative Affairs Manager

Siegel, Kim (DOJ)

From: Christina Garcia <christina.garcia@dtcc.edu>
Sent: Thursday, October 25, 2018 9:57 AM
To: Siegel, Kim (DOJ)
Subject: RE: Online Form Submission - College Compliance Self-Reporting
Attachments: Request for Clarification on Sexual Assault Reports DTCC.pdf

Good morning, Ms. Siegel,

Please find the updated requested information below:

Number of Reports of Rape (Any Nonconsensual Penetration), Including Attempts: 3

Number of Reports of Nonconsensual Genital Contact, Including Attempts: 1

Number of Reports of Nonconsensual Sexual or Physical Contact, Including Attempts: 1

Please Describe The General Nature Of Alleged Assault Using Categories Above:

Report of Rape, including attempts:

1. A report was made by a student regarding being raped by her mother's boyfriend a few years ago. The incident occurred off-campus, outside the jurisdiction of Delaware Tech so no investigation was conducted. The student disclosed that she reported the rape to the police when it occurred. The College advised the student of her right to report the misconduct to the local police agency, and also offered to assist the student in doing so. The student declined. The Title IX Coordinator provided interim protective measures and resources.
2. A report was made by a student regarding being raped by her friend a month prior to reporting. The student also disclosed being raped by her cousin a few years ago. The incident(s) occurred off-campus, outside the jurisdiction of Delaware Tech so no investigation was conducted. The student disclosed that she reported the rape by her cousin to the police when it occurred and planned to report the rape by her friend to the police. The College advised the student of her right to report the misconduct to the local police agency, and also offered to assist the student in doing so. The student declined. The Title IX Coordinator provided interim protective measures and resources.
3. A report was made by a student regarding being raped by a classmate while attending a different educational institution a few years ago. The incident occurred off-campus, outside the jurisdiction of Delaware Tech so no investigation was conducted. The College advised the student of her right to report the misconduct to the local police agency, and also offered to assist the student in doing so. The student declined. The student indicated that she did not report the rape to the police when it occurred and did not want to report it. The Title IX Coordinator provided interim protective measures and resources.

Report of Nonconsensual Genital Contact, Including Attempts:

1. A report was made by a student regarding being inappropriately touched by her uncle a few months prior to reporting the incident to the Title IX Coordinator. The incident occurred off-campus, outside the jurisdiction of Delaware Tech so no investigation was conducted. The student did not report the inappropriate touching to the police when it occurred. The College advised the student of her right to report the misconduct to the local police agency, and also offered to assist the student in doing so. The student declined. The Title IX Coordinator provided interim protective measures and resources but the student did not respond to the Title IX Coordinator's attempt to conduct follow-up.

Report of Nonconsensual Sexual or Physical Contact, Including Attempts:

1. A report was made by a student regarding being kissed without her permission by another student. The incident occurred in the Library of the College. The Title IX Coordinator contacted the student and spoke to her. The Title IX

Coordinator provided the student with options for interim measures and resources. The College advised the student of her right to report the misconduct to the local police agency, and also offered to assist the student in doing so. The student declined. The student declined to disclose the name of the alleged perpetrator and asked to not open an investigation. The student asked to drop her complaint and asked the Title IX Coordinator to not contact her.

Please let me know if you need any additional information.

Thank you,

Christina

Christina M. Garcia
Civil Rights & Title IX Coordinator
Office of the President
P.O. Box 897 | Dover, DE 19903
[302.857.1903](tel:302.857.1903) (office) | civilrights@dtcc.edu
www.dtcc.edu | go.dtcc.edu/gethelp



From: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Sent: Monday, October 8, 2018 10:31 AM
To: Christina Garcia <christina.garcia@dtcc.edu>
Subject: RE: Online Form Submission - College Compliance Self-Reporting

An email would be fine. Thank you for your quick response.

Kim Siegel, MPA
Legislative Affairs Manager
FOIA Coordinator
Delaware Department of Justice
577-5306

From: Christina Garcia <christina.garcia@dtcc.edu>
Sent: Monday, October 8, 2018 10:30 AM
To: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Subject: RE: Online Form Submission - College Compliance Self-Reporting

Good morning, Ms. Siegel,

How shall I provide the updated information? In an email to you or can I resubmit the information in the online form?

Thank you,

Christina

Christina M. Garcia
Civil Rights & Title IX Coordinator

Office of the President
P.O. Box 897 | Dover, DE 19903
302.857.1903 (office) | civilrights@dtcc.edu
www.dtcc.edu | go.dtcc.edu/gethelp



From: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Sent: Monday, October 08, 2018 10:22 AM
To: Christina Garcia <christina.garcia@dtcc.edu>
Subject: RE: Online Form Submission - College Compliance Self-Reporting

Dear Ms. Garcia,

Please see the attached correspondence.

Sincerely,

Kim Siegel, MPA
Legislative Affairs Manager
FOIA Coordinator
Delaware Department of Justice
577-5306

From: [DOJ DoNotReply@state.de.us](mailto:DOJ_DoNotReply@state.de.us) <[DOJ DoNotReply@state.de.us](mailto:DOJ_DoNotReply@state.de.us)>
Sent: Friday, September 28, 2018 1:16 PM
To: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>; cgilles2@dtcc.edu
Subject: Online Form Submission - College Compliance Self-Reporting

Name of School: Delaware Technical Community College
Name of Person Completing the Form: Christina Garcia
Email Address of Person Completing the Form: cgilles2@dtcc.edu
Send a copy to me?: yes
Phone Number of Person Completing the Form: 302-857-1903
Number of Faculty Trained: 915
Number of Faculty Employed: 1095
Minutes of Training Provided To Faculty: 15 - 45
Description and Format of Training Provided To Faculty: Annual Power Point presentation during Employee In-service, Campus Update, Adjunct In-service delivered in-person by Title IX Coordinator / Legal Counsel. (15-25 minutes). Annual on-line training "Prevent Sexual Violence Together" for all employees (30-45 mins)
Number of Staff Trained: 940
Number of Staff Employed: 1050

Minutes of Training Provided To Staff: 15 - 45

Description and Format of Training Provided To Staff: Power Point presentation during "Employee In-service" and "Campus Update" delivered in-person by Title IX Coordinator / Legal Counsel. (15-25 mins). Annual on-line training "Prevent Sexual Violence Together" for all employees (30-45 mins)

Number of Students Trained: 2848

Number of Students Enrolled: 3067

Minutes of Training Provided to Students: 45 - 60

Description and Format of Training Provided To Students: (1) Lecture-based presentation during "New Student Orientation" delivered in-person by campus Chief of Public Safety (15 mins). (2) Video, lecture, and case study during "First Year Seminar (SSC-100) delivered in-person by course instructor (30-45 mins). Monthly sexual misconduct awareness and prevention campaigns at each campus.

Number of Reports of Rape (Any Nonconsensual Penetration), Including Attempts: 3

Number of Reports of Nonconsensual Genital Contact, Including Attempts: 1

Number of Reports of Nonconsensual Sexual or Physical Contact, Including Attempts: 1

Please Describe The General Nature Of Alleged Assault Using Categories Above: "Sexual Assault" means a sexual act or acts to which a person has not consented or for which a person is incapable of consenting due to age, intoxication or other reasons. Sexual assault includes, but is not limited to: A. Rape, or attempted rape; B. Intentional and unwelcome sexual touching (including disrobing or exposure), however slight, with any body part or any object, by a person upon another person without consent, of the person's breasts, buttocks, groin, or genitals (or clothing covering such areas), or coercing, forcing, or attempting to coerce or force another to touch you, themselves, or a third party with any of the body parts or areas when such touching would be reasonably and objectively offensive; C. Any sexual act in which there is force, violence, or use of duress or deception upon the victim; D. Any sexual act perpetrated when the victim is unable to give consent; and, E. Sexual intimidation, which includes, but is not limited to: 1. Threatening, expressly or impliedly, to commit a sexual act upon another person without his or her consent; 2. Stalking or cyber-stalking; and, 3. Engaging in indecent exposure. (DTCC Policy)"

Please Describe The Methods Of Investigation Used: All incidents occurred off-campus, outside the jurisdiction of Delaware Tech. Title IX Coordinator provided interim protective measures and resources as necessary.

Please Describe The Findings. If Reports Were Substantiated, Please Describe What Penalties Were Imposed: Not applicable. All incidents occurred outside the jurisdiction of Delaware Tech and complainants were offered the assistance of local law enforcement authorities.

Campus Police or Public Safety Reporting (Only For Those Institutions with Their Own Public Safety Agencies): Please Upload, Preferably In Microsoft Excel or Word Format, A Chart of All Reports of Offenses Under 11 Del. C. 761-778A

APPENDIX D

Information submitted by
Goldey Beacom College

Siegel, Kim (DOJ)

From: DOJ_DoNotReply@state.de.us
Sent: Thursday, September 27, 2018 2:51 PM
To: Siegel, Kim (DOJ); bakeyh@gbc.edu
Subject: Online Form Submission - College Compliance Self-Reporting
Attachments: PSA Statement.pdf

Name of School: Goldey-Beacom College

Name of Person Completing the Form: Hannah Bakey

Email Address of Person Completing the Form: bakeyh@gbc.edu

Send a copy to me?: yes

Phone Number of Person Completing the Form: 3022256285

Number of Faculty Trained: 20 full-time faculty members and 69 part-time faculty members were trained in 2017; 95.70% of all received training in 2017

Number of Faculty Employed: In 2017, the College employed 20 full-time faculty and 73 part-time faculty.

Minutes of Training Provided To Faculty: 20 minutes of online training

Description and Format of Training Provided To Faculty: Faculty were required to complete the Employee Module of the 360 Stay Safe training platform and must have received an 80 or higher on the assessment for the training to be counted as completed. All faculty members also received the Sexual Misconduct Obligation to Report form at their hire meeting. A Human Resources representative explained that they are obligated to report any knowledge or perceived knowledge of a violation related to sexual misconduct, harassment, gender discrimination, retaliation or other sex-or gender-based behaviors, including sexual assault, dating and domestic violence, and stalking. All faculty were required to sign the Sexual Misconduct Obligation to Report form at this meeting to document their understanding of this obligation. Faculty were also refreshed on Violence Against Women Act crimes and reporting practices at their Fall 2017 faculty meeting. An annual reminder of their responsible employee obligations was sent by the Title IX Coordinator to all faculty.

Number of Staff Trained: 55 full-time staff members and 63 part-time staff members were trained in 2017.

Additionally, 14 contracted employees and 10 volunteers, including the Board of Trustees, received training; 98.52% of all staff received training in 2017

Number of Staff Employed: In 2017, the College employed 55 full-time staff and 63 part-time staff along with 15 contracted employees and 11 volunteers, including the Board of Trustees.

Minutes of Training Provided To Staff: 20 minutes of online training

Description and Format of Training Provided To Staff: Staff were required to complete the Employee Module of the 360 Stay Safe training platform and must have received an 80 or higher on the assessment for the training to be counted as completed. All staff members also received the Sexual Misconduct Obligation to Report form at their hire meeting. A Human Resources representative explained that they are obligated to report any knowledge or perceived knowledge of a violation related to sexual misconduct, harassment, gender discrimination, retaliation or other sex-or gender-based behaviors, including sexual assault, dating and domestic violence, and stalking. All staff were required to sign the Sexual Misconduct Obligation to Report form at this meeting to document their understanding of this obligation. An annual reminder of their responsible employee obligations was sent by the Title IX Coordinator to all staff. At the October 2017 Board of Trustees meeting, Trustees were reminded of their roles as responsible employees and 100% of the Trustees signed the Sexual Misconduct Obligation to Report form.

Number of Students Trained: In 2017, 195 newly enrolled full-time students were trained, which was 71.96% of all newly enrolled full-time students. The College defined its at-risk populations as student athletes and residential students. 150 of the College's student athletes completed training; 89.29% were trained in 2017. The College had 264 of its residential students complete their training, meaning 91.99% of the College's resident students were trained

Number of Students Enrolled: The College had 271 newly enrolled full-time students, 168 student athletes and 287 residential students in 2017.

Minutes of Training Provided to Students: Newly enrolled undergraduate students received a 45-50 minute online training; all other students received a 20-25 minute online training.

Description and Format of Training Provided To Students: For students, there were two modules of Building GBC Community Training distributed: the Undergraduate Module and the Student Module. New undergraduate students completed the Undergraduate Module which was broken up into four sections: Forming Healthy Relationships, Sexual Assault, Stalking and Bystander Intervention. Each section has a 10 minute video followed by a short assessment of multiple choice questions. All graduate students and returning undergraduate students were given the Student Module, which was an abbreviation of the Undergraduate Module. It contained a 20 minute video regarding the types of sexual misconduct and how to define them, how to intervene in situations that could constitute sexual misconduct, and how to report instances of sexual misconduct to the appropriate offices of the College. For both the Undergraduate and Student module, students must have received a score of 80 or higher on their assessment for the training to be marked as completed. Both modules also gave background information regarding Jeanne Clery and the Clery Act to provide some legislative context for Title IX and Clery at the College. Both modules also had “Helpful Links” that directed students to the College’s Annual Security and Fire Report and the contact information for the College’s Title IX Coordinators. The College continues to use these modules for its student training.

Number of Reports of Rape (Any Nonconsensual Penetration), Including Attempts: 2

Number of Reports of Nonconsensual Genital Contact, Including Attempts: 2

Number of Reports of Nonconsensual Sexual or Physical Contact, Including Attempts: 1


Please Describe The General Nature Of Alleged Assault Using Categories Above: The College defines sexual assault in its Annual Security and Fire Safety Report (ASFSR) as “An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.” The College also recognizes that there are four separate classifications for instances of sexual assault: rape, fondling, incest, and statutory rape. The College defines rape as “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” (ASFSR, p 39). Fondling is defined “as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity” (ASFSR, p 39). The definitions of incest and statutory rape are not included here as none of the instances below are classified as such. However, their definition can be found in the College’s ASFSR (<https://www.gbc.edu/docs/gbc-asrfsr-2017.pdf>). Specific information regarding the incidents noted above are available upon request. Report 1 of Rape – A reported incident of penetration of the vagina or anus with another body part without the consent of the victim. Report 2 of Rape – A reported incident of penetration of the vagina or anus with another body part without the consent of the victim. Report 1 of Nonconsensual Genital Contact – A reported incident of a sex offense wherein a sexual act or sexual acts were directed toward the victim without the victim’s consent. Report 2 of Nonconsensual Genital Contact – A reported incident of a person touching the genitals of another person for the purposes of sexual gratification without the consent of the victim. Report 1 of Nonconsensual Sexual or Physical Contact – A reported incident of a sex offense wherein a sexual act or sexual acts were directed toward the victim without the victim’s consent.

Please Describe The Methods Of Investigation Used: In all cases, the College’s Title IX Coordinator met with the victim and the accused separately to assess if a potential violation happened. The Title IX Coordinator also investigated through interviews with the victim, the accused, and witness parties if necessary to determine if a hostile environment was created or if a larger threat to the College Community was present. If the victim desired such or if a hostile environment and/or larger threat was detected in the Title IX Coordinator’s investigation, an institutional investigation would be opened. For institutional investigations, two investigators were assigned to the case by the Title IX Coordinator. The investigators interviewed the victim, the accused,

and all relevant parties to produce a fact-finding report for the Title IX Coordinator. The Title IX Coordinator reviewed the report and made a decision as to whether or not the violation occurred using the preponderance of evidence standard. Should there be uncertainty, the Deputy Coordinator could be consulted for input and the investigators could be prompted to conduct more interviews. The College's policy on Title IX violations and instances of sexual misconduct can be found here, under "Types of Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault or Stalking": <https://www.gbc.edu/docs/gbc-asrfsr-2017.pdf>. For Report 1 and Report 2 of Rape, the Title IX Coordinator met with the victims and initiated institutional investigations. For Report 1 of Nonconsensual Genital Contact, the Title IX Coordinator met with the victim and was ready to initiate an institutional investigation; however, the victim notified the Coordinator that they no longer wanted to pursue one. The Title IX Deputy Coordinator had a discussion with the accused about responsible decision making, the College's anti-retaliation policy, and the need to complete the required online training as soon as possible.. After this conversation no hostile environment and/or larger threat was present and no institutional investigation was opened. For Report 2 of Nonconsensual Genital Contact, the Title IX Coordinator had an initial meeting with the victim, but had to pass the case along to the Deputy Coordinator due to a conflict of interest. The Deputy Coordinator met with the victim, who did not want to pursue an investigation; as the accused was being investigated for other code of conduct related violations, no institutional investigation was opened. For the Report of Nonconsensual Sexual or Physical Touching, the Title IX Coordinator met with the victim, a witness, and the accused separately and in that order. The victim did not think that the accused had bad intentions, but still felt that someone needed to talk to them about the inappropriate nature of their actions. The Title IX Coordinator met with the accused and discussed the situation; the accused knew what they had done was wrong and said they would not repeat their actions; after the Title IX Coordinator's investigation, it was determined that no hostile environment and/or larger threat was present and no institutional investigation was opened.

Please Describe The Findings. If Reports Were Substantiated, Please Describe What Penalties Were Imposed: Report 1 of Rape – Accused was found in violation of the College's consent policy; the accused was not permitted to contact the victim or have someone contact the victim on the accused's behalf, attend any of the College's Student Affairs activities, athletic games or athletic events. If the accused wished to attend a special event, they would need to submit a written request to the Title IX Coordinator. If the request was approved, the Coordinator would inform the victim of the accused's presence at the event. The accused was also not permitted to be in or around the Athletic Department. These penalties were predicated on the knowledge that the accused had plans to transfer at the end of the Fall 2017 Semester; the accused was informed that, if they chose to remain at the College, these sanctions would be revisited and revised (i.e. with time limits on the accused's ban from activities and athletic events.) The victim also was not permitted to contact the accused or have someone contact the accused on the victim's behalf. Report 2 of Rape – Accused was found in violation of the College's consent policy; the accused was not permitted to contact the victim or have someone contact the victim on the accused's behalf. For one year, the accused was not permitted to attend any of the College's Student Affairs activities, athletic games or athletic events. If the accused wished to attend a special event, they would need to submit a written request to the Title IX Coordinator. If the request was approved, the Coordinator would inform the victim. At the start of the Spring 2019 Semester, these privileges will be reinstated and the need for written permission will no longer be required. The accused was not permitted to live in the same residence hall as the victim for the entirety of their career at the College. The victim also was not permitted to contact the accused or have someone contact the accused on the victim's behalf. Report 1 of Nonconsensual Genital Contact – Victim requested for no institutional investigation; the Title IX Deputy Coordinator met with the accused to determine if there was a hostile environment and/or a larger threat was present. As it was determined that there was no hostile environment and/or larger threat, no institutional investigation was opened and no penalties were imposed. Report 2 of Nonconsensual Genital Contact – Victim requested for no institutional investigation. The accused was being investigated for code of conduction violations and that investigation resulted in the accused's being banned from the College's campus. Report 1 of Nonconsensual Sexual or Physical Contact – Victim requested for no institutional investigation; the Title IX Coordinator met with a witness and the accused to determine if a hostile environment and/or larger threat was present. As it was determined that there was no hostile environment and/or larger threat, no institutional investigation was opened and no penalties were

imposed.

Campus Police or Public Safety Reporting (Only For Those Institutions with Their Own Public Safety Agencies): Please Upload, Preferably In Microsoft Excel or Word Format, A Chart of All Reports of Offenses Under 11 Del. C.  761-778A



September 27, 2018

To Delaware's Department of Justice:

Goldey-Beacom College ("the College") does not have its own Public Safety Agency, but does contractually provide security services to the Campus Community. There were no incident reports in 2017 regarding Title IX or VAWA offenses that were not reported to the College's Title IX Coordinator.

Thank you,

Hannah Bakey
Title IX Coordinator
bakeyh@gbc.edu | (302) 225-6285
Goldey-Beacom College
4701 Limestone Road
Wilmington, DE 19808

APPENDIX E

Information submitted by the
University of Delaware

Siegel, Kim (DOJ)

From: DOJ_DoNotReply@state.de.us
Sent: Friday, September 21, 2018 11:58 AM
To: Siegel, Kim (DOJ); foley@udel.edu
Subject: Online Form Submission - College Compliance Self-Reporting
Attachments: 2018 DOJ title 11 S761-778A.xlsx

Name of School: University of Delaware

Name of Person Completing the Form: Adam Foley

Email Address of Person Completing the Form: foley@udel.edu

Send a copy to me?: yes

Phone Number of Person Completing the Form: 302-831-8063

Number of Faculty Trained: 1276

Number of Faculty Employed: 1276

Minutes of Training Provided To Faculty: 60

Description and Format of Training Provided To Faculty: online sexual misconduct training contracted through Everfi and customized by the Office of Equity and Inclusion at the University of Delaware

Number of Staff Trained: 3187

Number of Staff Employed: 3187

Minutes of Training Provided To Staff: 60

Description and Format of Training Provided To Staff: online sexual misconduct training contracted through Everfi and customized by the Office of Equity and Inclusion at the University of Delaware

Number of Students Trained: 6540 (based on Fall 2017 training, given to new students, 5387 undergraduate, 1153 graduate)

Number of Students Enrolled: 23774 (Fall 2017 enrollment)

Minutes of Training Provided to Students: 60

Description and Format of Training Provided To Students: online sexual misconduct training contracted through Everfi and customized by the Office of Equity and Inclusion at the University of Delaware

Number of Reports of Rape (Any Nonconsensual Penetration), Including Attempts: 74 (reports of sexual assault as defined by the University of Delaware's Sexual Misconduct Policy)

Number of Reports of Nonconsensual Genital Contact, Including Attempts: 149 (reports of sexual assault, sexual harassment, dating violence, and domestic violence as defined by the University of Delaware's Sexual Misconduct Policy)

Number of Reports of Nonconsensual Sexual or Physical Contact, Including Attempts: 149 (reports of sexual assault, sexual harassment, dating violence, and domestic violence as defined by the University of Delaware's Sexual Misconduct Policy)

Please Describe The General Nature Of Alleged Assault Using Categories Above: Sexual misconduct, as defined by the University of Delaware's Sexual Misconduct Policy (Section II., L.): *A full copy of the UD policy can be found at <https://sites.udel.edu/sexualmisconduct/policies/> Sexual misconduct is a term used to encompass a variety of behaviors described below. Sexual misconduct may be committed by anyone, including but not limited to, an intimate partner, a friend, an acquaintance, a supervisor, a faculty member, or a stranger. Anyone can be a victim or perpetrator of sexual misconduct, regardless of their sex, sexual orientation or gender identity. Sexual misconduct can occur when perpetrator and victim are different sexes or the same sex. Sexual misconduct can involve conduct that occurs on campus, off-campus, or via electronic means, including online, by social media, or by text. Sexual misconduct may include the following: 1. Sex discrimination means adverse treatment of an individual based on sex, gender, gender identity or gender expression, rather than individual merit. 2. Sexual harassment means unwelcome verbal, nonverbal or physical conduct of a sexual nature when: a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's

employment or academic advancement; b. submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; or c. such conduct is: i. sufficiently severe or pervasive to alter an individual's working or academic conditions; ii. creates a hostile or abusive working, living or academic environment; or iii. is sufficiently severe or pervasive to limit an individual's ability to participate in or benefit from an educational program or activity. Factors which may be considered include the frequency of the unwelcome conduct; its severity; whether it is physically threatening or humiliating; and whether it unreasonably interferes with an individual's work or academic performance. Sexual harassment can include other acts of sexual misconduct. 3. Sexual assault means physical sexual acts committed when consent is not received, a person is physically forced, intimidated or coerced into a sexual act, or when a person is physically or mentally unable to give consent. 4. Domestic violence means any act of violence, including but not limited to physical violence, sexual assault and psychological violence, committed or threatened to be committed by: a. A current or former spouse of the victim; b. A person with whom the victim shares a child in common; c. A person who is cohabiting with or has cohabited with the victim in a romantic relationship; or d. A family member of the victim with whom the victim resides or has resided. 5. Dating violence means any act of violence, including but not limited to physical violence, sexual assault and psychological violence, committed or threatened to be committed by a person who has been involved in a social relationship of either a romantic or intimate partner nature with the victim. When determining whether the relationship rises to the level required for dating violence, the nature of the relationship, length, type and frequency of interaction will be considered. 6. Stalking means purposely and repeatedly engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

Please Describe The Methods Of Investigation Used: Investigations are addressed in the University of Delaware's Sexual Misconduct Policy (Section VII., E.) as: E. Investigation If the Title IX Coordinator determines that an investigation is appropriate, the University will conduct a thorough fact-finding investigation by one or more investigators assigned by the Title IX Coordinator. The investigator(s) will be charged with investigating the complaint and reaching a finding of responsible or not responsible for the charges in the complaint in consultation with the Title IX Coordinator. If the matter involves students, and the investigator(s) discover violations that may also violate the University's Student Code of Conduct during the investigation, the investigator(s) will share that information with the Office of Student Conduct to review and take action as deemed appropriate. If the matter involves faculty or staff members, and the Investigator(s) discover(s) potential violations of other University policies during the investigation, the Investigator(s) will share that information with the Chief Human Resources Officer and/or the Vice Provost for Faculty Affairs, as applicable, to review and take action as deemed appropriate. Once the investigator(s) learn of other potential violations of the Sexual Misconduct Policy and/or other University policies, the complainant and/or the respondent will be notified, as applicable. The investigation will include the investigator(s) meeting separately with the complainant (if the complainant is participating in the investigation), the respondent and relevant witnesses. As discussed in Section VI.G., the complainant and the respondent may each be accompanied to these meetings by up to two support persons. The investigator will review any other information deemed relevant to the report and investigation and to which the investigator has access. This may include surveillance camera footage, photographs, documents, text messages, social media postings, electronic mail messages or other materials provided to the investigator by any person participating in the process or otherwise obtained by the investigator. The investigator will give the complainant and respondent the opportunity to present questions they believe should be asked of the other party and witnesses and the opportunity to respond to statements made by others, if deemed appropriate by the investigator. At any time during the course of an investigation, the complainant, respondent or any witnesses may provide a written statement, other supporting materials or identify other potential witnesses regarding the reported sexual misconduct. The University will complete its review of the complaint within a reasonable time period. If the investigator believes that the review will take longer than 30 days, he or she shall inform the University Title IX Coordinator and the parties to the complaint. If at any time during the course of the investigation the complainant withdraws from participating in the process, the University may proceed with the investigation without the complainant's participation or may determine that it is appropriate to dismiss the charges.


Please Describe The Findings. If Reports Were Substantiated, Please Describe What Penalties Were Imposed: Findings vary depending on various factors, and are outlined in the University of Delaware's Sexual Misconduct Policy (Section VIII): VIII. SANCTIONING If the respondent is found responsible for any violations of this policy, the University will initiate a sanctioning process designed to eliminate the misconduct, prevent its recurrence and remedy its effects. Sanctions may also serve to promote safety or deter individuals from engaging in similar behavior in the future. For students found responsible, the sanctions can range from written reprimand up to and including expulsion. For faculty and staff found responsible, the sanctions can range from written reprimand up to and including termination of their employment. Vendors, volunteers, visitors or guests found responsible can be banned from campus. Remedial measures to ensure the hostile environment experienced by the complainant has been eliminated will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement around campus; ensuring the complainant and respondent do not share classes, work spaces or extracurricular activities; reassignment of residence halls; tutoring or other academic support; arranging for extra time to complete or re-take a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the parties and the University.

A. Student Respondent Sanctioning Panel If the respondent is a student, the investigator's final report, along with the parties' responses to the draft report, will be provided to the Office of Student Conduct immediately, which will assign an impartial Sanctioning Panel within 5 days. Members of the Sanctioning Panel may speak with the investigator(s), the Title IX Coordinator and the Dean of Students while considering the appropriate sanction(s). In addition, the complainant and respondent may request to speak separately with the Sanctioning Panel and will be permitted to be accompanied by their respective support persons during such meeting. Once a decision has been reached by majority rule by the Sanctioning Panel, the Office of Student Conduct will issue a letter to the respondent and complainant, with copies to the Title IX Coordinator and the Title IX Investigator, sharing the result and sanctions in a manner appropriate to honor due process and privacy considerations. The notification will include information about the appeal process.

Potential Sanctions and Remedial Measures The sanctions may include any sanctions contained within the Student Guide to University Policies, <http://www1.udel.edu/stuguide/16-17/code.html> , including a combination of disciplinary sanctions, educational sanctions and remedial measures. Disciplinary sanctions may range from reprimand to expulsion from the University. There may also be educational sanctions, such as reflection papers or attendance at relevant seminars. In addition, sanctions may include remedial measures, similar to interim measures, which will remain in place for as long as the University believes is appropriate. The severity of the sanction will depend on a number of factors, including the nature of the offense and the respondent's prior disciplinary history.

B. Staff Member or Administrator Respondent If the respondent is a staff member or administrator, the investigator's written report, along with the responses to the draft report, will be provided to the respondent's Vice President or highest-level supervisor to determine the appropriate sanctions or corrective actions. The Vice President or highest-level supervisor will speak with the investigator(s) and the Title IX Coordinator and may speak with the complainant and respondent while considering the appropriate sanction. The complainant, respondent, investigator and Title IX Coordinator will receive simultaneous written notice of the sanctioning decision. The notification will include information about the appeal process. The sanctions may include a combination of disciplinary sanctions, educational sanctions and remedial measures. Disciplinary sanctions may range from oral reprimand to termination of employment. The severity of the sanction will depend on a number of factors, including the nature of the offense and the respondent's prior disciplinary history.

C. Faculty Respondent If the respondent is a faculty member, the investigator's written report, along with the responses to the draft report, will be provided to the Dean of the College in which the respondent is primarily employed. The Dean will determine the appropriate sanctions or corrective actions. The Dean will speak with the investigator(s) and the Title IX Coordinator and may speak with the complainant or the respondent while considering the appropriate sanction. The complainant, respondent, investigator and Title IX Coordinator will receive simultaneous written notice of the sanctioning decision. The notification will include information about the appeal process. The sanctions may include a combination of disciplinary sanctions, educational sanctions and remedial measures. Disciplinary sanctions may range from oral reprimand to termination of employment. The severity of the sanction will depend on a number of factors, including the nature of the offense and the respondent's prior

disciplinary history. D. Vendor or Volunteer Respondent If the respondent is a vendor or volunteer, the investigator's written report will be provided to the Vice President or Dean of the unit or college that retained or authorized the vendor or volunteer. The Vice President or Dean will speak with the investigator(s) and the Title IX Coordinator and may speak with the complainant and respondent while considering the appropriate sanction, which could include banning the vendor or volunteer from the University campus in its entirety. The complainant, respondent, investigator and Title IX Coordinator will receive simultaneous written notice of the sanctioning result. The notification will also include information about the appeal process. E. Visitor or Guest Respondent If the respondent is a visitor or guest or someone without any direct affiliation with the University, the investigator's written report will be provided to the Title IX Coordinator. The Title IX Coordinator will speak with the investigator(s) and may speak with the complainant and respondent while considering the appropriate sanction, which could include banning the visitor or guest from the University campus in its entirety. The complainant, respondent, investigator and Title IX Coordinator will receive simultaneous written notice of the sanctioning result. The notification will also include information about the appeal process. Campus Police or Public Safety Reporting (Only For Those Institutions with Their Own Public Safety Agencies): Please Upload, Preferably In Microsoft Excel or Word Format, A Chart of All Reports of Offenses Under 11 Del. C.  761-778A

| statute | Complaint_Number | Ucr_Code | Crime_Code | Crime_Status_Desc | Crime_Category | Crime_Code_Desc | Occur_Date | Occur_From_Time |
|----------------|------------------|----------|------------|-------------------|---------------------|----------------------------------|------------|-----------------|
| DE110764000aM | 3917014969 | 90Z | 3605 | Adult Arrest | Sex Offenses | Indecent Exposure | 2017-10-15 | 1552 |
| DE110764000aM | 3917014969 | 90Z | 3605 | Adult Arrest | Sex Offenses | Indecent Exposure | 2017-10-15 | 1552 |
| DE1107670000MA | 3917001897 | 11D | 1126 | Pending-Inactive | Rape/Sexual Assault | Unlawful Sexual Contact/No Force | 2017-02-11 | 2300 |

| MO_Description | Occur_Address | | | Occur_Zip_Code | Vitim_Offender_Relationship | sex | age |
|---|---------------|---------|-----|----------------|-----------------------------|--------|-----|
| Indecent exposure | 77 | Amstel | AVE | 19716 | Otherwise Unknown | Female | 18 |
| Indecent exposure | 77 | Amstel | AVE | 19716 | Otherwise Unknown | Female | 18 |
| V1 reported S1 touched her unlawfully in a sexual manner. | 356 | Academy | ST | 19716 | Neighbor | Female | 18 |



MATTHEW P. DENN
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CIVIL DIVISION (302) 577-8400
FAX: (302) 577-6630
CRIMINAL DIVISION (302) 577-8500
FAX: (302) 577-2496
FRAUD DIVISION (302) 577-8600
FAX: (302) 577-6499

October 5, 2018

VIA EMAIL

Adam Foley
foley@udel.edu

RE: Additional Information Requested for Campus Sexual Assault Report

Dear Mr. Foley:

On September 14, 2018, the Department of Justice ("DOJ") provided information on Delaware's new campus sexual assault law and a website on which colleges subject to the law could complete their report to DOJ. We received your response on September 21, 2018.

There appears to have been some confusion regarding the questions about sexual assaults on campus. We noted the following:

- When asked to provide the number of cases involving rape, defined as nonconsensual penetration, and attempted rape, you provided the numbers of sexual assaults as defined by a UD policy that encompasses any physical assault of a sexual nature. Unless each of those instances involved an attempted or completed rape and there were no instances of groping or other less legally severe offenses, your report likely overstates the numbers of attempted and completed rapes at UD.
- When asked to provide the number of cases involving nonconsensual genital contact and the number of cases involving nonconsensual sexual or physical contact, you provided for each the number of sexual misconduct cases, as defined by a UD policy that encompasses sexual assaults, sexual assault, sexual harassment, dating violence, and domestic violence. Unless each of those instances involved genital contact and there were no instances of offenses such as catcalling, creation of a hostile work environment, or striking someone elsewhere on their body, your report likely overstates the numbers of nonconsensual genital contact and nonconsensual sexual or physical contact at UD.
- When asked to generally describe the assaults, how they were investigated, and what penalties were imposed, you provided UD's policies on defining sexual misconduct, investigations, and available penalties. The response provided no information on how individual cases were handled.

Passage of this law was driven by the General Assembly's desire for public information about colleges' reporting and investigations of sexual assaults. We do not believe that providing an overall number of incidents with no information about how they were individually resolved by the university was the intent of the bill.

We request that you review the cases reported to UD to better classify them on an incident-by-incident manner within the categories found on the reporting webpage, providing a new report by October 29, 2018 which clearly explains the allegations (without identifying information) in each incident; the investigation performed, if any, for each; and the penalties imposed, if any, for each.

Sincerely,

/s/ Kim Siegel

Kim Siegel, MPA
Legislative Affairs Manager

Siegel, Kim (DOJ)

From: Foley, Adam Michael <foley@udel.edu>
Sent: Thursday, November 15, 2018 10:23 AM
To: Siegel, Kim (DOJ)
Cc: Title IX Coordinator
Subject: RE: Request for Clarification of UD's Sexual Assault Report

Hi Kim,

Based on the reports, I would estimate the following numbers. Please note that there is overlap, as penetration would also constitute genital contact and sexual and/or physical contact, and genital contact would also constitute sexual and/or physical contact.

Non-consensual penetration: 40
Non-consensual genital contact: 45
Non-consensual sexual and/or physical contact: 55

I hope this helps with the report. Thanks!

Best,

Adam

From: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Sent: Thursday, November 15, 2018 9:32 AM
To: Foley, Adam Michael <foley@udel.edu>
Cc: Title IX Coordinator <titleixcoordinator@udel.edu>
Subject: RE: Request for Clarification of UD's Sexual Assault Report

Estimates are fine. I can explain why certain information was not available based the reasons you cite here or in the information provided. This data collection and reporting is a new process for all of us, I very much appreciate your help.

Kim Siegel, MPA
Legislative Affairs Manager
FOIA Coordinator
Delaware Department of Justice
577-5306

From: Foley, Adam Michael <foley@udel.edu>
Sent: Thursday, November 15, 2018 9:25 AM
To: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Cc: Title IX Coordinator <titleixcoordinator@udel.edu>
Subject: RE: Request for Clarification of UD's Sexual Assault Report

Hi Kim,

Unfortunately, in many instances, the complainant refused outreach or was not identified by name (anonymous), so a confirmation of the nature of the report was not possible. I wouldn't feel comfortable speculating on the details of each incident without our office having met with each complainant. I may be able to provide estimates, but the detail included in the reports varies greatly.

Please advise on how best to proceed. Many thanks!

Best,

Adam

From: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Sent: Thursday, November 15, 2018 9:15 AM
To: Foley, Adam Michael <foley@udel.edu>
Cc: Title IX Coordinator <titleixcoordinator@udel.edu>
Subject: RE: Request for Clarification of UD's Sexual Assault Report

Thank you, I thought that might be the case. However, we still need to report the total number of assaults reported and the nature of those assaults; is the University able to please classify the remaining 56 incidents into the categories of nonconsensual penetration, nonconsensual genital contact, and nonconsensual sexual or physical contact?

Many thanks,
Kim

Kim Siegel, MPA
Legislative Affairs Manager
FOIA Coordinator
Delaware Department of Justice
577-5306

From: Foley, Adam Michael <foley@udel.edu>
Sent: Thursday, November 15, 2018 9:02 AM
To: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Cc: Title IX Coordinator <titleixcoordinator@udel.edu>
Subject: RE: Request for Clarification of UD's Sexual Assault Report

Good Morning Ms. Siegel,
Thank you for the follow-up. I'm happy to hear the report is coming along nicely. 74 reflects the number of reports, whereas 18 reflects the number of investigations based on those reports. In many instances, complainants choose not to engage with the university process, engage with law enforcement, or alternatively seek out resources such as counseling and victim advocacy services. Thus, the distinction between the two numbers exists.

All the Best,

Adam

Adam Foley, Ph.D.
Associate Director, Diversity & Inclusion
[Office of Equity & Inclusion](#)
University of Delaware
305 Hullahen Hall
302.831.1949
Pronouns: he/him/his



From: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Sent: Wednesday, November 14, 2018 4:31 PM
To: Foley, Adam Michael <foley@udel.edu>
Subject: RE: Request for Clarification of UD's Sexual Assault Report

Hello Mr. Foley. We are drafting the report and I used the new information you provided in the section on assault reports. However, in reviewing your original submission to see what training was provided, I noticed that there are 74 reported instances of sexual assault in that report but only 18 allegations of sexual assault in the spreadsheet you provided. Could you kindly explain the discrepancy?

Kim Siegel, MPA
Legislative Affairs Manager
FOIA Coordinator
Delaware Department of Justice
577-5306

From: Foley, Adam Michael <foley@udel.edu>
Sent: Friday, October 26, 2018 3:54 PM
To: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Cc: Title IX Coordinator <titleixcoordinator@udel.edu>
Subject: RE: Request for Clarification of UD's Sexual Assault Report

Good Afternoon Ms. Siegel,
I hope this message finds you well. Please see attached a summary of investigations involving the specified factors for 2017, as outlined in your earlier correspondence. Thank you for your time.

Best,

Adam

Adam Foley, Ph.D.
Associate Director, Diversity & Inclusion
[Office of Equity & Inclusion](#)
University of Delaware
305 HULLIHEN HALL
302.831.1949
Pronouns: he/him/his



From: Siegel, Kim (DOJ) <Kim.Siegel@state.de.us>
Sent: Friday, October 5, 2018 12:49 PM
To: Foley, Adam Michael <foley@udel.edu>
Subject: Request for Clarification of UD's Sexual Assault Report

Dear Mr. Foley,

Please see the attached correspondence.

Sincerely,
Kim Siegel

Kim Siegel, MPA
Legislative Affairs Manager
FOIA Coordinator
Delaware Department of Justice
577-5306

| University of Delaware Charges | Investigation Details- January 2017- December 2017 | Description | Sanction | Duration |
|---|--|---------------------|---|----------|
| Sexual Assault, Dating Violence, Sexual Harassment, Stalking | Dating in H.S., cycle of violence, R used sex as tool and coerced C. R was physically and psychologically abusive. R made unwanted sexual comments and called C. names; hostile environment. R stalked C. | Suspension | Effective Jan. 2017, SU through Spring 2018, SRH through graduation, ban from contact | |
| Dating Violence | Dating in H.S.; C was pregnant; R is believed to be father of the baby; R pushed C causing her to fall, lose consciousness, sustain concussion and broken ankle; Month prior, R pushed C., causing concussion. | Suspension | Effective March 2017, SU through Spring 2017, SRH through graduation, ban from contact | |
| Dating Violence | Dating relationship. R held C down, cut her hair, sprayed cleaning solution toward C, handcuffed C to table. | Suspension | Effective April 2017, SU through Fall 2017, DSU through graduation, ban from contact | |
| Sexual Assault | While at Temple Univ., R touched and grabbed C and penetrated her with his fingers while she was sleeping. | Suspension | Effective April 2017, SU through Winter 2018, SRH through graduation, ban from contact | |
| Sexual Assault | C, while intoxicated, smoked marijuana with R. R inserted his penis into the mouth of C and ejaculated on her breasts. R held the C's head during the sexual act. | Suspension | Effective July 2017 (was previously on DSU through Fall 2017), SU through Fall 2018, SRH through graduation, ban from contact | |
| Sexual Assault, Sexual Harassment | R made sexual comments and snapped waist band of C's underwear. C was clear she was not interested; highly distraught | Deferred Suspension | Effective February 2017, DSU through graduation, ban from contact | |
| Sexual Assault, Sexual Harassment | Parties hung out and were romantic. Parties pre-gamed. C was sexually aggressive. R believes parties had consensual sex. C did not remember the evening. | Deferred Suspension | Effective June 2017, DSU through graduation, ban from contact | |

| | | | |
|-----------------------------------|--|-----------------|---|
| Sexual Assault, Sexual Harassment | R entered C's room w/o permission. C denied requests for hugs but acquiesced to remove herself from situation. R touched C's tattoos (above her breast) w/o permission. | Probation | Effective February 2017, Probation through Spring 2017, SRH (Caesar Rodney), ban from contact |
| Sexual Assault, Sexual Harassment | During floor program, R grabbed C's vagina (outside of pants) while reaching for spinner in lap. | Probation | Effective April 2017, Probation through Spring 2018, DSR through Spring 2018, SRH (Caesar Rodney), ban from contact |
| Sexual Assault | Dated in HS. During incident parties engaged in sexual acts; complainant said she did not consent. | Not Responsible | C lied to witnesses and gave varying accounts; no information to corroborate C's account. |
| Sexual Assault | C said parties agreed to sexual intercourse. C objected as interaction became rough. C said R would not stop and forced her onto bed. R denied having sexual intercourse with C or seeing her in past 2 months | Not Responsible | R did not have sex with C on date of incident. No information to corroborate C's account. |
| Sexual Assault, Sexual Harassment | C allowed R to spend night in her bed. C doesn't remember anything due to intoxication. C later learned from R they had sex. | Not Responsible | While C does not remember, she kissed R, initiated sex, and engaged sexually. R would not have known her level of intoxication. |
| Sexual Harassment | R carried C to his room, put her on his bed, held her down, and asked for a kiss. C fled. | Not Responsible | Actions do not rise to the level of a violation. Referred for Disruptive Conduct. |
| Sexual Assault | C pressured to have threesome; refused. Pressured into sexual actions with 2 R's. C says too drunk and high to consent. | Not Responsible | R's would not have known C consumed alcohol. Issue of consent is disputed. |
| Sexual Assault | C met R at house party in NJ during summer. R believed he had consent for oral and vaginal sex; however C was unable to consent due to intoxication, which R would have known. | Suspension | Effective November 2017, SU through Fall 2018 (lessened from Spring 2019), ban from contact |
| Sexual Assault | Complainant reported a series of non-consensual acts occurred between her and the respondent, a friend of hers during the summer of 2016. | Not Responsible | Sexual acts were consensual or insufficient info presented to make decision based on preponderance. |

| | | | |
|-------------------|---|-----------------|--|
| Sexual Harassment | R was reported to have sent unwanted electronic communications and initiated unwanted physical contact of a sexual nature (grab their butt, bear hug them, grind his genitals against their backside) with 3 individuals. | Not Responsible | Parties engaged in mutually flirtatious behavior. No indication that behavior was unwanted. Other parties did not participate in investigation; therefore insufficient information was available to corroborate the reports received. C's behavior, confirmed by witnesses indicates that C was cont incapacitated due to her consumption of alcohol. C consented to sexual progression. |
| Sexual Assault | Complainant had been out with friends drinking. Complainant said respondent had non-consensual sexual intercourse with her. | Not Responsible | |

Key

| | |
|-----|---------------------------------------|
| C | Complainant |
| DSR | Deferred Suspension (Residence Halls) |
| DSU | Deferred Suspension (University) |
| R | Respondent |
| SRH | Suspension from Residence Halls |
| SU | Suspension from the University |

APPENDIX F

Information submitted by
Wesley College

Siegel, Kim (DOJ)

From: DOJ_DoNotReply@state.de.us
Sent: Thursday, September 27, 2018 10:44 AM
To: Siegel, Kim (DOJ); Katharine.mckinney@wesley.edu
Subject: Online Form Submission - College Compliance Self-Reporting
Attachments: Public Safety Report for DOJ, 2017.xlsx

Name of School: Wesley College

Name of Person Completing the Form: Katharine McKinney, Student Conduct Coordinator/Title IX Specialist

Email Address of Person Completing the Form: Katharine.mckinney@wesley.edu

Send a copy to me?: yes

Phone Number of Person Completing the Form: (302) 736-2585

Number of Faculty Trained: 130

Number of Faculty Employed: 153

Minutes of Training Provided To Faculty: Approximately 40 minutes

Description and Format of Training Provided To Faculty: Training was an online module that included information on Title IX, VAWA, and sexual assault. A flyer with this information was also covered during Faculty Meeting.

Number of Staff Trained: 210

Number of Staff Employed: 215

Minutes of Training Provided To Staff: Approximately 40 minutes

Description and Format of Training Provided To Staff: Training was an online module that included information on Title IX, VAWA, and sexual assault.

Number of Students Trained: 278 first-time, full-time incoming freshmen students trained

Number of Students Enrolled: 544 first-time, full-time incoming freshmen students enrolled in Fall 2017 semester

Minutes of Training Provided to Students: Approximately 40 minutes

Description and Format of Training Provided To Students: Training was an in-person group lecture.

Opportunities were given for students to ask questions about any of the information that they received, and they were made aware of the campus resources regarding Title IX-related issues.

Number of Reports of Rape (Any Nonconsensual Penetration), Including Attempts: 1 report


Number of Reports of Nonconsensual Genital Contact, Including Attempts: 0 reports

Number of Reports of Nonconsensual Sexual or Physical Contact, Including Attempts: 0 reports

Please Describe The General Nature Of Alleged Assault Using Categories Above: 1 rape was reported to the then-Title IX Educator, Renee McGlothlin. The assault allegedly began with consensual kissing between two parties, one female ("Betty") and one male ("Jackson"). Betty reported that Jackson forcibly inserted his penis into her vagina despite her repeatedly saying no.

Please Describe The Methods Of Investigation Used: The Investigation included interviews with the Complainant, Respondent, and witnesses, as well as a review of other relevant evidence.

Please Describe The Findings. If Reports Were Substantiated, Please Describe What Penalties Were Imposed: Complainant emailed to state that she did not want to move forward with Conduct charges. The case was dismissed by the College and no determination of substantiation was made.

Campus Police or Public Safety Reporting (Only For Those Institutions with Their Own Public Safety Agencies): Please Upload, Preferably In Microsoft Excel or Word Format, A Chart of All Reports of Offenses Under 11 Del. C.  761-778A

| | CALENDAR YEAR | 2017 |
|--------------------------|--------------------------|------|
| SEX OFFENSES, RAPE | ON CAMPUS | 1 |
| | **RESIDENTIAL FACILITIES | 1 |
| | NONCAMPUS | 0 |
| | PUBLIC PROPERTY*** | 0 |
| | DOVER AIR FORCE BASE | 0 |
| | | 1 |

| | | |
|------------------------------|--------------------------|---|
| SEX OFFENSES, FONDLING | ON CAMPUS | 0 |
| | **RESIDENTIAL FACILITIES | 0 |
| | NONCAMPUS | 0 |
| | PUBLIC PROPERTY*** | 0 |
| | DOVER AIR FORCE BASE | 0 |
| | | 0 |

| | | |
|----------------------------|--------------------------|---|
| SEX OFFENSES, INCEST | ON CAMPUS | 0 |
| | **RESIDENTIAL FACILITIES | 0 |
| | NONCAMPUS | 0 |
| | PUBLIC PROPERTY*** | 0 |
| | DOVER AIR FORCE BASE | 0 |
| | | 0 |

| | | |
|---------------------------------------|--------------------------|---|
| SEX OFFENSES, STATUTORY RAPE | ON CAMPUS | 0 |
| | **RESIDENTIAL FACILITIES | 0 |
| | NONCAMPUS | 0 |
| | PUBLIC PROPERTY*** | 0 |
| | DOVER AIR FORCE BASE | 0 |
| | | 0 |

APPENDIX G

Information submitted by
Wilmington University

Siegel, Kim (DOJ)

From: DOJ_DoNotReply@state.de.us
Sent: Friday, September 28, 2018 1:52 PM
To: Siegel, Kim (DOJ); linda.m.andrzjewski@wilmu.edu
Subject: Online Form Submission - College Compliance Self-Reporting

Name of School: Wilmington University

Name of Person Completing the Form: Linda Van Drie Andrzejewski, Ed. D.

Email Address of Person Completing the Form: linda.m.andrzjewski@wilmu.edu

Send a copy to me?: yes

Phone Number of Person Completing the Form: 302-356-6754

Number of Faculty Trained: 1184

Number of Faculty Employed: 1623

Minutes of Training Provided To Faculty: 60-75 minutes

Description and Format of Training Provided To Faculty: Both online and face-to-face training provides training on Harassment and Discrimination Prevention, Title IX and the Clery Act, including reporting guidelines, federal and state law definitions, of consent, sexual assault, domestic and dating violence, and victim protections. The courses also cover the guidance for employees designated as "Responsible Employees" and "Campus Security Authorities". Both courses raise employee awareness about harassment and discrimination by providing insight on how to appropriately respond to and report misconduct. The training provides tips on how to maintain a safe, inclusive work environment, including options for bystander intervention.

Number of Staff Trained: 340

Number of Staff Employed: 539

Minutes of Training Provided To Staff: 60-75 minutes

Description and Format of Training Provided To Staff: Both online and face-to-face training provides training on Harassment and Discrimination Prevention, Title IX and the Clery Act, including reporting guidelines, federal and state law definitions, of consent, sexual assault, domestic and dating violence, and victim protections. The courses also cover the guidance for employees designated as "Responsible Employees" and "Campus Security Authorities". Both courses raise employee awareness about harassment and discrimination by providing insight on how to appropriately respond to and report misconduct. The training provides tips on how to maintain a safe, inclusive work environment, including options for bystander intervention.

Number of Students Trained: 630

Number of Students Enrolled: 1573

Minutes of Training Provided to Students: 60 minutes

Description and Format of Training Provided To Students: The online course examines the interconnected issues of hooking up, substance abuse, sexual violence, and healthy relationships through a variety of interactive, realistic scenarios and guided self-reflection. The course promotes a healthier and safer campus environment for everyone.

Number of Reports of Rape (Any Nonconsensual Penetration), Including Attempts: 0

Number of Reports of Nonconsensual Genital Contact, Including Attempts: 0

Number of Reports of Nonconsensual Sexual or Physical Contact, Including Attempts: 0

Please Describe The General Nature Of Alleged Assault Using Categories Above: NA

Please Describe The Methods Of Investigation Used: NA

Please Describe The Findings. If Reports Were Substantiated, Please Describe What Penalties Were Imposed: NA

Campus Police or Public Safety Reporting (Only For Those Institutions with Their Own Public Safety Agencies): Please Upload, Preferably In Microsoft Excel or Word Format, A Chart of All Reports of Offenses

APPENDIX H

Information submitted by the
Statistical Analysis Center



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
CRIMINAL JUSTICE COUNCIL
STATISTICAL ANALYSIS CENTER
410 FEDERAL STREET, SUITE # 6
DOVER, DELAWARE 19901

Telephone: (302) 739-4626
Fax: (302) 739-4630
SLC: D380B
Web: sac.delaware.gov/

September 28, 2018

MEMORANDUM

To: Attorney General Denn; Department of Justice
From: Spencer Price, Director; Statistical Analysis Center
Subject: House Substitute 1 to House Bill 1 of the 148th General Assembly

House Substitute 1 for House Bill 1 of the 148th General Assembly established the Sexual Assault Policy for Institutions of Higher Education. As a requirement under Title 14 §9006A(b), the Statistical Analysis Center (the Center) is responsible for submitting a report on the outcome or status of complaints involving violations of Title 11 §767-773 where the alleged victims and/or perpetrators are students of an academic institution, as defined in Title 14 §9001A(1), and whether the alleged offense occurred on or off campus property. This memo serves as the Center's report to the Department of Justice pursuant to this legislation.

As the basis for this analysis, the Center extracted complaint data from the Delaware Criminal Justice Information System to identify possible Title 11 §767-773 offenses reported in calendar year 2017. Due to the large number of complaints for these types of offenses, it was necessary for the Center to restrict its manual search for student victims or perpetrators to those in the range of 17 to 30 years of age. This range was selected to narrow the focus to complaints that would most likely include college age subjects.

The above data collection resulted in 383 complaints that the Center manually reviewed for alleged victim and perpetrator information. This manual review resulted in 23 complaints that had an explicit reference to the alleged victim or perpetrator being a student of an academic institution. The table below provides a breakout of these 23 complaints and the outcome or status of each.

| Complaint Status \ Student Status | On Campus | | | Off Campus | | |
|-------------------------------------|--------------|---------|----------------|--------------|---------|----------------|
| | Adult Arrest | Pending | No Prosecution | Adult Arrest | Pending | No Prosecution |
| Student Victim/Student Suspect | 2 | 3 | 1 | 1 | 1 | 1 |
| Student Victim/Non-Student Suspect | 2 | 1 | 0 | 2 | 6 | 0 |
| Non-Student Victim/ Student Suspect | 1 | 1 | 0 | 0 | 0 | 1 |