



ANNUAL SECURITY REPORT 2025

(For the 2024-2025 Academic Year, Containing Crime Statistics for 2024, 2023, and 2022)

Wilmington University Annual Security Report for the Following Campuses:

Delaware Campus Locations:

New Castle Campus (Main Campus)
Dover Site
Brandywine Site

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THE CLERY ACT

The **Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act**, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it.

The Clery Act was signed into law in 1990 as the Crime Awareness and Campus Security Act of 1990. It was supported by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. They also founded the non-profit Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery. Crime statistics are published in our Annual Security Report. These published statistics are collected by direct reports to the University Safety, reports to an identified Campus Security Authority, reports to location specific university officials, and those crimes reported to local law enforcement.

CLERY CRIMES

The Clery Act requires the following crimes to be disclosed:

Criminal Offenses:

Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest, and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson;

Hate Crimes:

Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of Property that were motivated by bias;

Violence against Women Act (VAWA) Offenses:

Any incidents of Domestic Violence, Dating Violence and Stalking; and

Arrests and Referrals for Disciplinary Action for:

Weapons (carrying, possession of, etc.) Law Violations, Drug Abuse Violations, and Liquor Law Violations.

This Annual Security Report (ASR), available online and in paper form (upon request), serves to satisfy this federal regulation. Each year, notification of the availability of the Annual Security Report is sent to all members of the Wilmington University community via email notification. The ASR is also posted on the university's website (<http://www.wilmu.edu/titleix/understanding-clery-report.aspx>).

This report has been prepared in cooperation with the Wilmington University Department of Safety and is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (Clery Act). The report contains policy statements that address the University's policies, procedures, and programs concerning safety and security. Three (3) years of statistics are included for certain types of crimes that were reported to have occurred on campus, in or on off-campus buildings or property owned or controlled by the University and on public property within or immediately adjacent to the campus. Separate tables of crime statistics are published for each location that constitutes a "Separate Campus" in accordance with the Clery Act.

CLERY GEOGRAPHY

The Department of Education broadly defines Clery geography. It is within this geography, the above listed Clery crimes must be disclosed. Specifically, crimes must be reported that occur: (1) on Campus, (2) on Public Property within or immediately adjacent to the campus, and (3) in or on non-campus buildings or

property that your institution owns or controls. The Department of Education Handbook for Campus Safety and Security Reporting further defines locations “owned or controlled” in the last element to include the use of an off-site building or property in which the university has some type of an agreement for use, whether formal or informal, written or unwritten. Some examples of this expansive definition include short-stay “away” trips, athletic fields, school-sponsored trips, study abroad programs, athletic fields and facilities.

For a more detailed definition of Clery geography, please visit this U.S. Department of Education link: <http://www2.ed.gov/admins/lead/safety/campus.html>. You can also contact Wilmington University Executive Director of Title IX, Clery, and Regulatory Affairs, Linda M. Van Drie Andrzejewski, Ed.D.,: 302-356-6754 linda.m.andrzejewski@wilmu.edu.

CRIME STATISTICS—INTERNAL SOURCES

Crime statistics contained within the Annual Campus Security Report also include those responses received by, or directly reported to, the Executive Director of Title IX, Clery, and Regulatory Affairs. Below is a list of identified Campus Security Authorities, such as:

- Wilmington University Safety Constables and Cadets
- Athletic Department Administrative Staff
- Athletic Department Coaching Staff (including head, assistant, and volunteer coaches)
- Athletic Training Personell
- Faculty or Staff Advisors to Student Organizations
- Dean of Students
- Student-Conduct Office
- Staff in the Student Center
- Staff in the Student Activities Office
- Title IX Coordinator

Campus Security Authorities must take annual training on the Clery Act and reporting of crimes.

ACCESSIBILITY TO CRIME STATISTICS AND the ANNUAL REPORT

The Executive Director of Title IX, Clery, and Regulatory Affairs also submits annual crime statistics to the United States Department of Education and is available on the Department of Education website (<https://ope.ed.gov/campusafety/#/>).

Each year, a correspondence is sent to every student explaining where to locate the Annual Campus Security Report on the University website. The notification includes the address for the Department of University Safety website (<http://www.wilmu.edu/titleix/understanding-clery-report.aspx>) and what information can be found on the site. These notices are also reproduced and included in packages for prospective employees and students.

INTERPRETATION OF CRIME STATISTICS

Later in this report, you will find specific information about how crime statistics are classified as well as details of each crime listed. The statistics provided in this report are published in accordance with the guidelines established by the Federal Bureau of Investigation Uniform Crime Reporting (UCR) Handbook and federal law (Clery Act). Also included, for reference, are the applicable state statutes for these crime categories.

The number of victims involved in an incident is indicated in the statistics column of the following crime classifications: Murder/ Non-Negligent Manslaughter, Manslaughter by Negligence, Rape, fondling, incest, statutory rape, and Aggravated Assault. For example, if an aggravated assault occurs and there are two (2) victims, this would be counted as two (2) aggravated assaults on the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one offense per incident. These offenses are Robbery, Burglary, Larceny, and Arson. For example, if three (3) students are walking across campus together and they are robbed, this would count as one (1) incident of robbery on the crime statistics chart. In the case of motor vehicle theft, each vehicle stolen is counted as a vehicle theft.

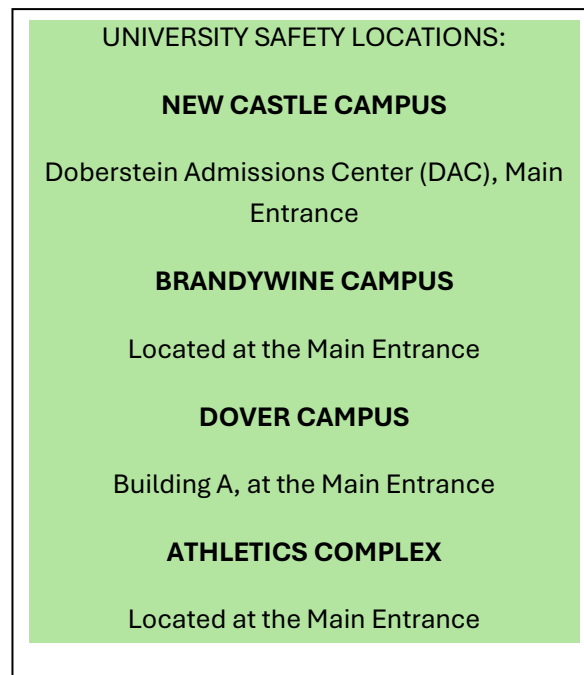
In cases involving Liquor Law, Drug Law, and Illegal Weapons violations, each person who was arrested is indicated in the arrest statistics. The statistics captured under the “Referred for Disciplinary Action” section for Liquor Law, Drug Law, and Illegal Weapons violations indicate the number of the people referred to the Office of Student Affairs for disciplinary action for violating those specific laws.

UNIVERSITY SAFETY

University Safety is responsible for providing security services for the New Castle, Dover, Wilson Graduate Center, Brandywine, and Athletic Complex locations. The main office for University Safety is located at the New Castle Campus, 320 N. DuPont Highway, New Castle, Delaware. The office of the Assistant Vice President, Administrative & Legal Affairs is in the Audrey K. Doberstein Admissions Center (DAC). Security Managers are in the Alumni Building.

UNIVERSITY SAFETY VALUE STATEMENT

The University Safety Constables are law enforcement professionals entrusted to provide a safe and secure educational environment by partnering with students, faculty, and staff to enhance the quality of life in accordance with University values of respect, integrity, opportunity and by pro-actively responding to the needs of our community.



UNIVERSITY SAFETY—STRUCTURE AND FUNCTION

University Safety is led by the Assistant Vice President of Administrative & Legal Affairs who reports to the Vice President of Administrative & Legal Affairs. Two Constable Supervisors oversee day-to-day operations and administrative duties of University Safety personnel and coordinate the services of local law enforcement and first responders, when necessary. University Safety is currently staffed by sworn, armed Constables commissioned by the State of Delaware Board of Examiners and derive legal authority from State of Delaware Title 24, Chapter 56 (Professions and Occupations). Constables have authority to make arrests, conduct investigations, etc. within the jurisdictional boundaries of Wilmington University owned or controlled property on the following campuses/sites: New Castle, Dover, Wilson Graduate Center,

Brandywine and Athletic Complex locations. Further, University Safety Constables are considered “peace officers” and derive legal authority from Delaware Code Title 24, Chapter 56, §Section 5609. Constables have the power of arrest and detention as defined and are responsible for the prevention and detection of crime and the enforcement of the laws of the state of Delaware within the boundaries of Wilmington University facilities. Upon any action that would constitute an arrest or detention, as stated in Title 24, the law enforcement agency of jurisdiction assumes responsibility of the investigation and becomes the primary arresting agency.

University Safety employs University Safety Cadets, students who aspire careers in the law enforcement profession. University Safety Cadets supplement staffing and assist Constables by patrolling and providing assistance the Wilmington University Community. University Safety Cadets are civilian employees with no power of arrest and have no the authority to enforce State, Local and Federal Laws or University policies. The patrol jurisdiction of University Safety Cadets is within the jurisdictional boundaries of Wilmington University owned or controlled property on the following campuses/sites: New Castle, Dover, Wilson Graduate Center, Brandywine and Athletic Complex locations.

The University is protected by constables and cadets during business hours. Business hours are Monday-Friday 7 a.m.-11 p.m. Weekend hours are 8 a.m.-8 p.m. at the New Castle campus, and 8 a.m.-6 p.m. at the Brandywine, Wilson Graduate Center, Athletic Complex, and Dover Campus.

The jurisdiction of University Safety Constables and University Safety Cadets is within the jurisdictional boundaries of Wilmington University owned or controlled property on the following campuses/sites: New Castle, Dover, Wilson Graduate Center, Brandywine and Athletic Complex locations.

During peak period, specials events or other events requiring additional security, University Safety contracts law enforcement and first responders’ services from State, County, and Municipal agencies. University Safety personnel are equipped with two-way communication devices and “First Net” cellular telephones and routinely patrol campus grounds and buildings by vehicle and on foot. Telephone calls directed to the University Safety will be answered by the constable on duty at the time of the call. When the university is closed University Safety calls are answered by a third-party security company, who contacts the on-call Department of Safety Manager. University Safety maintains a close working relationship with state, county and municipal emergency services providers including Delaware State Police, New Castle County Police, and Dover Police Department, in an effort to ensure the best possible service to the university community. University Safety personnel routinely attend meetings with other college and university security administrators for the purpose of exchanging information, planning, training, and examining emerging crime trends across the state and nation. The Department of University Safety does not currently have a memorandum of understanding with any law enforcement agency pertaining to the investigation of criminal incidents.

UNIVERSITY SAFETY TRAINING

Wilmington University Constables meet or exceed the standards of training set for by the State of Delaware Board of Examiners and Delaware Office of Professional Licensing in accordance with Delaware Code Title 25, Chapter 56 (Constables). The basic training curriculum for Constable Certification is established by the Delaware State Police and Police Officer Standards and Training. In addition, periodic training is conducted on policies and procedures, legal and regulatory updates, required training and related topics impacting the University. Additionally, the University holds an Annual Table Top exercise that is facilitated by D. Stafford and Associates with the Emergency Response Team to meet Clery Requirements.

REPORTING PROCEDURES

Community members, students, faculty, staff, and guests are encouraged to promptly and accurately report all crimes and/or emergencies, including when the victim of a crime declines or is unable to make such a report to the Department of University Safety (see contact information below).

Under the Clery Act, certain individuals are considered Campus Security Authorities based on their function of having significant responsibility for student and campus activities. These individuals are required to report Clery Act crimes to the Department of University Safety. Below is a list (not all-inclusive) of those titles who qualify under the Clery Act as Campus Security Authorities.

Wilmington University Safety Constables and Cadets
Athletic Department Administrative Staff
Athletic Department Coaching Staff (including head, assistant, and volunteer coaches)
Athletic Training Personell
Faculty or Staff Advisors to Student Organizations
Dean of Students
Student Conduct Office
Staff in the Student Center
Staff in the Student Activities Office
Title IX Coordinator

Reports of a criminal offense shall be reported to the Department of University Safety and/or the Primary CSA's: Dr. Linda Van Drie Andrzejewski, Executive Director of Title IX, Clery, and Regulatory Affairs or Dr. Joseph Aviola, Assistant Vice President of Administrative and Legal Affairs for the purposes of assessing them for timely warning/crime alert purposes as well as for potential inclusion in the annual statistical disclosure.

EMERGENCY CONTACT INFORMATION

The following options should be used when trying to contact police or campus safety listed according to campus location:

New Castle Campus: 302-325-3333 or 911

Brandywine Campus: 302-325-3333 or 911

Dover Campus: 302-325-3333 or 911

*If requested, University Safety personnel will provide assistance to people attempting to contact police, or other emergency services.

Dispatchers are available at all 911 Regional Communications Centers to answer calls for service and initiate an appropriate emergency response. University Safety telephone numbers will be answered by a constable on duty. Both 911 Regional Communications Centers and Wilmington University emergency telephone numbers are staffed 24 hours a day, 365 days of the year. The University maintains close relationships with the Delaware State Police, New Castle County Police, Dover Police Department and the jurisdictional agencies that provide service to the University's satellite locations.

If a crime is reported to University Safety Constables, the law enforcement agency of jurisdiction will be notified. The victim may be offered a variety of services made available by the responding police agency. Victim contact information is typically provided on the back of the initial incident report or a victim support contact card. In the case of non-emergency crimes, the victim may be referred to the non-emergency telephone number of the police department of jurisdiction. The on-duty constable will also prepare a report of the incident.

All reports written by University Safety personnel will be forwarded to a Safety Manager for review. The Assistant Vice President of Administrative & Legal Affairs will determine if there is a need for referral to Student Affairs for potential action by the Student Discipline Committee. When crimes are reported directly to University Safety, Constables will initiate contact with the law enforcement agency of jurisdiction.

REPORTING METHODS - ON CAMPUS

Wilmington University Department of Safety personnel may be contacted at the New Castle, , Dover, Brandywine, and Athletics Complex sites at the following numbers:

NEW CASTLE CAMPUS	(302) 325-3333
DOVER	(302) 325-3333
ATHLETICS COMPLEX	(302) 325-3333
BRANDYWINE	(302) 325-3333

Students and employees may also contact University Safety by the following means:

» Gray emergency phones—Gray emergency phone boxes are available at most building entrances at the New Castle, Dover, Brandywine, and Athletics Complex sites. To reach the University Safety Constable, lift the receiver and stay on the line until the officer answers.

- » Internal emergency phones– Internal emergency phones are available at several locations on the New Castle, Dover, Brandywine, and Athletics Complex sites. Internal emergency phones are located on building interiors. To reach the University Safety Constable, lift the receiver and stay on the line.
- » Code Blue phones–Code Blue phones are located in parking lots at the New Castle, Dover, Brandywine, and Athletics Complex sites. Code Blue phones are distinguishable by a bright blue light attached to a pole which identifies the location of these telephones. To activate a Code Blue phone simply hit the touch pad and wait for the Constable to respond.

EMERGENCY PHONE LOCATIONS

NEWCASTLE CAMPUS	
DAC BUILDING	
GRAY PHONE	OUTSIDE MAIN ENTRANCE
INTERNAL EMERGENCY PHONE	2ND FLOOR LOBBY
INTERNAL EMERGENCY PHONE	3RD FLOOR LOBBY
PEOPLES BUILDING	
GRAY PHONE	GROUND FLOOR ENTRANCE
INTERNAL EMERGENCY PHONE	LIBRARY
INTERNAL EMERGENCY PHONE	2ND FLOOR LIBRARY
ALUMNI BUILDING	
GRAY PHONE	FRONT ENTRANCE
INTERNAL EMERGENCY PHONE	LOBBY
PRATT STUDENT CENTER	
GRAY PHONE	NORTH ENTRANCE
PARKING LOTS	
BLUE PHONE 100	N. EAST CORNER OF ACC LOT (EXTERIOR)
BLUE PHONE 101	POOL LOT (EXTERIOR)
BLUE PHONE 102	S. WEST CORNER/ADMIN. BLDG (EXTERIOR)
BLUE PHONE 103	REAR OF ALUMNI CENTER (EXTERIOR)
DOVER SITE	
A BUILDING	
GRAY PHONE	NORTH SIDE ENTRANCE
GRAY PHONE	EAST SIDE ENTRANCE (MAIN)
GRAY PHONE	SOUTH SIDE ENTRANCE
INTERNAL EMERGENCY PHONE	RECEPTIONIST DESK
B BUILDING	
GRAY PHONE	NORTH SIDE
INTERNAL EMERGENCY PHONE	MAIN LOBBY
BLUE PHONE #1	EAST SIDE PARKING LOT (EXTERIOR)
BLUE PHONE #2	EAST SIDE PARKING LOT (EXTERIOR)

ATHLETICS COMPLEX

BUILDING

BLUE PHONES (3)	SOUTH END OF PARKING LOT
BLUE PHONE	EAST END
BLUE PHONE	WEST END
BLUE PHONE	NORTH END
BLUE PHONE	SOUTH EXTERIOR OF THE MAIN BLDG

BRANDYWINE SITE

CODE BLUE #1	MAIN ENTRANCE
CODE BLUE #2	SOUTH EXIT
CODE BLUE #3	SOUTH EXIT
CODE BLUE #4	EAST EXIT
CODE BLUE #5	EAST EXIT

REPORTING CRIMES TO THE STATE, COUNTY, AND MUNICIPAL POLICE

Any time a crime is reported to University Safety Constable at the New Castle, Wilson Graduate Center, Dover Campus, Brandywine Campus, or Athletic complex, the police agency of jurisdiction will be notified. Students attempting to contact local authorities may be assisted by the Constable or they may initiate a call to the police on their own. In the case of non-emergency situations, the police department non-emergency number may be utilized.

Off-Campus Crime

If the state, county, or municipal police are contacted regarding criminal activity occurring off-campus involving Wilmington University students, that agency may contact Wilmington University. Currently there is no state, county, or municipal standard requiring such notification. Students who are subject to arrest by police may likewise be subject to university judicial proceedings through the Office of Student Affairs. Wilmington University does not use local police to monitor and record criminal activity at non campus locations of student organizations officially recognized by the institution, including student organizations with non-campus housing facilities.

Police departments having primary jurisdiction of each site are as follows:

New Castle (Main Campus)	Delaware State Police (Troop #2)	911 or (302) 834-2620
Athletics Complex	Delaware State Police (Troop #2)	911- or (302) 834-2620
Dover Site	Dover Police Department	911 or (302) 736-7111
Brandywine Campus	Delaware State Police (Troop 1)	911 or (302) 761-6677

Athletics Complex (Delaware)

The Athletics Complex is located at 1365 Pulaski Hwy. Newark, DE 19702. The facility is typically accessible to student athletes, athletic staff, and coaches. The facility is controlled by an access control system operated and monitored by University Safety. Constables are assigned to the facility full time. Police agency having primary jurisdiction of the Athletics Complex is: Delaware State Police (Troop 2) – 911 or (302) 834-2620.

Georgetown (Delaware Technical Community College)

The Georgetown site is located on the Campus of Delaware Technical Community College, William A. Carter Partnership Center Seashore Highway, and P.O. Box 660, Georgetown, Delaware. Hours of operation are: 8:30 AM–6:30 PM, Monday thru Thursday. Delaware Technical & Community College Constable staff provides security coverage at the site on a 24/7 basis. Police agency having primary jurisdiction of this campus is: Georgetown Police Department at 911 or (302) 856-6613.

Brandywine Campus

The Brandywine site is located at 10 Beaver Valley Road. Constables are assigned to the site full time. Police agency having primary jurisdiction of the Brandywine Campus is: Delaware State Police (Troop 1) at 911 or (302) 761-6677.

EMERGENCY MEDICAL RESPONSE PROCEDURES

Staff, student, faculty members and visitors should immediately report all emergencies by dialing 911 from a University telephone or 911 from a non-university telephone. If the emergency occurs at the New Castle, Wilson Graduate Center, Dover, Brandywine and Athletic Complex, the Department of University Safety Constable or Security Officer on duty should also be contacted at the following numbers:

NEW CASTLE CAMPUS	(302) 325-3333
WILSON GRADUATE CENTER	(302) 325-3333
DOVER SITE	(302) 325-3333
BRANDYWINE SITE	(302) 325-3333
ATHLETICS COMPLEX	(302) 325-3333

CONFIDENTIAL REPORTING PROCEDURES

Individuals wishing to make legally confidential reports have the option of reporting those matters to licensed counselors, health professionals, clergy and attorneys, to the extent the complainant engages them in such private capacity. Although University officials will maintain an individual's privacy to the best of their ability, individuals should know that University officials (outside the context of licensed counselors and health professionals hired in their private capacity) may not be able to maintain legal confidentiality of the complainant but will maintain a person's privacy as noted herein.

The University's ability to investigate may be limited if a complainant insists their name not be disclosed to the alleged perpetrator. The University must weigh such requests for privacy against its duty to provide a safe and nondiscriminatory environment for the entire university and surrounding communities.

Investigators and those involved with the investigation are individually charged to preserve privacy with respect to any matter investigated or heard. A breach of the duty to preserve privacy is considered a serious offense and may subject the offender to appropriate disciplinary action. Parties and witnesses are also instructed to maintain privacy regarding these proceedings, and if they are University employees, failure to maintain said privacy may result in appropriate disciplinary action up to and including termination.

Furthermore, federal law prohibits retaliation against those who file complaints, and the University will take responsive action if such retaliation occurs, up to and including termination and/or expulsion.

Except with respect to appeals or hearings before the Title IX Appeals Board or an applicable student disciplinary procedure, all records involving discrimination or harassment, upon disposition of a complaint, shall be transmitted to and maintained by the Executive Director of Title IX, Clery, and Regulatory Affairs as confidential records except to the extent disclosure is permissible or required by applicable law or University policy. It should be noted that under the Family Educational Rights to Privacy Act (FERPA) and the Clery Act that final disciplinary

actions as well as the rationale and sanctions shall be reported to the complainant as well as reported in accordance with the Clery Act reporting requirements, where appropriate, to the extent the sanctions directly relate to the complainant. The University shall inform complainants if it is unable to ensure privacy.

Professional and Pastoral Counselors

As a result of the negotiated rulemaking process which followed the signing into law of the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such are not considered to be a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, the professional counselors at Wilmington University are encouraged if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to University Safety.

Pastoral Counselor

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

Professional Counselor

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

Currently, Wilmington University does not currently offer the services of any pastors and/or professional counselors to students.

EMERGENCY RESPONSE

The University's Emergency Operations Plan outline incident priorities and performance expectations, evacuation guidelines, security plans, and standard operating procedures. University Safety assists with continuity of operations for faculty and staff. The University conducts emergency response exercises and tests of the emergency systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Constables have received training in Incident Command and Responding to Critical Incidents on Campus. When a serious incident occurs that causes an immediate threat to the campus, the first to arrive on scene are usually Constables, local law enforcement, or fire and emergency medical services. Depending on the nature of the incident, other local or federal agencies could also be involved in responding to the incident.

These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. Each test is documented and includes a description of the exercise, the date and time of the exercise, and whether it was announced or unannounced. General information about the emergency response and evacuation procedures for the University is publicized each year, in conjunction with at least one test, as part of the institution's Clery Act compliance efforts, and that information is available on the Wilmington University website at: <http://www.wilmu.edu/safety/procedures.aspx>

NOTIFICATION OF AN IMMEDIATE THREAT

WU community members are encouraged to notify University Safety of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. University Safety has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, University Safety has a responsibility to respond to such incidents to confirm (in conjunction with key University administrators, local first responders, Public Health Officials, and/or the National Weather Service) if the situation does in fact pose a threat to the community. If so, federal law requires the institution notify the campus community or the appropriate segments of the community that may be affected by the situation.

Upon confirmation by the Assistant Vice President of Administrative & Legal Affairs that there is a significant emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the WU community, the WU Emergency Response Team will collaborate to determine the content of the message and will use some or all of the systems described below to distribute messages about the threat to the WU community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

In the event of an emergency, Wilmington University will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the University community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employee and visitors.

Emergency Response Team:

Dr. Laverne Harmon	(President, Wilmington University)
Dr. Erin DiMarco	(Senior Vice President and CEO)
Lloyd Ricketts	(Senior Vice President and CFO, Financial Affairs)
Dr. Christian Trowbridge	(Vice President, Administrative & Legal Affairs)
Dr. Denise Wells	(Vice President, Academic Affairs)
Dr. Tina Barksdale	(Vice President, Student Life)
Dr. Joseph Aviola	(Assistant Vice President, Administrative and Legal Affairs)
Dr. Nicole Romano	(Assistant Vice President and Chief Human Resources Officer)
Robert Miller	(Assistant Vice President/ Dean of Administrative Services)
Mr. Donald Kukawski	(Director of Buildings and Maintenance)
Robin Angelucci	(Controller, Financial Affairs)
Mr. Scott Duffey	(Director Criminal Justice Institute)
Mr. Pete Lutus	(Assistant Vice President, Information Technology)

Individuals can report emergencies occurring at Wilmington University by contacting the Department of University Safety Constables, Safety Cadets, or by calling (302) 325-3333. In addition, individuals can access emergency phones (grey/ black) located on the interior/exterior of buildings, code blue phones located in the parking lots, and state/ local law enforcement by dialing 911 for any cell or land-line phone.

The Emergency Response Team will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: University Safety, federal, state or local law enforcement, fire and emergency medical services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In the event of a serious incident that poses an immediate threat to members of the WU community, the University has various systems in place for communicating information quickly. Some or all these methods of communication may be activated. University Safety deploys the State of Delaware Interoperable 800 MHz Radio System and the “First Net” cellular telephone system for department members at each campus.

These primary methods of communication include blast network emails, emergency messages sent through WU Mass Notification System Public Address Systems, Regroup Mass Communication System (includes emails, text messaging, messages sent to cell, and home phones, SMS messaging and RSS feeds). Secondary options for communication include notifications made through local media, fire alarms systems and the Wilmington University website at <http://www.wilmu.edu/>.

Individuals may also call the University's Emergency Hotline at (302) 356-6701 for updates. Wilmington University will send follow-up messages using some or all the above listed systems. The University will also post information relating to severe weather or school closings on the Wilmington University website and the University's Emergency Hotline at (302) 356-6701.

Members of the larger community who are interested in receiving information about emergencies on campus should monitor the Wilmington University website, call the University's Emergency Hotline at (302) 356-6701 or local media outlets.

System to use	Primary Message Creator	Backup Message Creator	Authority for approving & sending messages	Primary Message Sender/Distributor	Backup Message Sender/Distributor
PRIMARY					
Blast Network Emails	DUS	WC	DUS	Financial Affairs	Human Resources
WU Mass Notification System	DUS	WC	DUS	WC	DUS
Regroup	DUS	WC	DUS	WC	DUS
SECONDARY					
Local Media	University Spokesperson	C/PP	DUS	University Spokesperson	C/PP
Website	DUS	WC	DUS	WC	N/A
Hotline	UIC	DUS	DUS	UIC	N/A
Fire Alarms	DUS	DUS	DUS	DUS	N/A

DUS=Department of University Safety

WC=Web Communications

UIC-University Information Center

C/PP –Chair of Public Policy

To opt-in for emergency text and voice messaging, students, faculty, and staff can do so through <http://www.wilmu.edu/techres/regroup.aspx>. If any of the systems using technology

fails, campus authorities would initiate face-to-face communication using building captains and other appropriate staff and students on campus.

If there is an immediate threat to the health or safety of students or employees occurring on-campus, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.

CRIME ALERTS

In an effort to provide timely notice to the Wilmington University community regarding crimes that represent a serious or continuing threat to students or employees, that occurs within the Clery Geography (On Campus, Public Property and Noncampus property), that in the judgement of the Assistant Vice President of Legal & Administrative Affairs or designee constitutes a serious or ongoing threat, a campus-wide “timely warning” notice called a Crime Alert will be issued.

The Assistant Vice President of Administrative and Legal Affairs will develop the content of the notification, and it is sent to a member of the Executive Team for approval. The Web Communications team is responsible for distributing the Crime Alert via Regroup, which sends out email messages to students, employees, and faculty. Crime Alerts are usually distributed for the following Clery Act classifications: major incidents of arson, aggravated assault, murder/non-negligent manslaughter, a string of burglaries or motor vehicle thefts that occur in a reasonably close proximity to one another, robbery, and sex offenses, and they may also be posted for other classifications as deemed necessary. Cases of aggravated assault and sex offenses are considered on a case-by-case basis, depending on the facts of the case and the information known by University Safety. For example, if an assault occurs between two students who have a disagreement, and there may be no on-going threat to other Wilmington University community members, then a Crime Alert would not be distributed. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount information known by University Safety. In cases involving sexual assault, they are often reported long after the incident occurred, thus there is no ability to distribute a “timely” warning notice to the community. Anyone with information warranting a timely warning should report the circumstances to the Department of University Safety. All notifications issued will provide general information about the incident as well as crime prevention information that may aid in the prevention of similar occurrences. All Crime Alerts will be issued in a manner that withholds the names of victims to maintain confidentiality, as soon as pertinent information is available and with the goal of aiding in the prevention of similar occurrences.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

DAILY CRIME LOG

A daily crime log is available at University Safety desks at all primary sites during normal business hours. The daily crime log typically includes the case number, crime type, date/time reported; date/time occurred, location, and disposition of each crime.

EMERGENCY EVACUATION PROCEDURES

Evacuation drills are coordinated by University Safety each calendar year for the New Castle, Dover, and Athletics Complex sites. Evacuation drills for WU satellite sites are coordinated in accordance with that site's emergency response and evacuation procedures guidelines. Students learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation.

The University does not notify students, faculty and staff in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, University Safety and the Emergency Response Team on scene will communicate information to students regarding a developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in the event of a fire or other emergency. At WU, evacuation drills are used to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the University an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by University Safety to evaluate egress and behavioral patterns. An After-Action Report (AAR) is submitted that provides a summary of the event and recommendations (if needed) for changes or corrections to policy and operational practices. The recommendations for improvements are also submitted to the appropriate departments/offices for consideration.

Students receive information about evacuation and shelter-in-place procedures during orientation sessions and First Year Experience classes. A University "Emergency Procedures Guide" is located in all classrooms and at conspicuous locations throughout all sites. Faculty and staff members are trained in these procedures as well and the guide acts as an on-going resource for students.

University Safety conducts drills each year and submits After-Action Reports designed to assess and evaluate emergency plans and capabilities. Drills designed to test emergency

response and evacuation procedures may be announced or unannounced. WU publishes changes and revises its emergency response and evacuation procedures, when needed, in conjunction with reviews of the procedures each calendar year (<https://www.wilmu.edu/safety/index.aspx>).

SHELTER-IN-PLACE PROCEDURES—WHAT IT MEANS TO “SHELTER-IN-PLACE”

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to greater danger. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

Basic Shelter-In-Place Guidelines

If a “Shelter-in-Place” incident occurs, please refer to the emergency procedures cards located in each of the classrooms. If evacuations are necessary, take your personal belongings (purse, books, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their instructions.

When to Shelter-in-Place

A shelter-in-place notification may come from several sources, including University Safety, Emergency Response Team, other University employees, state or local law enforcement, Fire, EMS or other authorities utilizing the University’s emergency communications tools. Shelter-in-Place locations are designed as any Wilmington University Building or facility owned or operated by Wilmington University. Depending on the emergency, specific locations may be designated by the appropriate authority.

How to Shelter-in-Place

No matter where you are, the basic steps of shelter-in-place will generally remain the same. If you are inside, stay where you are. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.

Should the need ever arise to “Shelter-in-Place,” follow these steps, unless instructed otherwise by local emergency personnel:

- Locate a room to shelter inside. It should be:
 - An interior room;
 - Above ground level; and
- Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
- Shut and lock all windows (tighter seal) and close exterior doors.
- Turn your cell phone to silent mode.
- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able (University staff will turn off the ventilation as quickly as possible).

- Make a list of the people with you and ask someone if possible to call the list in to University Safety so they know where you are sheltering. If only students are present, one of the students should call in the list.
- Turn on a radio or TV, if available, and listen for further instructions.
- Make yourself comfortable.

FIRE SAFETY INFORMATION

WU University buildings are equipped with automatic fire detection and alarm systems that are constantly monitored by Security Instruments. Security Instruments is the contracted vendor who provides 24/7 monitoring and maintenance services for University Facilities.

If a fire occurs in a WU building, students, faculty, and staff should immediately contact 911 and notify University Safety.

Fire guidelines can be found in the “Emergency Procedures Guide” copies are located in each of the buildings and classrooms throughout the WU sites. If students, faculty or staff find evidence of a fire that has been extinguished, and the person is not sure whether University Safety has already responded, contact with University Safety should be initiated.

The fire alarms alert students, faculty and staff of potential hazards and to heed the warning and evacuate buildings immediately upon recognizing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Students, faculty and staff should familiarize themselves with the exits in each building. The Fire Marshal can levy fines and penalties to individuals who fail to evacuate a building promptly—but a more important reason for evacuating is for safety.

When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building. If you are caught in the elevator, push the emergency phone button. The emergency phones in elevators on campus ring directly to the Otis Elevator Company (24 hours). Otis personnel will contact University Safety for a response.

FIRE SAFETY TIPS

Campus buildings are equipped with a variety of features that are designed to detect, stop and/or suppress the spread of a fire. Remember:

- A door can be the first line of defense against the spread of smoke or fire from one area to another. Some doors, such as fire doors in corridors or stairwells are designed to stand up to fire longer than those of an individual room. It is important that these doors are CLOSED for them to work. Additionally, if a door has a device that automatically closes the door, it should NOT be propped open.
- Sprinklers are 98% effective in preventing the spread of fire when operating properly. DO NOT obstruct the sprinkler heads with materials like clothing hanging from the piping or stacking boxes.

- Smoke detectors cannot do their job if they are disabled or covered by the occupant, which is a violation of University policy.
- Almost $\frac{3}{4}$ of all fires that are caused by smoking material are the result of a cigarette being abandoned or disposed of carelessly. Smoking is NOT PERMITTED on any WU Campus.

SAFETY AND ACCESS CONTROL

New Castle, Brandywine, Dover, and Athletic Complex sites are typically accessible to faculty, staff, students, visitors, and contractors from 8:00 AM–11:00 PM, Monday through Friday and Saturday and Sunday from 8:00 AM–6:00 PM.

The Library hours vary throughout the year. It is recommended that students check with Library staff or the WU website to determine hours of operation.

University Safety Constables and Cadets conduct routine patrols of the library and campus buildings to evaluate and monitor security-related matters.

ID CARDS

The implementation of access controls has been initiated at primary campuses, requiring possession of University issued ID cards. Wilmington University already requires its students and employees to have a University ID card when on campus. This policy assists the university to create a safer learning environment for its students, faculty and staff.

Students and Employees may obtain their identification card at the following locations:

ID cards can be obtained at the following locations:

New Castle: University Safety Desk: Audrey Doberstein Center (DAC) and Pratt Student Center, Safety Office. Monday-Friday – normal business hours.

Dover: University Safety Desk: Main Entrance, Building "A" Monday-Friday-normal business hours.

Brandywine: University Safety Desk: Main Entrance, Varsalona Building Monday-Sunday-normal business hours.

**Hours subject to change, consult our website (www.wilmu.edu) or specific site to confirm

Additional Information about the Identification Cards:

The first identification card is provided free of charge. A second card will also be issued free of charge for replacement purposes. A \$25 fee will be assessed for all subsequent replacement cards. Once issued, the identification card must be worn by students, staff and faculty in plain view. Students who fail to comply with the Identification Card Policy will be blocked from registering from subsequent classes. To view ID policy: <http://www.wilmu.edu/safety/id-cards.aspx>

MAINTENANCE OF CAMPUS FACILITIES

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. University Safety Constables patrol the New Castle Campus, Dover and Brandywine, and Athletics Complex sites and report malfunctioning lights, alarms, emergency communications devices, and other unsafe physical conditions to Building and Maintenance Services. Members

of the university community are strongly encouraged to contact University Safety when they encounter malfunctioning equipment or other unsafe conditions.

HEOA DISCLOSURE OF RESULTS OF DISCIPLINARY PROCEEDINGS

Wilmington University will upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased because of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

PROGRAMMING AND SERVICES

CRIME PREVENTION AND AWARENESS PROGRAMS

Wilmington University strictly prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking. Awareness and prevention strategies, policy and procedures for reporting, and potential sanctions are presented to current and prospective students as well as current and new employees. Wilmington University is committed to providing programs, initiatives, strategies, and campaigns that are comprehensive, intentional, and integrated, and culturally relevant to end these crimes.

An introduction to University Safety, crime prevention and security awareness, as well as dating violence, domestic violence, sexual assault, and stalking awareness and prevention strategies are presented throughout the year at: New Student Orientation, International New Student Orientation, “First Year Experience” (FYE) classes, and various other events throughout the year. Additionally, members of University Safety conduct crime prevention and security awareness presentations and topic-specific informational sessions at the request of various student groups, faculty associations, staff members, and instructors. At times, these forums will be augmented by state, county, and municipal law enforcement agencies or subject matter experts. In these programs, students and employees are encouraged to be responsible for their own security and the security of others. One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of Wilmington University to inform students and employees of good crime prevention and security awareness practices.

During the 2024-2025 academic year, Wilmington University offered approximately 71 crime prevention and security awareness programs. Topics such as personal safety, drug and alcohol abuse awareness, and sexual assault prevention are some examples of programs offered during the prior year.

All crime prevention and security programs encourage students and employees to be responsible for their own security and the security of others.

STUDENT EVENTS:

International Student Orientation – approximately 1378 students received training on Title IX/Clery. Topics covered: overview of federal, state, local statutes regarding dating/domestic violence (including culturally relevant public service announcement), sexual assault, stalking and related crimes; active shooter; access control measures; reporting procedures; overview of Title IX/Clery; and reporting procedures.

Student Athlete Training –318 student-athletes participated in an interactive online course. Topics covered: dating violence, domestic violence, sexual assault, consent, overall personal safety, stalking/cyberstalking, victim resources, Delaware statutes and university

procedures/sanctions, and reporting guidance. All student-athletes also attended an in-person session with Title IX and Clery. Topics included bystander intervention and healthy relationships. The seminar included various case studies and participation.

First-time/ Full-time Students: All first-time/ full-time students at Wilmington University were required to participate in and interactive and online training on Title IX and Clery, covering critical topics such as sexual assault and harassment definitions, the prevalence of sexual assault, the meaning of consent, dating/ domestic violence, stalking, how to respond if sexually assaulted, campus resources, bystander intervention, and alcohol safety.

EMPLOYEE EVENTS

Preventing Discrimination & Sexual Violence: Title IX, VAWA & Clery Overview – 187 full- and part-time employees completed the training

Campus Security Authority Training – 106 identified CSAs completed online certification course Title IX and Clery for Athletics—51 employees attended a live online session.

Title IX and Clery for Program Chairs—37 program chairs participated in this live, online training.

Understanding the Student Pregnancy policy—3 employees attended this live, online session.

Domestic Violence Awareness—3 employees participated in this online training.

Diversity, Inclusion, and Belonging—2 employees attended online training.

Different Personality Styles—9 employees participated in this online training.

LGBTQIA Inclusion in the Workplace—5 employees attended this online training.

Managing Diversity in the Workplace—4 employees attended this training.

Respect in the Workplace—5 employees attended this online training.

Strengthening Cultural Awareness—34 employees participated in this training

Promoting Diversity and Inclusion in the Workplace—11 employees participated in training.

Bullying Awareness and Response—2 employees participated in this training.

Safe Phones Summit—9 employees participated in this training

Finding Happiness—5 employees participated in this training.

Managing Holiday Stress—10 employees attended online training.

Stress Management—1 employee participated in online training.

State of Mental Health—6 employees attended online training.

Other Initiatives: Two mocktail parties were hosted throughout the year to offer attendees alcohol-free drink options and to provide alcohol awareness resources; the Title IX webpage was updated; the Clery/Title IX Compliance Committee met quarterly, continued contractual agreement with consulting firm for Title IX/Clery compliance.

ADDITIONAL STUDENT SERVICES

At the New Castle Campus, Dover, Brandywine sites and Athletics Complex site University Safety provides walking escorts for students, faculty and staff to and from parking areas. An escort may be requested by contacting a constable or private security officer personally by

using any of the emergency telecommunications devices or contacting the Department of University Safety as follows:

NEW CASTLE CAMPUS	(302) 325-3333
WILSON GRADUATE CENTER	(302) 325-3333
DOVER SITE	(302) 325-3333
BRANDYWINE SITE	(302) 325-3333
ATHLETICS COMPLEX	(302) 325-3333

VICTIM ASSISTANCE SERVICES

When a Wilmington University staff, student or faculty member becomes a victim of a crime the law enforcement agency of jurisdiction will be notified. When a report is taken by a member of a Delaware law enforcement agency, victim assistance information will be provided to the victim. A list of counseling service resources is also provided in Chapter V of the Wilmington University Student Handbook and is provided as Appendix A of this report.

RESPONSIBILITIES OF THE UNIVERSITY COMMUNITY

Members of the University community must assume responsibility for their own personal safety and the security of their personal property. The following tips provide some general guidance for staff, students and faculty.

- Report all suspicious activity to University Safety or dial 911.
- Never take personal safety for granted...stay off your cell phone while out and about to avoid distraction.
- Try to avoid walking alone at night. Call University Safety for an escort to or from your vehicle.
- Carry only small amounts of cash.
- Never leave valuables (laptop computers, purses, cell phones, etc.) unattended.
- Lock vehicles, bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Don't leave valuables in your vehicle, especially if they can be easily noticed.

ALLEGATIONS OF CRIMINAL CONDUCT

Any student arrested for a felony, misdemeanor, or DUI offense must report it to the Office of Student Concerns within 72 hours of arrest or being charged. Students are required to report these matters, irrespective of whether the charges arose from alleged misconduct on or off a University site, and whether or not the alleged conduct occurred at a University sponsored event. The Office of Student Concerns shall review the matter and the University shall determine, in its sole discretion, whether to suspend or otherwise limit the student's attendance and/or participation in classes and University sponsored activities. The matter may then be referred to the Student Discipline Committee.

ALCOHOL AND DRUG POLICIES

Wilmington University is committed to providing a wholesome, drug-free environment conducive to learning. In accordance with the Drug-Free Workplace Act of 1988 (University Law 100690, 102 Stat. 4181), the University prohibits the manufacture, distribution, sale, dispensation, possession, or use of a controlled substance in its facilities or on its campuses.

Any student, faculty, or staff convicted of violating a criminal drug law while on University property or at a University event must follow procedures and requirements outlined in the employee and student handbooks.

Any student charged with a violation of a local, state, or federal drug law must comply with the provisions set forth under “Allegations of Criminal Conduct” in the Student Handbook. Convictions may be cause for suspension from the institution or for the required completion of a drug rehabilitation program. Wilmington University will impose sanctions on any employee or student entering a first offender’s program or otherwise convicted of violating any local, state, or federal drug statute. Convictions are deemed final upon entry of a guilty plea or the return of a verdict by the judge or jury. Sanctions are not stayed by the filing of a judicial appeal. In the event the conviction is overturned, Wilmington University will review that opinion to ascertain whether a modification of sanctions is in order. The mere reversal of a conviction does not necessarily mean that the sanctions will be modified or lifted.

The use of alcohol is permitted only by persons of legal drinking age and at University activities for which prior approval has been granted by the Vice President of Academic Affairs or the Vice President of Student Affairs and Alumni Relations. The University prohibits the abuse of alcohol on its properties and at University sponsored activities.

While disciplinary guidelines are necessary to protect the welfare of the University community, it is the expectation of the President and Board of Trustees that the University’s disciplinary role will be secondary to prevention, awareness, and, where applicable, treatment. The University intends to assist its students in understanding the health, social, legal, and family-related risks associated with the use of illicit drugs and/or abuse of alcohol. Among these are damage to the brain and other organs, addiction, loss of employment, family dysfunction, incarceration, overdose, and death. The University seeks to provide ongoing education for its students through information provided in related courses and resource materials available throughout the University. Additionally, students and employees are encouraged to avail themselves of free and confidential counseling/referral services coordinated through the Office of Student Affairs. All students can complete Alcohol.edu, an online training that educates individuals on the mental and physical effects of alcohol and other drugs, prepares students to engage in bystander intervention, and reinforces healthy decision-making related to alcohol and drugs. The University seeks to implement ongoing educational programs aimed at discouraging substance abuse and encouraging healthy, self-directed, drug-free lifestyles.

In compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (University Law 10 1-226) the University conducts a biennial review of its drug prevention

program to determine its effectiveness, implement any necessary changes and ensure the enforcement of sanctions. A copy of Wilmington University's Drug and Alcohol Prevention Programs can be found here: <https://www.wilmu.edu/studentaffairs/documents/drug-and-alcohol-prevention-program.pdf>.

* Legal sanctions under local, state, and federal law for unlawful possession, use, or distribution of illicit drugs and alcohol include imprisonment, fine, and possible loss of driving privileges. A listing of penalties for specific offenses can be found in the Delaware Code Annotated, titles 4 and 16, available in the Wilmington University Library.

FIREARMS AND WEAPONS POLICIES

According to the Student Code of Conduct, students, faculty, and staff, as well as visitors to any of the WU sites, are prohibited from possessing firearms, explosives, weapons, or any item that may be construed as such, on the premises of the University or in any building under University control or University sponsored event.

DELAWARE ACTIVE LAW ENFORCEMENT EXCEPTION: Active Delaware law enforcement officers are permitted to carry a firearm while attending class or while participating in or attending University sponsored events. This exception applies to officers in uniform or wearing plain clothes. Officers wearing plain clothes should, as much as possible, conceal the weapon, display a badge near their firearm, and produce a valid agency identification upon request. This exception does not extend to law enforcement officers outside the State of Delaware, persons possessing a valid license to carry a concealed deadly weapon, persons possessing a federal firearms permit, or those employed by federal law enforcement authority.

Additionally, the Firearms and Weapons Policy states that anyone found violating the University's policies may be subject to the disciplinary policies and procedures applicable to students, faculty, or staff and/or criminal prosecution by the appropriate jurisdiction. Additionally, students should refer to the Student Handbook regarding firearms and weapons that may apply to them.

University policies can be found on the WU website at <http://www.wilmu.edu/studentlife/studpolicies.aspx>

WILMINGTON UNIVERSITY'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

VIOLENCE AGAINST WOMEN ACT (VAWA)

Wilmington University ("Wilmington" or "the University") does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are forms of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited, whether sexually based or not, and include dating violence, domestic violence, and stalking. As a result, the University issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, stalking, and sexual assault whether the incident occurs on or off campus and when it is reported to a University official. In this context, Wilmington University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community.

For a complete copy of Wilmington University's policy governing sexual misconduct, visit: <http://www.wilmu.edu/titleix>. Sexual misconduct, as described in the policy, is a form of sexual harassment, which is a form of discrimination and is prohibited by Title IX of the Education Amendments of 1972. Domestic Violence, dating violence, and stalking are also prohibited conduct and defined as crimes by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013.

To report any form of sexual misconduct, contact the University's Title IX Coordinator, Linda Van Drie Andrzejewski, Ed.D., Executive Director of Title IX, Clery, and Regulatory Affairs, Administrative and Legal Affairs, Wilmington University in person by visiting her campus office at: Wilson Graduate Center, 47 Reads Way, New Castle, DE 19720, in writing by email: linda.m.andrzejewski@wilmu.edu or by calling 302-356-6754.

CONSENSUAL SEXUAL RELATIONSHIP POLICY

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

- That a student or employee may feel coerced into an unwanted relationship because they fear the refusal to enter into the relationship will adversely affect his or her education or employment.
- That conflicts of interest may arise when a faculty member, supervisor, or other member of the University community is required to evaluate the work or make

personnel or academic decisions about a person with whom they are having a romantic relationship.

- That students or employees may perceive that a fellow student or co-worker involved in a romantic relationship will receive an unfair advantage, or
- That if the relationship ends in a way that is not amicable, either or both of the parties may wish to take action to injure the other party.

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

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

DEFINITIONS

There are numerous terms used by Wilmington University in this document and in our policy and procedures. The Department of Education requires our University to provide numerous definitions to the reader. Because a complainant may choose to utilize the procedures within the University's policy; may choose to file a complaint directly with the Department of Education; and/or may wish to file criminal charges with law enforcement for an act of sexual misconduct, the University is providing definitions from multiple sources.

DEFINITIONS AS DEFINED BY THE VIOLENCE AGAINST WOMEN ACT (VAWA):

Sexual Assault: an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) system. 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:

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

Fondling: the touching of the private 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 his/her age or because of his/her temporary or permanent mental incapacity.

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

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

Domestic Violence: a felony or misdemeanor crime of violence committed—

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

Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- 1) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- 2) For the purposes of this definition-
 - (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (ii) Dating violence does not include acts covered under the definition of domestic violence.

Stalking:

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - (i) Fear for the person's safety or the safety of others; or
 - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition—
 - (i) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
 - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(iii) Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

Definitions in the State of Delaware

Consent is not defined in Delaware criminal statutes, however, “without consent” is defined. “Without consent” means:

- (1) The defendant compelled the victim to submit by any act of coercion as defined in §§ 791 and 792 of this title, or by force, by gesture, or by threat of death, physical injury, pain or kidnapping to be inflicted upon the victim or a third party, or by any other means which would compel a reasonable person under the circumstances to submit. It is not required that the victim resist such force or threat to the utmost, or to resist if resistance would be futile or foolhardy, but the victim need resist only to the extent that it is reasonably necessary to make the victim's refusal to consent known to the defendant; or
 - (2) The defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or
 - (3) The defendant knew that the victim suffered from a cognitive disability, mental illness or mental defect which rendered the victim incapable of appraising the nature of the sexual conduct or incapable of consenting; or
 - (4) Where the defendant is a health professional, as defined herein, or a minister, priest, rabbi or other member of a religious organization engaged in pastoral counseling, the commission of acts of sexual contact, sexual penetration or sexual intercourse by such person shall be deemed to be without consent of the victim where such acts are committed under the guise of providing professional diagnosis, counseling or treatment and where at the times of such acts the victim reasonably believed the acts were for medically or professionally appropriate diagnosis, counseling or treatment, such that resistance by the victim could not reasonably have been manifested. For purposes of this paragraph, "health professional" includes all individuals who are licensed or who hold themselves out to be licensed or who otherwise provide professional physical or mental health services, diagnosis, treatment or counseling and shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists; or
 - (5) The defendant had substantially impaired the victim's power to appraise or control the victim's own conduct by administering or employing without the other person's knowledge or against the other person's will, drugs, intoxicants or other means for the purpose of preventing resistance.
- (k) A child who has not yet reached that child's sixteenth birthday is deemed unable to consent to a sexual act with a person more than 4 years older than said child. Children who have not yet

reached their twelfth birthday are deemed unable to consent to a sexual act under any circumstances.

Sexual Assault & Related Offenses

§ 601 Offensive touching; unclassified misdemeanor; class A misdemeanor.

(a) A person is guilty of offensive touching when the person:

- (1) Intentionally touches another person either with a member of his or her body or with any instrument, knowing that the person is thereby likely to cause offense or alarm to such other person; or
- (2) Intentionally strikes another person with saliva, urine, feces or any other bodily fluid, knowing that the person is thereby likely to cause offense or alarm to such other person.

§ 763 Sexual harassment; unclassified misdemeanor.

A person is guilty of sexual harassment when:

- (a) The person threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or
- (b) The person suggests, solicits, requests, commands, importunes or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with the actor, knowing that the actor is thereby likely to cause annoyance, offense or alarm to that person.

§ 764 Indecent exposure in the second degree; unclassified misdemeanor.

- (1) A male is guilty of indecent exposure in the second degree if he exposes his genitals or buttocks under circumstances in which he knows his conduct is likely to cause affront or alarm to another person.
- (2) A female is guilty of indecent exposure in the second degree if she exposes her genitals, breast or buttocks under circumstances in which she knows her conduct is likely to cause affront or alarm to another person.

§ 765 Indecent exposure in the first degree; class A misdemeanor.

- (a) A male is guilty of indecent exposure in the first degree if he exposes his genitals or buttocks to a person who is less than 16 years of age under circumstances in which he knows his conduct is likely to cause affront or alarm.
- (b) A female is guilty of indecent exposure in the first degree if she exposes her genitals, breast or buttocks to a person who is less than 16 years of age under circumstances in which she knows her conduct is likely to cause affront or alarm.

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

A person is guilty of unlawful sexual contact in the third degree when the person has sexual contact with another person or causes the victim to have sexual contact with the person or a third person and the person knows that the contact is either offensive to the victim or occurs without the victim's consent.

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

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

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

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

(1) In the course of committing unlawful sexual contact in the third degree or in the course of committing unlawful sexual contact in the second degree, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury to the victim or the person displays what appears to be a deadly weapon or dangerous instrument; or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument.

(2) [Repealed.]

(3) The person intentionally has sexual contact with another person who is less than 13 years of age or causes the victim to have sexual contact with the person or a third person.

§ 770 Rape in the fourth degree; class C felony.

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

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

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

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

- a. The sexual penetration occurs without the victim's consent; or
- b. The victim has not reached that victim's sixteenth birthday.

(4) [Repealed.]

(b) Paragraph (a)(3) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment or to a law-enforcement officer who is engaged in the lawful performance of his or her duties.

§ 771 Rape in the third degree; class B felony.

- (a) A person is guilty of rape in the third degree when the person:
- (1) Intentionally engages in sexual intercourse with another person, and the victim has not reached that victim's sixteenth birthday and the person is at least 10 years older than the victim, or the victim has not yet reached that victim's fourteenth birthday and the person has reached that person's nineteenth birthday and is not otherwise subject to prosecution pursuant to § 772 or § 773 of this title; or
 - (2) Intentionally engages in sexual penetration with another person under any of the following circumstances:
 - a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or
 - b. The victim has not reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim.
 - (3) [Repealed.]
- (b) Paragraph (a) (2) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment, or to a law-enforcement officer who is engaged in the lawful performance of his or her duties.
- (c) Notwithstanding any law to the contrary, in any case in which a violation of subsection (a) of this section has resulted in the birth of a child who is in the custody and care of the victim or the victim's legal guardian or guardians, the court shall order that the defendant, as a condition of any probation imposed pursuant to a conviction under this section, timely pay any child support ordered by the Family Court for such child.
- (d) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.

§ 772 Rape in the second degree; class B felony.

- (a) A person is guilty of rape in the second degree when the person:
- (1) Intentionally engages in sexual intercourse with another person, and the intercourse occurs without the victim's consent; or
 - (2) Intentionally engages in sexual penetration with another person under any of the following circumstances:
 - a. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the

- commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or
- b. The sexual penetration occurs without the victim's consent, and was facilitated by or occurred during the course of the commission or attempted commission of:
1. Any felony; or
 2. Any of the following misdemeanors: reckless endangering in the second degree; assault in the third degree; terroristic threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion or criminal trespass in the first, second or third degree; or
- c. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or
- d. The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
- e. The victim has not yet reached that victim's sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
- f. The sexual penetration occurs without the victim's consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or
- g. The victim has not yet reached that victim's twelfth birthday, and the defendant has reached that defendant's eighteenth birthday.
- h. [Repealed.]

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

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

§ 773 Rape in the first degree; class A felony.

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

- (1) The sexual intercourse occurs without the victim's consent and during the commission of the crime, or during the immediate flight following the

commission of the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or

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

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

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

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

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

(6) [Repealed.]

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

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

- (1) The victim had not yet reached that victim's sixteenth birthday at the time of the offense and the person inflicts serious physical injury on the victim; or
- (2) The person intentionally causes serious and prolonged disfigurement to the victim permanently, or intentionally destroys, amputates or permanently disables a member or organ of the victim's body; or
- (3) The person is convicted of rape against 3 or more separate victims; or
- (4) The person has previously been convicted of unlawful sexual intercourse in the first degree, rape in the second degree or rape in the first degree, or any equivalent offense under the laws of this State, any other state or the United States.

§ 774 Sexual extortion; class E felony.

A person is guilty of sexual extortion when the person intentionally compels or induces another person to engage in any sexual act involving contact, penetration or intercourse with the person or another or others by means of instilling in the victim a fear that, if such sexual act is not performed, the defendant or another will:

- (1) Cause physical injury to anyone.
- (2) Cause damage to property.
- (3) Engage in other conduct constituting a crime.
- (4) Accuse anyone of a crime or cause criminal charges to be instituted against anyone.
- (5) Expose a secret or publicize an asserted fact, whether true or false, intending to subject anyone to hatred, contempt or ridicule.
- (6) Falsely testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (7) Perform any other act which is calculated to harm another person materially with respect to the other person's health, safety, business, calling, career, financial condition, reputation or personal relationships.

Dating Violence

Delaware has no separate statute for dating violence, but a definition for “teen dating violence: Delaware Criminal Code defines Dating Violence in the School Teen Dating Violence and Sexual Assault Act, Title 14, Section 4112E(a)(2) as:

"Teen dating violence". — As used in this section, "teen dating violence" means assaultive, threatening or controlling behavior, including stalking as defined in § 1312 of Title 11, that 1 person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.

Domestic Violence Related Offenses

§ 1271A Criminal contempt of a domestic violence protective order; class A misdemeanor; class F felony.

- (a) A person is guilty of criminal contempt of a domestic violence protective order when the person knowingly violates or fails to obey any provision of a protective order issued by the Family Court or a court of any state, territory or Indian nation in the United States, as long as such violation or failure to obey occurred in Delaware.
- (b) Criminal contempt of a domestic violence protective order is a class A misdemeanor, unless any of the elements set forth in subsection (c) of this section are met, in which case the offense shall be a class F felony.

(c) A person is guilty of felony criminal contempt of a domestic violence protective order if:

- (1) Such contempt resulted in physical injury; or
- (2) Such contempt involved the use or threatened use of a deadly weapon.

§ 606 Abuse of a pregnant female in the first degree; class B felony.

(a) A person is guilty of abuse of a pregnant female in the first degree when in the course of or in furtherance of the commission or attempted commission of assault third degree any violent felony against or upon a pregnant female, or while in immediate flight therefrom, the person intentionally and without her consent causes the unlawful termination of her pregnancy.

(b) It is no defense to a prosecution under this section that the person was unaware that the victim was pregnant.

(c) Prosecution under this section does not preclude prosecution under any other section of the Delaware Code. Abuse of a pregnant female in the first degree is a class B felony.

§ 607 Strangulation; penalty; affirmative defense.

(a) (1) A person commits the offense of strangulation if the person knowingly or intentionally impedes the breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person.

Delaware Criminal Code does not delineate Domestic Violence as a specific statute but defines such acts for the appropriate jurisdiction for prosecutorial action: 'Domestic violence' means abuse perpetrated by one member against another member of the following protected classes: Family, as that term is defined in 10 Del. C, §901(9), regardless, however, of state of residence of the parties; Former spouses, a man and a woman cohabitating together with or without a child of either or both, or a man and a woman living separate and apart with a child in common.

Stalking

§ 1311 Harassment; class A misdemeanor.

(a) A person is guilty of harassment when, with intent to harass, annoy or alarm another person:

(1) That person insults, taunts or challenges another person or engages in any other course of alarming or distressing conduct which serves no legitimate purpose and is in a manner which the person knows is likely to provoke a violent or disorderly response or cause a reasonable person to suffer fear, alarm, or distress.

(2) Communicates with a person by telephone, telegraph, mail or any other form of written or electronic communication in a manner which the person knows is

likely to cause annoyance or alarm including, but not limited to, intrastate telephone calls initiated by vendors for the purpose of selling goods or services.
(3) Knowingly permits any telephone under that person's control to be used for a purpose prohibited by this section.

(4) In the course of a telephone call that person uses obscene language or language suggesting that the recipient of the call engage with that person or another person in sexual relations of any sort, knowing that the person is thereby likely to cause annoyance or alarm to the recipient of the call; or

(5) Makes repeated or anonymous telephone calls to another person whether or not conversation ensues, knowing that person is thereby likely to cause annoyance or alarm.

§ 1312 Stalking; class G felony, class F felony, class C felony.

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

(1) Fear physical injury to himself or herself or that of another person; or

(2) Suffer other significant mental anguish or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(b) A violation of subsection (a) of this section is a class G felony.

(c) Stalking is a class F felony if a person is guilty of stalking and 1 or more of the following exists:

(1) The person is age 21 or older and the victim is under the age of 14; or

(2) The person violated any order prohibiting contact with the victim; or

(3) The victim is age 62 years of age or older; or

(4) The course of conduct includes a threat of death or threat of serious physical injury to the victim, or to another person; or

(5) The person causes physical injury to the victim.

(d) Stalking is a class C felony if the person is guilty of stalking and 1 or more of the following exists:

(1) The person possesses a deadly weapon during any act; or

(2) The person causes serious physical injury to the victim.

(e) Definitions. — The following terms shall have the following meaning as used in this section:

(1) "Course of conduct" means 3 or more separate incidents, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about another, or interferes with, jeopardizes, damages, or disrupts another's daily activities, property, employment, business, career, education, or medical care. A conviction is not required for any predicate act relied upon to establish a course of conduct. A conviction for any predicate act relied upon to establish a course of conduct does not preclude prosecution

under this section. Prosecution under this section does not preclude prosecution under any other section of the Code.

(2) "A reasonable person" means a reasonable person in the victim's circumstances.

(f) Notwithstanding any contrary provision of § 4205 of this title, any person who commits the crime of stalking by engaging in a course of conduct which includes any act or acts which have previously been prohibited by a then-existing court order or sentence shall receive a minimum sentence of 6 months incarceration at Level V. The first 6 months of said period of incarceration shall not be subject to suspension.

(g) Notwithstanding any contrary provision of § 4205 of this title, any person who is convicted of stalking within 5 years of a prior conviction of stalking shall receive a minimum sentence of 1 year incarceration at Level V. The first year of said period of incarceration shall not be subject to suspension.

(h) In any prosecution under this law, it shall not be a defense that the perpetrator was not given actual notice that the course of conduct was unwanted; or that the perpetrator did not intend to cause the victim fear or other emotional distress.

(i) In any prosecution under this section, it is an affirmative defense that the person charged was engaged in lawful picketing.

(j) This section shall not apply to conduct which occurs in furtherance of legitimate activities of law-enforcement, private investigators, security officers or private detectives as those activities are defined in Chapter 13 of Title 24.

PROCEDURES FOR REPORTING A COMPLAINT

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

At Wilmington University, Consent is defined as:

Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed, freely, and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.

Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response is not consent. An individual who is incapacitated by alcohol

and/or other drugs, both voluntarily or involuntarily consumed, may not give consent. Past consent of sexual activity does not imply ongoing future consent.

Consent cannot be given if any of the following are present:

- o **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and/or coercion that overcome resistance.

- o **Coercion** is unreasonable pressure for sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. Conduct does not constitute coercion unless it wrongfully impairs an individual's freedom to choose whether to participate in sexual activity.

- o **Incapacitation** is a state where an individual cannot make rational, reasonable decisions due to the debilitating use of alcohol and/or other drugs, sleep, unconsciousness, or because of a disability that prevents the individual from having the capacity to give consent. Intoxication is not incapacitation, and a person is not incapacitated merely because the person has been drinking or using drugs. Incapacitation due to alcohol and/or drug consumption results from ingestion that is more severe than impairment, being under the influence, drunkenness, or intoxication. The question of incapacitation will be determined on a case-by-case basis. Being intoxicated or incapacitated by drugs, alcohol, or other medication will not be a defense to any violation of this Policy.

Students and employees should contact Linda Van Drie Andrzejewski, the Title IX Coordinator, 47 Reads Way, New Castle, DE 19720 at 302-356-6754 (office) or 302-983-6866 (cell) to request accommodations related to a case of sexual misconduct.

A complainant has the option of whether to make a criminal complaint. Filing a police report is a personal choice and requires consideration of all available options. If the victim needs assistance in contacting law enforcement or University Safety, they may contact the Title IX Coordinator to assist them in making a complaint.

When filing a police report, the officer will meet with you to take the report. You have the right to have a support person or advocate with you during the report. The officer will ask you detailed questions about the incident and gather information from you about any witnesses and the perpetrator.

To report a crime of sexual assault, domestic violence, dating violence or stalking (or any other crime) to local police, use the contact information found below according to the jurisdiction in which the crime occurred or call 911. To report directly to University Safety refer to these campus phone numbers:

Main Campus/ New Castle

Physical Location: 320 N. DuPont Hwy.,
New Castle, DE 19720

Police Contact:	Delaware State Police – Troop 2 100 Lagrange Ave, Newark, DE 19702 (302) 834-2620
Athletics Complex:	1365 Pulaski Hwy. Newark, DE 19702 Delaware State Police—Troop 2 100 Lagrange Ave. Newark, DE 19702 (302) 834-2620
Dover Site	
Physical Location:	3282 North DuPont Hwy., Dover, DE 19901
Police Contact:	Dover Police Department 400 S Queen St, Dover, DE 19904 (302) 736-7111
Brandywine Site	
Physical Location:	10 Beaver Valley Road Wilmington, DE 19803
Police Contact:	Delaware State Police – Troop 1 603 Philadelphia Pike Wilmington, DE 19809 (302) 761-6677

IF YOU HAVE BEEN A VICTIM...

After an incident of sexual assault or domestic violence, the victim should strongly consider seeking medical attention as soon as possible at the closest emergency room. In various states in the United States, evidence may be collected even if you chose not to make a report to law enforcement. In all states, victims may seek medical treatment for sexual assault without any associated financial obligation, regardless of their reporting decision.

In the chart below, please find the contact information for the hospitals closest to each campus as well as an indication as to whether the hospital offers Sexual Assault Nurse Examiner/Forensic Nurse Examiners (SANE/FNE nurse) services. SANE/FNE nurses are trained medical professionals who are sensitive and specialize in the care of crime victims. SANE/FNE nurses are able to collect forensic evidence from the bodies of victims of sexual and domestic assault. They also routinely work with law enforcement to preserve the evidence and may testify in court. If you have difficulty locating the closest hospital with evidence collecting capabilities, contact 911 and ask for help in locating a hospital with a SANE or FNE nurse. You may also contact the National Sexual Assault Hotline at 800-656-HOPE (4673) or visit the Rape, Abuse and Incest National Network at www.RAINN.org.

Locations offering medical and forensic treatment for victims of sexual assault:

(Not meant as an all-inclusive list)

State	Hospital	Address	Telephone Number	State
Delaware Victims in DE may apply to DE Victim's Compensation Assistance Program for financial assistance by calling 302-255-1770	Christiana Care	4755 Ogletown-Stanton Road, Newark, DE 19718	302-733-1000	Yes*** Forensic Nurse Examiners are on site, 302-733-4799, police involvement not required***
	Bayhealth Medical System – Kent General Hospital	640 South State Street Dover, Delaware 19901	302-674-4700	Yes*** Forensic Nurse Examiners are on site, police involvement not required***

Suggestions to preserve evidence.....

It is important that a victim of sexual assault not bathe, douche, smoke or use inhalants, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take prophylactic steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University hearing officers/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with University Safety or other law enforcement at a later date to assist in proving the alleged criminal offense occurred or that may be helpful in obtaining a protection order

Your decision....

Although the university strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim’s choice whether or not to make such a report and victims have the right to decline involvement with the police (including on campus and local police). The Title IX Coordinator or another Responsible Employee will assist any victim with notifying local police at the victim’s request. Please refer to the information regarding the local police for each campus previously noted to find the appropriate police department responsible for your campus. If the crime occurred off campus, University Safety and the Title IX Coordinator are still able to assist you and refer you to the appropriate police agency.

Help is available....

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you are strongly encouraged to report the incident promptly to the Title IX Coordinator or the Department of University Safety by calling, writing or coming into the office to report. The University will provide information on available resources, on-campus, off-campus, or both as are available, to include: medical, health, counseling, legal assistance, victim advocacy and visa and immigration assistance to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

University Response...

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, the below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Sexual Assault, Domestic Violence, Dating Violence or Stalking	<ul style="list-style-type: none"> • Depending on when reported (immediate vs. delayed report), institution will provide complainant with access to medical care. • Institution will assess immediate safety needs of complainant. • Institution will assist complainant with contacting local police if complainant requests and provides complainant with contact information for local police department; • Institution will provide complainant with information regarding on- and off-campus resources, to include health, mental health, victim advocacy, legal assistance and visa and immigration assistance. (Some of these resources may not be available on-campus and the complainant would need to utilize the off-campus resources provided.). • Institution will assess need to implement interim or long-term protective measures, such as change in class schedule, “No Contact” directive between both parties, change in work location or supervisor, change in parking location, provide an escort, or other measures as deemed appropriate according to the report and needs of the party.
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	<ul style="list-style-type: none"> • Institution will provide a “No Contact” directive to accused party if deemed appropriate and/or restrict accused party from accessing certain areas or campuses if deemed necessary. • Institution will provide written instructions on how to apply for Protective Order. • Institution will provide a copy of the Policy Governing Sexual Misconduct for Students and Employees to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution. • Institution will provide the rights to the complainant regarding the institution’s duty to investigate or otherwise determine what occurred and will determine how to proceed. • Contact with the accused party will be made; • Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, what the result/outcome of the investigation yielded, and whether or not the accused party was found responsible or not responsible. • Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation. • The institution will implement any long-term supportive measures if appropriate.
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ASSISTANCE FOR VICTIMS: RIGHTS & OPTIONS

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the University will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred.
- information about how the institution will protect the privacy of victims and other necessary parties.
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community.
- a statement regarding the institution’s provisions about options for available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

Further, the University complies with federal full faith and credit laws in recognizing protective orders (also referred to as restraining orders, no contact orders, protection from abuse orders) originating from other states in the United States. The University encourages any person who obtains an order of protection to provide a copy to University Safety and the Office of the Title IX

Coordinator. A complainant is also encouraged to meet with University Safety to develop a Safety Action Plan to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc. The University cannot apply for a legal order of protection, no contact order or restraining order on behalf of a victim from the applicable jurisdiction(s). The victim is required to apply directly for these services; although University Safety is available to assist victims in this process.

Protective Orders:

DELAWARE:

DELAWARE FAMILY COURT: UNDERSTANDING THE PROTECTION FROM ABUSE PROCESS

To get help, more information or to access this information directly, visit

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

What is an Order of Protection from Abuse?

An Order of Protection from Abuse is an order of Family Court ordering someone to stop abusing another person, and may include other relief, such as ordering the abuser to stay away from the person being abused. Abuse is defined as any threatening or harmful conduct including serious emotional harm.

Who can file for Protection from Abuse?

A member of a protected class which includes;

- A. Family as that term is defined in 10 Del. C. §9109, regardless, however, of the state of residence of the parties; or
- B. Former spouses, a man and a woman cohabitating together with or without a child of either or both, or a man and a woman living separate or apart with a child in common, and persons who are or were involved in a substantive dating relationship.

What is abuse?

Pursuant to 10 Del. C. §1041 Abuse means conduct which constitutes the following:

- A. Intentionally or recklessly causing or attempting to cause physical injury, or a sexual offense as defined in 11 Del. C. §761.
- B. Intentionally or recklessly placing or attempting to place another person in reasonable apprehension of physical injury or sexual offense to such person or another.
- C. Intentionally or recklessly damaging, destroying or taking the tangible property of another person.
- D. Engaging in the course of alarming or distressing conduct in a manner which is likely to cause fear or emotional distress or to provoke a violent or disorderly response.
- E. Trespassing on or in property of another person or on or in property from which the trespasser has been excluded by court order.
- F. Child Abuse as defined in 16 Del. C. Chapter 9.
- G. Unlawful imprisonment, kidnapping, interference with custody and coercion as defined in Title 11.

H. Any other conduct which a reasonable person under the circumstances would find threatening or harmful.

What is a PFA Rule to Show Cause Hearing?

A PFA Rule to Show Cause hearing is a review hearing before a Family Court Commissioner in which a PFA Respondent would need to show cause as to why he/she has or has not followed through with the recommendations of the DVCC certified agency. If the Respondent has followed through with the recommendations of the DVCC certified treatment, the Respondent shall provide the appropriate documentation at the PFA Rule to Show Cause Hearing. See the frequently asked questions section for more information on this topic.

How does someone file for an Order of Protection from Abuse?

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

Go to the Family Court between the hours of 8:30 am and 4:30 pm, Monday through Friday. If you believe that you are in immediate danger of abuse, you may ask for an emergency (ex parte) hearing that same day. If you will be asking the Court for an emergency (ex parte) hearing, you should go to the Family Court early in the day, but not later than 4:30 p.m.

Ask the clerk for a Protection from Abuse Petition (form #450). If you are asking for an emergency (ex parte) hearing, also ask the clerk for the Affidavit for Emergency Hearing Form. Fill in all the blanks on both forms. Give enough facts for the Court to know how you are being abused and whether you are in immediate danger. A Court staff person will ask you some questions. Be specific with your answers.

What happens at an emergency ex parte hearing?

If the Court decides to give you an emergency hearing, you will be taken before a Commissioner of the Court the same day or the next day, and the Commissioner will ask some questions. If the Commissioner decides to sign an Emergency (ex parte) Order granting you relief, you will be given a date for a full hearing which the respondent will be asked to attend. Your emergency (ex parte) order will last until the full hearing takes place.

What happens on the hearing day?

Consent process

On the day of the full hearing, the respondent will be asked by a Court staff person if he/she is willing to have a Consent Order entered. If the respondent is willing to have a Consent Order entered, he/she does not have to admit that there was any abuse and the Court does not decide if there was any abuse but will enter an Order for some or all of the relief requested.

If the Respondent agrees to the relief, you and the respondent will go into the courtroom and tell the Commissioner. The Commissioner will ask you some questions to make sure you both understand the Consent Order. The signed Consent Order will be given to both of you that same day.

Hearing

If the Respondent does not agree to a Consent Order, the Judicial Officer will conduct a hearing. The petitioner and the respondent will each be given a chance to present their side of the story and any evidence that they may have. If witnesses are going to be called to help tell the story, the person calling the witness must ask the Court to subpoena the witness. You may also use such things as photographs and tape recordings. You are not usually allowed to use doctors' or police reports unless the doctor or police person is present.

The Judicial Officer may ask both the petitioner and the respondent questions. At the end of the hearing, the Judicial Officer will decide whether he or she believes that abuse occurred. If so, an Order of Protection will be signed, and copies will be given to both the petitioner and the respondent.

What do Orders of Protection usually say?

Orders of Protection from Abuse may provide for any or all the following relief:

- No more abuse
- No contact with the Petitioner
- Petitioner may be given exclusive use of the home or of certain possessions
- Temporary custody
- Conditions of Visitation
- Child support or support for the Petitioner
- Payment of expenses
- Surrender of firearms
- Counseling
- Any other relief that might help prevent future violence

How long does an Order of Protection from Abuse usually last?

Order of Protection generally can last up to one year and can be extended for an extra six months following another hearing. Depending on the facts of a case, the no contact and no abuse provisions can last up to two (2) years or permanently. (To request an extension, you must file a motion.)

The Order remains valid and effective even if the petitioner and respondent get back together. The Order can only be changed after another hearing.

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

Victim's Rights Information for the State of Delaware

Delaware has a Victim's Bill of Rights which entitles you to be notified of and participate in all major phases of the criminal case process. You will be notified of the progress of the case in which you are the victim.

Delaware has established a Victims Compensation Assistance Program to assist innocent victims of violent crime who suffer personal injury (bodily harm or extreme mental suffering). The Board does not compensate victims for stolen or damaged property. You may be eligible for financial assistance. If you would like an application or for more information, contact the Victims Compensation Assistance Program at 255-1770.

To learn more about Victims' Rights, visit the Office of the Attorney General for Delaware at http://attorneygeneral.delaware.gov/criminal/victims_rights.shtml

Victim Bill of Rights – United States Attorney General - 18 U.S.C. § 3771. Crime victims' rights

(a) RIGHTS OF CRIME VICTIMS. --A crime victim has the following rights:

- (1) The right to be reasonably protected from the accused.
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused.
- (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding.
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.
- (5) The reasonable right to confer with the attorney for the Government in the case.
- (6) The right to full and timely restitution as provided in law.
- (7) The right to proceedings free from unreasonable delay.
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.
- (9) The right to be informed in a timely manner of any plea bargain or deferred prosecution agreement.
- (10) The right to be informed of the rights under this section and the services described in section 503(c) of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607(c)) and provided contact information for the Office of the Victims' Rights Ombudsman of the Department of Justice.

(b) RIGHTS AFFORDED.--In any court proceeding involving an offense against a crime victim, the court shall ensure that the crime victim is afforded the rights described in subsection (a). Before making a determination described in subsection (a)(3), the court shall make every effort to permit the fullest attendance possible by the victim and shall consider reasonable alternatives to the exclusion of the victim from the criminal proceeding. The reasons for any decision denying relief under this chapter shall be clearly stated on the record.

(c) BEST EFFORTS TO ACCORD RIGHTS.--

- (1) GOVERNMENT.--Officers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).
- (2) ADVICE OF ATTORNEY.--The prosecutor shall advise the crime victim that the crime victim can seek the advice of an attorney with respect to the rights described in subsection (a).
- (3) NOTICE.--Notice of release otherwise required pursuant to this chapter shall not be given if such notice may endanger the safety of any person.

(d) ENFORCEMENT AND LIMITATIONS.--

(1) RIGHTS.--The crime victim or the crime victim's lawful representative, and the attorney for the Government may assert the rights described in subsection (a). A person accused of the crime may not obtain any form of relief under this chapter.

(2) MULTIPLE CRIME VICTIMS.--In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

(3) MOTION FOR RELIEF AND WRIT OF MANDAMUS.--The rights described in subsection (a) shall be asserted in the district court in which a defendant is being prosecuted for the crime or, if no prosecution is underway, in the district court in the district in which the crime occurred. The district court shall take up and decide any motion asserting a victim's right forthwith. If the district court denies the relief sought, the movant may petition the court of appeals for a writ of mandamus. The court of appeals may issue the writ on the order of a single judge pursuant to circuit rule or the Federal Rules of Appellate Procedure. The court of appeals shall take up and decide such application forthwith within 72 hours after the petition has been filed. In no event shall proceedings be stayed or subject to a continuance of more than five days for purposes of enforcing this chapter. If the court of appeals denies the relief sought, the reasons for the denial shall be clearly stated on the record in a written opinion.

(4) ERROR.--In any appeal in a criminal case, the Government may assert as error the district court's denial of any crime victim's right in the proceeding to which the appeal relates.

(5) LIMITATION ON RELIEF.--In no case shall a failure to afford a right under this chapter provide grounds for a 2263 new trial. A victim may make a motion to re-open a plea or sentence only if--

(A) The victim has asserted the right to be heard before or during the proceeding at issue and such right was denied;

(B) The victim petitions the court of appeals for a writ of mandamus within 10 days; and

(C) In the case of a plea, the accused has not pled to the highest offense charged. This paragraph does not affect the victim's right to restitution as provided in title 18, United States Code.

(6) NO CAUSE OF ACTION.--Nothing in this chapter shall be construed to authorize a cause of action for damages or to create, to enlarge, or to imply any duty or obligation to any victim or other person for the breach of which the United States or any of its officers or employees could be held liable in damages. Nothing in this chapter shall be construed to impair the prosecutorial discretion of the Attorney General or any officer under his direction.

(e) DEFINITIONS.--For the purposes of this chapter, the term 'crime victim' means a person directly and proximately harmed as a result of the commission of a Federal offense or an offense in the District of Columbia. In the case of a crime victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardians of the crime victim or the representatives of the crime victim's estate, family members, or any other persons appointed

as suitable by the court, may assume the crime victim's rights under this chapter, but in no event shall the defendant be named as such guardian or representative.

(Obtained from: <https://www.justice.gov/usao/resources/crime-victims-rights-ombudsman/victims-rights-act>)

Delaware Victim Bill of Rights

On July 23, 1992, Governor Michael N. Castle, signed the Victims Bill of Rights into law. This law mandates that victims are informed about the criminal process and extends notification and participation rights to them. The statute was amended by the 137th General Assembly and Governor Thomas R. Carper signed and made law, new requirements to the Victims Bill of Rights on July 16, 1993.

THE LAW PROVIDES THAT YOU SHOULD BE NOTIFIED OF THE FOLLOWING:

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

VICTIM SERVICE ORGANIZATIONS

Most crime victims suffer from distress and/or confusion after victimization and experience difficulty dealing with the criminal justice system. These programs provide a wide range of services to help you during this time.

To help crime victims, these programs usually provide victim advocacy, crisis intervention, information about the case, referrals to social/community resources, and assistance in filing Victims Compensation Assistance Program forms, help with understanding the criminal justice system, and court accompaniment.

VICTIM INFORMATION

Delaware has a Victim's Bill of Rights which entitles you to be notified of and participate in all major phases of the criminal case process. You will be notified of the progress of the case in which you are the victim. This booklet will help you better understand what is happening in court by telling you the meaning of court terms you may not know. It also gives you other information you may find helpful.

NOTE: YOU MUST FILE WITHIN ONE (1) YEAR OF THE CRIME TO BE CONSIDERED FOR ASSISTANCE.

If you have had property stolen and the police recover it, the police will keep the property as evidence until after the trial.

(Obtained from: https://attorneygeneral.delaware.gov/criminal/victims_rights/)

UNIVERSITY RESPONSE

The University may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused.

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Wilmington University will provide written notification to students and employees about accommodations available to them. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e. the notifications will include the name and contact information for the individual or office that should be contacted to request accommodations).

Upon the victim's request and to the extent of the victim's cooperation and consent, university offices to include University Safety and the Title IX Coordinator will work cooperatively to assist the victim with their health, physical safety, work and academic status. For example, if reasonably available, a complainant may be offered changes to academic, working, protective measures or transportation situations regardless of whether the victim chooses to report the crime to Department of University Safety or local law enforcement. To request changes to academic, transportation, and/ or working situations, or protective measures, a victim should contact Dr. Linda Van Drie Andrzejewski, Executive Director of Title IX, Clery, and Regulatory Affairs.

Confidentiality

Additionally, personal identifiable information about the complainant will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the complainant, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the complainant to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University does not publish the name of crime victims nor house identifiable information regarding victims in University Safety's Daily Crime Log or online. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

Victims may request that directory information on file be removed from public sources by request by contacting University Safety, the Registrar, Director of Athletics (for student athletes), or the Title IX Coordinator. Regardless of whether a victim has opted-out of allowing the University to share "directory information", personally identifiable information about the victim and other necessary parties will be treated as confidential and only shares with the person who have a specific need-to-know—i.e. those who are investigating/ adjudicating the

report or those involved in providing support services to the victim, including accommodations and protective measures.

RESOURCES FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT & STALKING

On and Off Campus Services for Victims

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as course scheduling, transportation and/or working accommodations, if reasonably available. The University will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the Department of University Safety or local law enforcement. Students and employees should contact Linda Van Drie Andrzejewski, the Title IX Coordinator (see below) to request accommodations. Upon receipt of a report of domestic violence, dating, sexual assault, or stalking, the University will provide written notification to students and employees about existing assistance with and/ or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and assistance in notifying appropriate law enforcement. These resources include the following:

1. On-Campus:

Counseling *None available on-campus	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org
Health *None available on-campus	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org
Mental Health *None available on-campus	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org

Victim Advocacy *None available on-campus	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org
Legal Assistance *None available on-campus	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org
Visa & Immigration Assistance	International Affairs	David Ciamaricone, Director International Affairs 302-327-4809
Financial Aid	Financial Aid Department	Nicole McDaniel-Smith, Director of Financial Aid 302-356-6982
Title IX Coordinator	Administrative and Legal Affairs	Dr. Linda Van Drie Andrzejewski, Executive Director of Title IX, Clery, and Regulatory Affairs 302-356-6754 or (302)983-6866 (cell)
University Safety	University Safety Administrative Office	Tom Logan, University Safety Manager, (302) 356-6704

2. Off-Campus

Counseling	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org
Health	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org
Mental Health	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org
Victim Advocacy	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org

Legal Assistance	Delaware	Delaware Help Line – Dial 211 - 1-800-560-3372 – text 898-211 or www.delaware211.org
Visa & Immigration Assistance	International Affairs	David Ciamaricone, Director International Affairs 302-327-4809
Financial Aid	Financial Aid Department	Nicole McDaniel-Smith, Director of Financial Aid 302-356-6982
Title IX Coordinator	Human Resources Department	Dr. Linda Van Drie Andrzejewski, Executive Director of Title IX, Clery, and Regulatory Affairs 302-356-6754 or (302)983-6866 (cell)
University Safety	University Safety Administrative Office	Tom Logan, University Safety Manager (302) 356-6704
Battered Women’s Shelter	Delaware Milford	Delaware Coalition Against Domestic Violence: (302) 658-2958 YWCA Delaware: (302) 658-7110 Mary Mother of Hope House I: (302)652-8532
Child, Inc. Domestic Violence Crisis Hotline	Delaware	Domestic Violence Crisis Hotline (including emergency shelters) 302-762-8989
Rape Crisis	Delaware	Dial 211 or 1-800-560-3372 or Contact Life Line 1-800-262-9800
Prosecuting Attorney’s Office	Delaware	Attorney.General@State.DE.US 302-577-8500
Department of Education Office of Civil Rights	Atlanta Office	Office of Civil Rights U.S. Department of Education The Wanamaker Building 61 Forsyth St. S.W.. Suite 19T10 Atlanta, GA 30303-8927 404-974-9406 Email: OCR.Atlanta@ed.gov

To report a crime of sexual assault, domestic violence, dating violence or stalking (or any other crime) to local police, use the contact information found below according to the jurisdiction in which the crime occurred or call 9-1-1:

National Advocacy Resources:

<http://www.rainn.org> – Rape, Abuse and Incest National Network- Department of Justice

<https://www2.ed.gov/about/offices/list/ocr/index.html>-Department of Education, Office of Civil Rights

Delaware Advocacy Resources:

24 Hour Domestic Violence Hotlines

Child Inc.'s Domestic Violence Program
New Castle County
302-762-8989

The SAFE Program at People's Place II
Kent & Sussex Counties
302-422-8058

Information/Referrals

Delaware Coalition Against Domestic Violence
New Castle County: 302-658-2958
Kent & Sussex Counties 302-422-8058

Shelter, Counseling, Support & Victim Advocacy Services

New Castle County

Child, Inc.
<https://www.childinc.com/>
302-762-8989 OR 302-762-6110 (bilingual hotline)
Emergency shelter & transitional services, housing assistance, educational services, bilingual services, court advocacy.

Domestic Violence Treatment Program
<https://www.childinc.com/>
302-762-8989 OR 302-762-6110 (bilingual hotline)
Victim counseling and support groups, treatment services for chemically dependent women, Helping Children Heal Program (individual, group & family counseling for children who have witnessed domestic violence).

YWCA Delaware

<https://www.ywcade.org/>
302-655-0039

Victim support groups, case management, safety planning, counseling, referrals, educational outreach presentations on domestic violence, transitional housing.

Latin American Community Center
<https://www.thelatincenter.org/>
302-655-7338

Victim support groups, bilingual services, support services.

Delaware Center for Justice Elderly Crime Victims Advocate Program
<https://dcjustice.org/our-programs/>
302-658-7174 ext. 15

Intensive case management, long-term support, transportation for court and related appointments for victims 50+ who live in residences owned and operated by the Wilmington Housing Authority.

Kent/Sussex Counties
The SAFE Program at People's Place II, Inc.
<https://peoplesplace2.com/>
302-422-8026

Emergency shelter & transitional services, housing assistance, employment assistance, transportation, and educational services.

La Esperanza
<https://www.laesperanzacenter.org/>
302-854-9262

Bilingual referrals, general case management, court accompaniment & outreach.

POLICIES AND PROCEDURES FOR ADDRESSING SEX BASED HARASSMENT

1. Introduction

Wilmington University (“Wilmington” or “the University”) is committed to cultivating a diverse and inclusive community that recognizes the value of each individual and allows persons to learn and work in an environment free from harassment and discrimination. As part of this effort, the University will respond to sex-based harassment and discrimination through clear policies and grievance procedures and commits itself to maintaining a safe and healthy educational and work environment via educational programming, employee training, and by sanctioning those who violate this policy. This comprehensive policy is created and implemented by the University to address allegations of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, in addition to other prohibited misconduct as identified and defined herein. This policy and the procedure herein apply to all students, employees, and third parties, including contractors and vendors of the University.

Wilmington University is a private postsecondary institution and does not discriminate against employees, students, or applicants on the basis on the basis of race, color, ethnicity, sex, age, gender, religion, national origin, genetic information, disability, marital status, pregnancy, parenting or family responsibility status, veteran or military status, or any other characteristic protected by law with regard to any employment practices, including recruitment, advertising, job application procedures, hiring, upgrading, training, promotion, transfer, compensation, job assignments, benefits, and/or other terms, conditions or privileges of employment, provided the individual is qualified with or without reasonable accommodations to perform the essential functions of the job. Wilmington University's good faith efforts and policies ensure that this commitment is maintained. This policy and procedure are only intended to resolve complaints of sex-based harassment (herein “Prohibited Conduct”) that includes the offenses identified in this document. For complaints related to discrimination on the basis of any protected class besides sex, employees and visitors should contact the Human Resources Department and students should contact Student Conduct.

The University will investigate and attempt to resolve all complaints of Prohibited Conduct¹ in a prompt, fair and impartial manner. The University will treat all individuals involved with dignity and respect. All processes are driven by objective fact-finding and approached from a neutral standpoint, including the presumption that a respondent is not responsible for a violation of this policy before a finding that supports that exists.

Inquiries regarding the application of this policy and the respective grievance procedures used to resolve complaints may be referred to the University’s Title IX Coordinator, to the U.S. Department of Education’s Office for Civil Rights, or both. Further, complaints regarding employment discrimination may also be referred to by the Federal and state agencies noted further in this document.

¹ Please see Section 2 for the offenses that constitute “Prohibited Conduct” under this policy.

1.1. Definitions

1.1.1. Complainant

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute Prohibited Conduct.

1.1.2. Respondent

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

1.1.3. Party

“Party” means either the Complainant(s) or Respondent(s) in an investigation or action relating to a report of Prohibited Conduct.

1.1.4. Confidential Resources

“Confidential Resources” are designated by the University to provide complainants with emergency and ongoing support and to advise the Complainant on options for reporting violations of this policy. Wilmington University does not have any on-campus confidential resources. Persons seeking confidential resources should seek support off campus.

1.1.5. Title IX Coordinator

The “Title IX Coordinator” is responsible for overseeing the University’s response to reports of Prohibited Conduct on campus and oversees the University’s centralized response to ensure compliance with Title IX and the Clery Act (VAWA) as it relates to the accurate reporting of and response to Prohibited Conduct. The Title IX Coordinator is also responsible for coordinating the effective implementation of supportive measures and remedies. The Title IX Coordinator or the University President may delegate responsibilities under this policy to a designee, who will be appropriately trained per the requirements of Title IX and the Clery Act. For purposes of this policy, any reference to the Title IX Coordinator should be read as the “Title IX Coordinator or other designee.”

How to contact the University’s Title IX Coordinator:

Linda Andrzejewski, Ed.D.
Executive Director & Title IX Coordinator
47 Reads Way
New Castle, DE 19720
linda.m.andrzejewski@wilmu.edu
Phone: (302) 356-6754
Fax: (302) 328-7918

In-person reports may be made weekdays between 9 a.m. and 5 p.m. Email reports can be sent anytime: 24 hours a day/7 days a week. You may also mail written correspondence to the address above.

1.1.6. Investigator

The “Investigator” is the person assigned to conduct the investigation upon the signing of a complaint and a request for a formal resolution process. The Investigator may be a Title IX Coordinator, an employee, or a contracted service provider.

1.1.7. Decision-Maker

The “Decision-Maker” is the person or persons who will make the determination of responsibility for Emergency Removal and after a formal resolution process or following an appeal. The Decision-Maker will provide the determination in writing and cannot be the same person as the Title IX Coordinator or the Investigator on a case arising out of the same facts or circumstances. In the case of an appeal, the Decision-Maker will be different from the person(s) who made the initial determination. The Decision-Maker may be an employee or a contracted service provider. The University retains the right to establish a pool of cross-trained individuals who may serve as an Investigator or one of the Decision-Makers; however, they would never hold more than one position during a particular complaint.

1.1.8. Title IX Personnel

“Title IX Personnel” include all individuals whose duties involve resolution of reports and complaints of student and employee violations of this policy. All Title IX personnel shall receive annual training as required by Title IX, the Clery Act and Delaware law. Employees falling under this description include, without limitation, the Title IX Coordinator(s), Investigators, Decision-Makers, members of University Safety, and any contracted service providers of the University with any of the responsibilities outlined herein.

1.1.9. Responsible Employees

With limited exceptions, every University employee must report conduct that could constitute an offense as defined by this policy and are considered “Responsible Employees.”² A Responsible Employee includes supervisors, managers, coaches, and faculty members with administrative or student supervisory duties who are responsible for taking all appropriate action to prevent Prohibited Conduct. They must report it to the institution’s Title IX Coordinator promptly.

Delaware state law requires Responsible Employees of higher education institutions to additionally offer assistance to victims who wish to report incidents of sexual assault perpetrated by or against a student to law enforcement authorities or University Safety officials serving the institution. Responsible Employees are also responsible for informing victims of their rights under the Victims’ Bill of Rights in Chapter 11, as well as available confidential medical, counseling, and advocacy services. University Safety constables shall make reasonable efforts to ensure a victim’s privacy when contacting them and are required to inform the victim of their rights under the Victims’ Bill of Rights, as well as available confidential medical, counseling, and advocacy services. A report to a faculty or staff member of the University does not result in a complaint for the purpose of initiating an investigation or

² Delaware H.B. utilizes the term “Responsible Employee” when referring to employees who have a duty to report incidents of sexual misconduct. Although that term is no longer used by the U.S. Department of Education for purposes of Title IX compliance, Wilmington is deferring to the state terminology to meet compliance with both laws.

informal or formal resolution processes; however, the reporting of that information by the Responsible Employee to the institution's Title IX Coordinator is required by Delaware law. Delaware has both civil and criminal laws to protect children from abuse and neglect. All University employees are mandatory reporters of Child Abuse under Chapter 9 of Title 16 of the Delaware Code. **All suspected child abuse and neglect must be reported³ to the 24-hour Division of Family Services (DFS) Child Abuse and Neglect Report line at 1-800-292-9582. You may also call any Law Enforcement Agency or 911, but not instead of contacting DFS. You are not required to provide proof. Anyone who makes a good faith report based on reasonable grounds is immune from prosecution. DFS provides information to the community on identifying signs of abuse, which may be accessed [here](#).** This means that all employees must immediately report whenever they suspect that a child has been abused or neglected. Reports may also be made online at the [Delaware Division of Family Services Reporter Portal](#).

1.1.10. Advisor of Choice

An "Advisor of Choice" means the person of the Complainant or Respondent's choosing who accompanies them to any meeting, interview, or disciplinary proceeding in which they must be present. This person can provide support, advice or counsel. During the investigatory stage of the process, the Advisor is not permitted to act on behalf of their Party regarding answering questions or providing evidence on behalf of a Party. They may not actively participate or be disruptive, nor may they unnecessarily delay the investigation due to their personal availability. During the Live Hearing portion of the Title IX process, the Advisor of Choice is responsible for conducting the cross-examination hearing pursuant to the Title IX grievance processes. Cross-examination in this setting is limited to the other Party and witnesses. The Advisor cannot make opening or closing statements, ask questions of their own advisees, object to questions, or engage in advocacy other than that stated herein. An Advisor is permitted to participate in a Non-Title IX grievance process; however, their role is restricted to the investigatory stage as described above.

For both Title IX and Non-Title IX meetings, interviews, and disciplinary proceedings, the Advisor may talk quietly with the student or pass notes in a non-disruptive manner. In addition, while Advisors may provide guidance and assistance throughout the process, all written submissions must be authored by the student.

Wilmington University will not restrict the choice of an Advisor, and the Advisor can be anyone of the Party's choosing. However, the University may remove Advisors if they become disruptive or hinder a fair and equitable process. The involvement of an Advisor may not result in undue delay of any meeting or proceeding. During the Title IX live hearing for the Title IX grievance procedures, if a Party does not have an Advisor, the University will appoint one on behalf of the Party free of charge. In this capacity, the Advisor will be appointed for the sole purpose of conducting cross-examination of the other Party and witnesses. Employees of the University are not permitted to serve as Advisors of choice other than in the live hearing for purposes of cross examination.

³ Please additionally see Wilmington University's Minors on Campus Policy at the rear of this document.

1.1.11. Campus Security Authority (CSA)

A “Campus Security Authority” (“CSA”) is a designated University official who has an obligation to report certain crimes reported to them to the reporting structure of the institution as required by the federal Clery Act. In most cases, a CSA can fulfill their responsibilities while still maintaining victim confidentiality. Except in reference to a report to the Title IX Coordinator, a report to a CSA does not result in a complaint for the purpose of triggering an investigation or informal or formal resolution process.

1.1.12. Scope and Jurisdiction

This policy governs the conduct of University students, regardless of enrollment status, faculty, staff, and third parties (i.e., non-members of the University community, including vendors, alumni, visitors, or local residents).

Third Parties are both protected by and subject to this policy. A third party may report a suspected violation of this policy committed by a member of the University community. A third party may also be permanently restricted from the University or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs on University property (on campus) and in the local vicinity. This policy also applies to conduct that occurs off University property (off campus) when the conduct is associated with a University-sponsored program or activity, such as travel, research, internship programs, or when such conduct has a continuing adverse effect or creates a hostile environment on campus. Judgments about these matters will depend on the facts of individual cases.

All actions by a member of the University community that involve the use of the University’s computing and network resources from a remote location, digital platforms, and computer hardware or software owned and operated by, or used in the operations of the University, including but not limited to accessing email accounts, will be deemed to have occurred on campus. Online and/or social media conduct may violate this policy if it meets the definition of Prohibited Conduct. Online postings are in the public sphere and are not private. These postings may subject an individual to allegations of Prohibited Conduct or other misconduct. The University does not regularly search for this information, nor does it monitor any particular social media site. Still, we may take action if and when such information is brought to our attention. Students should refer to the [University’s Policy on Computer Use](#) for a list of unacceptable behavior/use of University computing resources and Employees should refer to the Employee Handbook. The University will view any report of online Prohibited Conduct with the Respondent’s free speech rights in mind.

Individuals are encouraged to report any violation of this policy as soon as possible to maximize the University’s ability to respond promptly and effectively. Reports and complaints may be made at any time without regard to how much time has elapsed since the incident(s) in question have occurred.

If the Respondent is no longer a student or employee at the time of the report or complaint, the University may not be able to take disciplinary action against the Respondent. However, it will still seek to meet its Title IX or other legal obligations by offering supportive measures for the Complainant and taking steps, if necessary and possible, to end the prohibited behavior, prevent its recurrence, and address its effects.

All people are protected from sex-discrimination and may file a complaint; however, for the Title IX grievance procedures to apply, the incident must be reported while all parties are associated with the University (as current students or employees or attempting to access the education program) and must have occurred on property owned or controlled by the University in the United States. Additionally, during the time the misconduct is reported to have occurred, the University must have had substantial control of the Respondent and the context of the misconduct. A person who is not attempting to access the education program, who is not a student or employee, or has not separated from the institution as a result of the misconduct is ineligible to resolve their complaint using the institution's grievance procedures. The complaint may be eligible for referral to a separate University process as determined by the Title IX Coordinator.

1.1.13. Prohibited Conduct at Wilmington University and Title IX

This policy governs Prohibited Conduct that constitutes sex-based harassment. However, the government defines sex-based harassment differently in specific settings. Additionally, this policy covers behaviors that fall outside of the jurisdiction required for response by Title IX. The University will determine whether an allegation should proceed utilizing the grievance processes mandated by Title IX or the University's grievance process for Non-Title IX Prohibited Conduct, based on the constellation of facts and circumstances surrounding the report or complaint and the following factors:

- a. applicable law
- b. what is reported to have occurred
- c. the status of the Complainant as student, employee, or third-party
- d. the status of the Respondent as student, employee, or third-party
- e. the context in which the harassing behavior is reported to have occurred
- f. whether or not the reported behavior occurred within the United States; and/or
- g. whether there are continuing effects of such reported behavior on campus or within the University's educational programs or associated activities

The Title IX Coordinator is the University official designated to evaluate reports to determine which law(s) attach, what threshold each law holds under the various laws, and which grievance process to utilize to resolve such reported behavior.

As stated above, complaints alleging discrimination based on pregnancy, different treatment based on sex, or other forms of sex discrimination that do not constitute sex-based harassment will be adjudicated under the Student Code of Conduct for student-based complaints and the Employee Handbook, Title VII Policy and Resolution Procedures, for complaints involving employees. The status of the respondent will be used to determine which applicable policies attach. When a complaint alleges conduct by a student on employee or employee on student, more than one policy may be used to resolve the complaint.

2. Prohibited Conduct

As outlined above, the University prohibits behaviors outside the scope of conduct prohibited by Title IX. If a report constitutes behavior as described below, the University will determine which grievance process is needed to resolve the complaint.

For purposes of this policy, all of the following definitions constitute conduct to be based on sex.

2.1. Definitions of Prohibited Conduct

2.1.1. Quid pro quo Sexual harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct is made implicitly or explicitly a term or condition of instruction, employment, or participation in any University activity or benefit; or
- Submission to or rejection of these behaviors by an individual is used as a basis for evaluation in making academic or personnel decisions.

To reach the threshold for a claim under Title IX, the person conditioning the provision of the aid, benefit, or service must be an employee.⁴

2.1.2. Hostile Environment Sexual Harassment

Hostile Environment is unwelcome conduct on the basis of sex that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education programs or activities. Such conduct includes unwelcome conduct of a sexual nature and may include unwelcome conduct based on sex or sex stereotyping.

In evaluating whether the unwelcome conduct is so severe, pervasive, and objectively offensive that it effectively denies a person equal access, the University uses a reasonable person standard that takes into account the totality of known circumstances in a particular situation, including but not limited to:

- The frequency, nature, and severity of conduct.
- The age, disability status, and other characteristics of the parties.
- Whether the conduct was physically threatening.
- The effect of the conduct on the Complainant's mental or emotional state.
- Whether the conduct was directed at more than one person.
- Whether the conduct arose in the context of other discriminatory conduct.
- Whether the conduct unreasonably interfered with the Complainant's educational or work performance and/or University programs or activities.

The term "effectively denies" does not require a Complainant to be entirely, physically excluded from educational opportunities and may also be established when the conduct so

⁴ For purposes of this policy, "volunteers" do not constitute "employees" with regard to allegations of sexual harassment for purposes of Title IX. Complaints alleging "volunteers" committed acts of prohibited conduct will be resolved utilizing the institution's Non-Title IX grievance process.

undermines and detracts from the Complainant's work or school access so that such access is effectively denied.

When the alleged conduct is verbal or contains elements of speech or expression, the above standards are implemented so as not to deny person's freedom of speech.

2.1.3. Non-Consensual Sexual Penetration

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.

2.1.4. Non-Consensual Sexual Contact

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity. Private body parts for purposes of this policy are breast, buttocks, and groin.⁵

* For the purposes of the definition of non-consensual sexual penetration and non-consensual sexual contact, the University will treat attempts to commit those forms of Prohibited Conduct as if those attempts were completed.

2.1.5. Incest

For purposes of this policy, incest means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. In Delaware, this includes sexual contact between persons who are brothers and sisters, parents, and children, including stepparents, stepchildren, and adopted persons, as well as aunts/uncles with nieces/nephews and between grandparents and grandchildren.⁶

2.1.6. Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent, which in Delaware is 16 years of age.⁷

2.1.7. Domestic Violence

A felony or misdemeanor crime of violence committed by

- a current or former spouse or intimate partner of the victim
- a person with whom the victim shares a child in common.
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

⁵ The touching of non-private body parts could constitute "Sexual Harassment". See Sections 2.1.1 and 2.1.2 of this policy.

⁶ See Delaware Code Title 11 and Criminal Procedure § 766.

⁷ See Delaware Code Title 11 and Criminal Procedure § 770. As an aside, Delaware law states that in some situations, a person must be at least 18 years of age to engage in consensual, lawful activity.

- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:

- an offense under Delaware State law that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- any other offense that is a felony in Delaware and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
-

Domestic violence⁸, as defined by Title IX, is considered relationship violence and must be "on the basis of sex." For purposes of this policy, Domestic Violence does not include acts that meet the definition of domestic violence under Delaware laws that are based solely on cohabitation (e.g. roommates) or family relationship (e.g. parent/child). While non-relationship violence would not be addressed using this policy, it could still be counted for purposes of Clery Act reporting and may be addressed under other University policies or grievance procedures. If you need information on how to obtain a Protection from Abuse Order in the State of Delaware, please visit <https://courts.delaware.gov/family/pfa/index.aspx>.

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.⁹

2.1.8. Stalking

Stalking¹⁰ is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

i. *For the purposes of this definition—*

⁸ Delaware Criminal Code does not delineate Domestic Violence as a specific statute but defines such acts for the appropriate jurisdiction for prosecutorial action: 'Domestic violence' means abuse perpetrated by one member against another member of the following protected classes: Family, as that term is defined in 10 Del. C. §901(9), regardless, however, of state of residence of the parties; Former spouses, a man and a woman cohabitating together with or without a child of either or both, or a man and a woman living separate and apart with a child in common.

⁹ Delaware has no separate statute for dating violence, but a definition for "teen dating violence: Delaware Criminal Code defines Dating Violence in the School Teen Dating Violence and Sexual Assault Act, Title 14, Section 4112E(a)(2) as: "Teen dating violence". — As used in this section, "teen dating violence" means assaultive, threatening or controlling behavior, including stalking as defined in § 1312 of Title 11, that 1 person uses against another person in order to gain or maintain power or control in a current or past relationship. The behavior can occur in both heterosexual and same sex relationships, and in serious or casual relationships.

¹⁰ See Delaware Code Title 11 and Criminal Procedure § 1311 and § 1312.

- A. *Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third Parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.*
- B. *Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.*

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

To reach the threshold for a claim under Title IX, the stalking behavior must be determined to be based on sex. Non-sex-based stalking complaints will be resolved using this policy's definitions but under the Non-Title IX Resolution Procedures by status of the Respondent as Student or Employee.

2.1.9. Sexual Exploitation

Any act whereby one person violates the sexual privacy of another or takes unjust or abusive sexual advantage of another who has not provided consent, and that does not constitute another offense as defined above. Examples may include acts such as recording, photographing, streaming or otherwise transmitting, viewing or distributing, or threatening to distribute, intimate or sexual images or sexual information, whether those be actual or generated by AI, without the knowledge and consent of all parties involved; "revenge porn"; or voyeurism (i.e., spying on others who are in intimate or sexual situations), or knowingly transmitting a sexually transmitted disease or infection to another; threatening to expose or exposing images if the victim does not agree to payment of some kind ("sextortion"); or facilitation the sexual harm/abuse of another person ("sex-based hazing" or "human trafficking" or "prostitution"). Sexual exploitation, when it does not in and of itself constitute another form of Prohibited Conduct, will be resolved using the University's Non-Title IX grievance process.

2.1.10. Retaliation

Retaliation is any attempt to seek retribution against an individual or group of individuals involved in making a good faith report, filing a complaint, participating in a disciplinary process, or opposing in a reasonable manner an action believed to constitute a violation of this policy. Retaliation can take many forms, including abuse or violence, threats, coercion, and intimidation. Actions in response to a good faith report or response under this policy are considered retaliatory if they have a materially adverse effect on the working, academic or University controlled environment of an individual or if they hinder or prevent the individual from effectively carrying out their University responsibilities or benefits. Any individual or group of individuals can engage in retaliation and will be held accountable under this policy. Allegations of Retaliation will proceed under Student Conduct or the Employee Handbook depending on the status of the Respondent as student or employee.

2.2. Definition of Consent

Consent is an understandable exchange of affirmative words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent must be informed,

freely, and actively given. It is the responsibility of the initiator to obtain clear and affirmative responses at each stage of sexual involvement.

Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response is not consent. An individual who is incapacitated by alcohol and/or other drugs, both voluntarily or involuntarily consumed, may not give consent. Past consent of sexual activity does not imply ongoing future consent.

Consent cannot be given if any of the following are present:

- o **Force** is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and/or coercion that overcome resistance.

- o **Coercion** is unreasonable pressure for sexual activity. Coercion is more than an effort to persuade, entice, or attract another person to have sex. Conduct does not constitute coercion unless it wrongfully impairs an individual's freedom to choose whether to participate in sexual activity.

- o **Incapacitation** is a state where an individual cannot make rational, reasonable decisions due to the debilitating use of alcohol and/or other drugs, sleep, unconsciousness, or because of a disability that prevents the individual from having the capacity to give consent. Intoxication is not incapacitation, and a person is not incapacitated merely because the person has been drinking or using drugs. Incapacitation due to alcohol and/or drug consumption results from ingestion that is more severe than impairment, being under the influence, drunkenness, or intoxication. The question of incapacitation will be determined on a case-by-case basis. Being intoxicated or incapacitated by drugs, alcohol, or other medication will not be a defense to any violation of this Policy.

3. Reporting

Any person may report an incident of Prohibited Conduct as defined by this policy however **Employees must report**. The University encourages anyone who becomes aware of Prohibited Conduct to immediately contact the Title IX Coordinator. Reports may be made by the person who experienced the Prohibited Conduct or by a third-party, including, but not limited to, a friend, family member, advisor, or faculty member. Reports to the Title IX Coordinator may be made in person, by mail, by telephone, or by electronic mail, using the contact information listed below, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the listed telephone number or electronic mail address, or by physical mail to the office address.

A Complainant may also file a concurrent report with law enforcement.

They may also seek confidential options whereby the school will not be informed, such as off campus counseling or other support.

A Complainant may pursue some or all these reporting options at the same time (e.g., one may simultaneously pursue a Formal Resolution Process with the University and a criminal complaint). When initiating any report, a Complainant does not need to know whether they wish to request any particular course of action, nor how to label what happened. Before or during any grievance process, Complainants and other reporting persons are encouraged, but not required, to consult a Confidential Resource.

3.1 Confidential Reporting options

No offices on campus are designated as Confidential Resources. Therefore, an individual who is not prepared to make a report, or who may be unsure how to label what happened, but still seeks information and support, is strongly encouraged to contact an off campus Confidential Resource.

3.2 Title IX Coordinator

Any individual who may have been subjected to a violation of this policy, and who is considering making a complaint under this policy, is encouraged to contact the Title IX Coordinator.

In light of the University's obligation to make reasonable efforts to investigate and address conduct prohibited by this policy, University employees who are not designated Confidential Resources are required to notify the Title IX Coordinator and cannot guarantee the confidentiality of a report under this policy.

Title IX Coordinator:

To report any form of sexual misconduct, contact the University's Title IX Coordinator,

Linda Van Drie Andrzejewski, Ed.D., Executive Director of Title IX, Clery, and Regulatory Affairs,

Administrative and Legal Affairs, Wilmington University in person by visiting her campus office at:

Wilson Graduate Center, 47 Reads Way, New Castle, DE 19720,

in writing by email: linda.m.andrzejewski@wilmu.edu

or by calling 302-356-6754.

Reports may be made in person between 9am and 5pm M-F and anytime 24 hours a day/7 day a week via email or by sending written correspondence.

3.3 U.S. Department of Education, Office For Civil Rights

All members of the University community may also contact the Office for Civil Rights (a division of the United States Department of Education) to file a complaint pertaining to Title IX.

<p align="center">OFFICE FOR CIVIL RIGHTS U.S. DEPARTMENT OF EDUCATION</p>
<p align="center">Headquarters 400 Maryland Avenue, SW, Washington, DC 20202-1100 Customer Service Hotline #: (800) 421-3481 Facsimile: (202) 453-6012 TTY#: (800) 877-8339 Email: OCR@ed.gov Web: https://www.ed.gov/about/ed-offices/ocr</p>
<p align="center">Regional OCR Office Serving Wilmington University U.S. Department of Education Atlanta Office Office for Civil Rights U.S. Department of Education 61 Forsyth St. S.W., Suite 19T10 Atlanta, GA 30303-8927 Telephone: 404-974-9406 FAX: 404-974-9406; TDD: 800-877-8339 Email: OCR.Atlanta@ed.gov</p>

3.4 Anonymous Report

An individual may report an incident without disclosing their name, identifying the Respondent, or requesting any action. Please note that choosing to make an anonymous report can significantly limit the ability of the University to respond. This information will be used for statistical purposes as well as for enhancing understanding of our campus climate so that we may strengthen sexual misconduct response and prevention efforts.

3.5 Online Report

An individual may report an incident via an anonymous online reporting form. The online form will not be considered a complaint that would trigger a full investigation. An online report cannot result in electronic communication of resources or outreach from the Title IX Coordinator unless a Complainant is identified. For emergency assistance, please dial 9-1-1.

Title IX Incident Reporting Form

<https://www.wilmu.edu/titleix/filing-of-compliant.aspx>

3.6 Mandatory reporting

With limited exceptions, every University employee must report conduct that could constitute Prohibited Conduct as defined under this policy and are considered “Responsible Employees.”¹¹ A Responsible Employee includes supervisors, managers, coaches, and faculty members with administrative duties or student supervisory duties are responsible for taking all appropriate action to prevent sexual misconduct, discrimination and harassment, to correct it when it occurs, and must promptly report it to the institution’s Title IX Coordinator.

In emergency situations, if there is a suspected crime in progress, or imminent or serious threats to the safety of anyone, faculty and staff members should immediately dial 911 from an on-campus telephone whenever possible.

In non-emergency situations, faculty and staff members who are not Confidential Resources must promptly report suspected violations to the Title IX Coordinator in person or by using the Title IX incident report form by visiting <https://www.wilmu.edu/titleix/filing-of-compliant.aspx>

3.7 Privacy and Confidentiality

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. Privacy and confidentiality are related but distinct terms.

“Confidentiality” refers to the circumstances under which information will or will not be disclosed to others. “Privacy” refers to the discretion that will be exercised by the University in the course of any investigation or disciplinary processes under this policy.

Requests for confidentiality or use of anonymous reporting may limit the University’s ability to conduct an investigation or resolve an allegation using the University’s disciplinary proceedings.

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

In some circumstances, the reporting responsibilities of University employees, or the University’s responsibility to investigate, may conflict with the preferences of the Complainant and/or Respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities, and make use of confidential resources, if applicable, in determining their preferred course of action.

¹¹ Delaware H.B. utilizes the term “Responsible Employee” when referring to employees who have a duty to report incidents of sexual misconduct. Although that term is no longer used by the U.S. Department of Education for purposes of Title IX compliance, Wilmington is deferring to the state terminology to meet compliance with both laws.

Medical and counseling records are privileged and confidential documents that the Parties will not be required to disclose. If one Party chooses to provide written consent regarding the disclosure, all Parties will have access to those records.

The University has an obligation to make reasonable efforts to investigate and address complaints or reports of violations of this policy. In all such proceedings, the University will take into consideration the privacy of the Parties to the extent possible.

In cases involving students, the Title IX Coordinator may notify other University employees of the existence of the complaint for the purpose of overseeing compliance with this policy and addressing any concerns related to educational and University sponsored events. While not bound by confidentiality, these individuals will be discreet and will respect the privacy of those involved in the process.

Any additional disclosure of information related to the complaint or report may be made if consistent with the Family Educational Rights and Privacy Act (FERPA), or the Title IX requirements.

3.8 Supportive Measures

Upon receipt of a signed formal complaint, the University will provide reasonable and appropriate supportive measures. Supportive measures mean individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant and as appropriate, other witnesses or impacted individuals, before or after the filing of a complaint or where no complaint has been filed. Supportive measures may only be provided to the Respondent upon notice of a formal complaint. Such measures are designed to restore or preserve equal access to the University's program or activity without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment, or deter Prohibited Conduct.

Supportive measures may include:

- Access to counseling services and assistance in arranging an initial appointment.
- Extensions of deadlines or other course-related adjustments.
- Rescheduling of exams and assignments.
- Change in class schedule, including the ability to transfer course sections or withdraw from a course.
- Change in work schedule or job assignment.
- Campus escort services.
- Leaves of absences.
- Increased security and monitoring of certain areas of the campus.
- Imposition of a mutual on-campus "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals; and/or
- Any other remedy that can be used to achieve the goals of this policy.

Wilmington University will maintain confidentiality regarding any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide supportive measures. In cases that meet the definition and jurisdiction of Title IX, Supportive Measures will also be non-punitive and non-disciplinary.

Any supportive measures will not disproportionately impact the Complainant. Requests for supportive measures may be made by or on behalf of the Complainant to any University official, including the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring the implementation of supportive measures and coordinating the University's response with the appropriate offices on campus.

Supportive measures are meant to be short-term in nature and will be re-evaluated on a periodic basis. To the extent that there is a continuing need for supportive measures after the conclusion of the resolution process, the Title IX Coordinator will work with appropriate school resources to provide continued assistance in the process.

All individuals are encouraged to report concerns about the failure of another to abide by any restrictions imposed by a Supportive Measure. The University will take immediate action to enforce a previously implemented measure, and disciplinary penalties can be imposed for failing to abide by a University-imposed measure utilizing the disciplinary process deemed appropriate by the Title IX Coordinator.

3.8.1 Interim Removal

In connection with this policy, in circumstances seriously affecting the health or well-being of any person, or where physical safety is seriously threatened, or where the ability of the University to carry out its essential operations is seriously threatened or impaired, an authorized representative may summarily suspend, dismiss, or restrict any person from the University. Prior to taking action against a student in response to an allegation that arises from a complaint under the jurisdiction of Title IX, the University will undertake an individualized safety and risk analysis, determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations justifies removal and provide written notice to the Party. In all such cases involving students, actions taken will be reviewed promptly, typically within one week, by the appropriate University authority and removals subject to Title IX will include an opportunity for redress (appeal) by the Respondent.

Complaints involving employees as the Respondent will be subject to the leave provisions that rest within Human Resources and could involve placing the employee on administrative leave (with or without pay) depending of the nature of the reported offense, the determination of an ongoing risk to public safety, and/or other factors as determined by Human Resources.

3.9 Amnesty/Immunity

To encourage reports of conduct that is prohibited under this policy, the University may offer leniency with respect to other violations which may come to light as a result of such reports,

depending on the circumstances involved. The Title IX Coordinator will make the determination on behalf of the University.

3.10 Timely Warning

If the University receives a report of a Clery reportable crime that has occurred within the institution's Clery reportable geography, the institution will assess the report for purposes of sending a Timely Warning Notice (TWN). A TWN will be sent for reports that constitute a serious and continuing threat to the campus community and University Safety will issue these according to University policy. In all cases of Prohibited Conduct, the Title IX Coordinator will be notified. University Safety, as required by law, may also be required to complete an incident report, and publicly disclose the reported incident, if applicable, in the annual security report less personally identifying information. In addition, the University may also share non-identifying information, including data about outcomes and penalties, in aggregate form. At no time will the University release the name or other personally identifiable information of the Complainant to the general public without the express consent of the Complainant or as otherwise permitted or required by law.

3.11 Options for Proceeding Through University Process

3.11.1 Informal and Formal Complaints

To initiate the informal resolution process or formal resolution process, a Complainant must file a signed formal complaint. A signed formal complaint means a written statement filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting resolution of the alleged behavior. A complaint may be completed by the Complainant in person or submitted by email, mail or by phone to the Title IX Coordinator.

3.11.2 No Complaint

Complainants have the right not to file a complaint, yet they are highly encouraged to seek medical attention and counseling. Complainants who wish to file a complaint at a later date may do so by utilizing any of the options outlined in this policy. However, please note that a delay in reporting could create obstacles to the University's process for stopping harassment and/or discrimination, remedying its effects, and preventing recurrence as well as potentially weakening evidence that could be useful in determining whether Prohibited Conduct occurred, in obtaining an order of protection or for the State in being able to proceed with a criminal proceeding external to the University.

3.11.3 University -Initiated Complaints

In limited cases, the Title IX Coordinator may initiate a complaint without a request by the Complainant upon receipt of a report of Prohibited Conduct. The Title IX Coordinator will initiate the complaint when the Title IX Coordinator, in their discretion, determines that a grievance process is warranted given the reported behavior. A Complainant retains standing as a Complainant even in cases where the Title IX Coordinator initiates the complaint. If the Title IX Coordinator initiates a complaint, they will advise the Complainant that they have done so and will provide the rationale to the Complainant regarding why they proceeded.

3.11.4 Dismissals

If the Title IX Coordinator determines that the complaint, even if substantiated, would not rise to the level of a violation of this policy, the Title IX Coordinator may dismiss the complaint or refer the complaint to another office for review. A case may also be dismissed for not meeting the threshold and jurisdictional requirements for Title IX, however, a dismissal of a case for purposes of Title IX, does not preclude the University from utilizing this policy for Non-Title IX Prohibited Conduct and referring the matter for Non-Title IX Resolution.

If at any time during the investigation or hearing a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw from the formal resolution process or withdraw any allegations therein; the Respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations, the University may dismiss the complaint and end the formal resolution process. The decision as to whether to dismiss the complaint will be determined by the Title IX Coordinator based on the stated goals of this policy. Upon a dismissal permitted pursuant to this section, the University will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the Parties. Either party may appeal the University's dismissal of a complaint or any allegations by submitting a written appeal within 5 business days of the dismissal. Appeals may follow the grounds outlined in the Appeals section of this policy. If the appeal is denied, the dismissal of the complaint will remain in effect.

3.11.5 Consolidations

The Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "Party," "Complainant," or "Respondent" include the plural, as applicable.

If a case involves violations of other University policies, the Title IX Coordinator, in consultation with other school administrators, will determine which grievance process to use or if different grievance processes would be more appropriate.

4 Informal Resolution Process

Informal resolution is available only after a signed formal complaint has been filed, the University has determined such a process is appropriate, the Complainant and Respondent have been sent the Notice of Allegations, prior to a determination of responsibility, and if the Complainant and Respondent voluntarily consent to the process in writing. Informal resolution is not available in cases in which an employee is alleged to have engaged in Prohibited Conduct against a student.

The Title IX Coordinator will determine whether it is appropriate to offer the parties an informal resolution in lieu of a formal investigation of the complaint. In the event that the Title IX Coordinator determines that informal resolution is appropriate, the parties will be provided written notice disclosing: the allegations, the requirements of the informal resolution process

including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. Both parties must provide voluntary, written consent to the informal resolution process.

With the voluntary consent of the parties, informal resolution may be used to agree upon disciplinary sanctions. Disciplinary action will only be imposed against a Respondent where there is sufficient factual foundation and both the Complainant and the Respondent have agreed to forego the additional procedures set forth in this policy and accept an agreed upon sanction.

Any person who facilitates an Informal Resolution will be trained and free from conflicts of interest or bias for or against either party.

Informal Resolutions may include, but are not limited to;

- Placing a Respondent on notice that, if such behavior has occurred or is occurring, such conduct should cease immediately.
- A written warning.
- Education and/or training for a Respondent and/or department.
- Permanent Supportive Measures for Complainant.
- Mediation or other informal communication between the Complainant and Respondent.
- Events and/or trainings offered to the campus community or particular departments.
- Referral and/or collaboration with another University department in order to address the allegations and eliminate any potential sexual misconduct; and/or
- Other forms of resolution that can be tailored to the needs of the parties.

For cases that meet the Title IX threshold, the Parties may withdraw from the Informal Resolution Process at any time prior to agreeing to a resolution and resume the Formal Resolution Process with respect to the Complaint.

5 FORMAL RESOLUTION PROCESS

5.1 Notice of Allegation And Assignment to an Investigator

Upon filing of a complaint requesting a Formal Resolution, the Complainant and Respondent will receive written notice from the Title IX Coordinator of the allegations of Prohibited Conduct, including sufficient details known at the time with sufficient time to prepare before any initial interview. The Parties will receive written simultaneous notification of additional allegations as appropriate.

Amendments and updates to the notice may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

The Title IX Coordinator will assign one or more Investigators to the case and/or will conduct the investigation personally. The Parties will be provided with the name(s) of the Investigator(s) and allowed 3 business days to request the removal and replacement of an Investigator based on bias or conflict of interest. Any request for a change in an Investigator must be accompanied by supporting information and the decision to assign a new Investigator will be made to the Title IX Coordinator.

Throughout the grievance process, the Title IX Coordinator will provide to a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of meetings, investigative interviews, and hearings, with sufficient time for the Party to prepare to participate as well as advise the Party of the opportunity to present evidence and witness information, if applicable.

5.2 Overview of Investigation

5.2.1 Timeframe

The Title IX Coordinator will seek to complete the investigation and any resulting disciplinary process, excluding appeals, within 60 business days after receipt of the complaint. There may be circumstances that require the extension of timeframes for good cause, including extension beyond 60 business days. Timeframes may be extended to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, or accommodate delays by the Parties; or for other legitimate reasons, including the complexity of the investigation and the severity and extent of the alleged misconduct. The University will notify the Parties in writing of any extension of the timeframes for good cause, and the reason for the extension.

Although cooperation with law enforcement may require the University to temporarily suspend the fact-finding aspect of a Title IX investigation, the University will promptly resume its Title IX investigation as soon as it is notified by the law enforcement agency that the agency has completed the initial evidence gathering process. The University will not, however, wait for the conclusion of a criminal proceeding to begin its own investigation and, if needed, will take immediate steps to provide interim measures for the Complainant.

Investigations will proceed according to the aforementioned timeframes during the summer and at other times when the University is not in session. The Title IX Coordinator will work with the Parties to balance the need for promptness and the preference for in-person meetings regarding the investigation.

Timeframes for all phases of the disciplinary process, including the investigation, any related disciplinary proceedings, and any related appeal, apply equally to both Parties.

5.2.2 Participation

Wilmington University encourages all members of the University community to cooperate fully with the investigation and disciplinary procedures. Neither the Complainant nor the Respondent is required to participate in the resolution process outlined in these procedures. The University will not draw any adverse inferences from a complainant's or respondent's

decision not to participate or to remain silent during the process. An investigator or Decision-Maker, in the investigation or the hearing respectively, will reach findings and conclusions based on the information available.

It is understood that there may be circumstances in which a Complainant wishes to limit their participation. The Complainant retains this right and will not be subject to discipline, although the University may be obligated to conduct an investigation.

Equally, there are numerous reasons why a Respondent may choose not to participate in the process. If a Respondent chooses not to participate in an investigation for any reason, the University process will continue, findings will be reached with respect to the alleged conduct, and the University will issue any sanctions, as appropriate. The University will not, however, draw any adverse inference from a Respondent's silence or stated desire to not participate. The University will protect the privacy of the participating Parties and witnesses in any proceeding, meeting, or hearing to resolve complaints.

5.2.3 Investigation Overview

During the investigation, the parties will have an equal opportunity to be heard, to submit information and other inculpatory and exculpatory evidence, to identify fact and/or expert witnesses, and to submit questions they believe should be directed by the Investigator to the other or to any witness. Evidence that is readily available, but not provided during the course of the investigation, is not considered to be new information and will not be allowed to be submitted at the hearing or as a basis for appeal.

The Investigator will notify and seek to meet separately with the parties and third-party witnesses and will gather other relevant and available information including, without limitation, electronic or other records of communications between the parties or witnesses, photographs, and written documentation.

The University will not require, allow, rely upon, or otherwise use questions or evidence during the investigation, hearing, or determination of responsibility that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

The University will not allow questions or evidence, during the investigation, hearing, or determination of responsibility, about the Complainant's sexual predisposition or prior sexual behavior that are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

The University will not restrict either Party from discussing allegations under investigation or from presenting relevant evidence.

5.2.4 Inspection of Evidence and the Investigative Report

Prior to completion of the investigative report, the Title IX Coordinator will send to each Party a preliminary investigative report containing the evidence subject to inspection and review, redacted of personally identifiable information as necessary, in an electronic format or a hard copy. The Parties will have 10 business days to submit a written response, to meet again with the Investigator, and/or to request the collection of additional evidence by the Investigator. The evidence subject to inspection and review includes any evidence obtained as part of the investigation that is directly related to the allegation including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source. The evidence subject to inspection and review will not contain any privileged or inadmissible information as defined in this policy.

Following the opportunity to review the preliminary investigative report, the Investigator will create a final investigative report that incorporates any written response or new information from the Parties or collected by the Investigator. The final investigative report will also fairly summarize the relevant evidence. The Investigator has the discretion to determine the relevance of any evidence presented.

The Title IX Coordinator will send to each Party the final investigative report in an electronic format or a hard copy. The hearing will then be scheduled no less than 10 days from the date the final report is issued to the parties. For cases that meet the threshold for Title IX, the Title IX Coordinator will share the preliminary and final investigative reports with the Party's Advisor. Reports will not be shared by the University with any Support Person who does not act in the role of the Advisor of Choice. In Non-Title IX proceedings, the preliminary and final reports will only be shared with the Party.

5.2.5 Assignment to Grievance Procedures

If, at the conclusion of the investigation, the University has not previously determined if the case meets the threshold and jurisdiction for Title IX, the Title IX Coordinator will make a final determination as to whether to proceed under the Title IX or Non-Title IX Grievance Procedures. If the case does not meet the threshold and jurisdiction for Title IX, the Title IX Coordinator will dismiss the case for purposes of Title IX and proceed under the Non-Title IX Grievance Procedures.

5.3 Determination Regarding Responsibility

At the conclusion of the investigation, the Parties will be provided with the name(s) of the Decision-Maker(s) and will be allowed three (3) business days to request the removal and replacement of a Decision-Maker based on bias or conflict of interest. Any request for a change in a Decision-Maker must be accompanied by supporting information and the decision to assign a new Decision-Maker will be made by the Title IX Coordinator. The University will hold all hearings using a virtual teleconferencing platform, like Zoom or Teams.

6 Non-Title IX Grievance Procedures--Students

For Non-Title IX cases in which the Respondent is a student, the determination regarding responsibility will be made at a live hearing utilizing the procedures outlined in this section.

Pre-hearing Requirements

At least five (5) business days prior to the hearing, the Parties must submit names of witnesses they would like to appear at the hearing and any relevant questions to be asked of the witnesses and the other party. The Parties may ask additional relevant questions at the hearing, but pre-submitted questions will be vetted in advance for relevancy and admissibility and ruled on during the live proceeding.

Pre-hearing Conference

In order to promote a fair and expeditious hearing, the Title IX Coordinator may request that the Parties and their Advisors attend a pre-hearing conference. The pre-hearing conference assures that the Parties and their Advisors understand the hearing process and allows for significant issues to be addressed in advance of the hearing.

Hearing Procedures

All hearings will be conducted in a live hearing format which means all Parties and the Decision-Maker will be located in separate rooms with technology enabling the Decision-Maker and parties to simultaneously see and hear the Party or the Witness answering questions. At the hearing, the Decision-Maker is responsible for maintaining an orderly, fair, impartial, and respectful hearing. Participants at a live hearing are expected to abide by the Decision-Maker's directions and determinations, maintain civility, and avoid emotional outbursts and raised voices. The Decision-Maker has broad authority to respond to disruptive or harassing behaviors, including taking a break in the hearing, the length of which will be determined by the Decision-Maker. Additionally, the Decision-Maker may exclude any offending person. The Decision-Maker will determine the method for questioning at the hearing, but all questions posed by the parties will be asked exclusively by the Decision-Maker.

All hearings are closed to the public. A recording will be made by the University, but all other recordings are prohibited.

Evidentiary Considerations at the Hearing

Questions at the hearing are limited to those assessing credibility and relevant questions that have not previously been asked and answered in the final investigative report.

Any evidence that the Decision-Maker determines is relevant may be considered. The Parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the Decision-Maker. Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the Decision-Maker has discretion to accept or exclude additional evidence presented at the hearing. In addition, the Parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior

sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The Decision-Maker will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Advisor Role at Hearing

The Parties may have an Advisor of Choice to accompany them to the hearing. The Advisor of Choice may not actively participate but may confer with the Party as is reasonably necessary. If the Advisor of Choice violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either Party, a witness, or the Decision-Maker, that Advisor of Choice may be prohibited from further participation. *NOTE: for Non-Title IX Grievance - Students Procedures, the University has no obligation to provide an Advisor, but the Parties may do so at their own expense, if applicable.

Participation

A Complainant, Respondent, or witness may decline to participate in the hearing. The Decision-Maker will not draw an inference about the responsibility determination based solely on a party's or witness's absence from the hearing or refusal to submit to questions.

7 Non-Title IX Grievance Procedures—EMPLOYEES

For Non-Title IX cases involving sexual assault, dating violence, domestic violence, or stalking, in which the Respondent is an employee, the determination regarding responsibility will be made by the Decision-Maker based on the final investigative report (there is no live hearing.) The Decision-Maker is responsible for maintaining an orderly, fair, and impartial process. The Decision-Maker, in their discretion, may pose additional questions to the Parties or to witnesses in writing or in person. A Complainant, Respondent, or witness may decline to further participate. The Decision-Maker will not draw an inference about the responsibility determination based solely on a party's or witness's refusal to submit to additional questions. In the absence of good cause, as determined by the Decision-Maker, information, witnesses, and other evidence discoverable through the exercise of due diligence that is not provided to the Investigator during the investigation will not be considered in the decision-making process. For Non-Title IX complaints that constitute Quid Pro Quo or Hostile Environment (non-VAWA offenses), the complaint will be referred to Human Resources and shall not use this process for resolution.

8 Title IX Grievance Procedures For Students And Employees

For cases that have been determined by the Title IX Coordinator to meet the threshold for Title IX Prohibited Conduct as well as the Title IX jurisdictional requirements, the determination regarding responsibility will be made at a live hearing utilizing the procedures outlined in this section.

For cases that have been determined to meet the threshold to be adjudicated under the Title IX Adjudication Proceedings, hearings are scheduled no less than 10 days following the sending the final investigative report to the parties and their Advisors.

Pre-Hearing Conference

In order to promote a fair and expeditious hearing, The Title IX Coordinator may request that the Parties and their Advisors attend a pre-hearing conference. The pre-hearing conference assures that the Parties and their Advisors understand the hearing process and allows for significant issues to be addressed in advance of the hearing.

Hearing Procedures

All hearings will be conducted in a live hearing format which means all parties and the Decision-Maker(s) will be located in separate rooms with technology enabling the Decision-Maker(s) and parties to simultaneously see and hear the Party or the Witness answering questions. Both parties must be able to be seen and heard throughout the hearing.

While the hearing is not intended to be a repeat of the investigation, the Parties will be provided with an equal opportunity for their Advisors to conduct cross-examination of the other party and of relevant witnesses. A typical hearing may include: brief opening remarks by the Decision-Maker; questions posed by the Decision-Maker to one or both of the parties; cross-examination by either Party's Advisor of the other Party and relevant witnesses; and questions posed by the Decision-Maker to any relevant witnesses.

At the hearing, the Decision-Maker is responsible for maintaining an orderly, fair, impartial, and respectful hearing. Participants at a live hearing are expected to abide by the Decision-Maker's directions and determinations, maintain civility, and avoid emotional outbursts and raised voices. The Decision-Maker has broad authority to respond to disruptive or harassing behaviors, including taking a break in the hearing, the length of which will be determined by the Decision-Maker. Additionally, the Decision-Maker may exclude any offending person.

All hearings are closed to the public. A recording will be made by the University, but all other recordings are prohibited.

Evidentiary Considerations at the Hearing

Any evidence that the Decision-Maker(s) determines is relevant may be considered. The parties will have the opportunity to present the evidence they submitted, subject to any exclusions determined by the Decision-Maker. Generally, in the absence of good cause, the parties may not introduce evidence, including witness testimony, at the hearing that they did not identify during the pre-hearing process. However, the Decision-Maker has discretion to accept or exclude additional evidence presented at the hearing. In addition, the Parties are expected not to spend time on undisputed facts or evidence that would be duplicative.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the

conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The Decision-Maker will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Cross-Examination and the Advisor

The Parties may have an Advisor of Choice at the hearing. The Advisor is responsible for conducting the cross-examination which includes asking the other Party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. The Advisor is not to represent a Party, but only to relay the Party's cross-examination questions that the Party wishes to have asked of the other Party and witnesses. Advisors may not raise objections or make statements or arguments during the live hearing. If a Party does not have an Advisor, the University will appoint one on behalf of the Party free of charge. In this capacity, the Advisor will be appointed for the sole purpose of conducting cross examination of the other Party and witnesses.

When a Party's Advisor is asking questions of the other Party or a witness, the Decision-Maker will determine whether each question is relevant before the Party or Witness answers it and will exclude any that are not relevant or unduly repetitive and will require rephrasing of any questions that violate the rules of conduct. If the Decision-Maker determines that a question should be excluded as not relevant, they will explain their reasoning.

If the Advisor violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either Party, a witness, or the Decision-Maker, that Advisor may be prohibited from further participation. The University will then provide that Party with a University appointed Advisor of the University's choosing.

Participation

A Complainant, Respondent, or witness may decline to participate in the hearing. The Decision-Maker will not draw an inference about the responsibility determination based solely on a party's or witness's absence from the Hearing or refusal to submit to questions.

9 Findings

9.1 Standard of Evidence

In all proceedings, the Decision-Maker presiding over the hearing shall use a preponderance of the evidence standard to determine whether the alleged violation of the policy occurred. The preponderance of the evidence means a standard of proof in which the totality of the evidence offered in support of a fact is greater or more convincing than the evidence which is offered in opposition to it; given the totality of information the version of events that is more likely than not. Preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility for a policy violation (51% or greater).

9.2 Written Determination of Responsibility

The Complainant and Respondent will simultaneously receive a written determination regarding responsibility applying the preponderance of the evidence standard typically within five (5) business days of the determination of responsibility. The written determination letter, drafted by the Decision-Maker, will include:

- The allegations constituting sexual harassment;
- A description of the procedural steps taken during the grievance process, including any notifications to the Parties, interviews with parties and witnesses, site visits, and methods used to gather evidence;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the Policy to the facts;
- A statement and rationale for the result of each allegation, including findings, sanctions, and remedies; and
- Procedures and permissible bases for the Parties to appeal the determination for appeal

The determination of responsibility becomes final either on notification of the results of the appeal or the date on which an appeal would no longer be considered timely.

Remedies and supportive measures that do not impact the Respondent should not be disclosed in the written determination; rather the determination should simply state that remedies will be provided to the Complainant.

9.3 Intentionally False Reports

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

9.4 Sanctions and Remedies

If there is a finding of responsibility based on a preponderance of the evidence, the determination of sanctions and remedies will be made by the Decision-Maker in consultation with the respective trained University administrator.

Sanctions will be determined based on the severity and circumstances of the misconduct and the Respondent's previous disciplinary history (if any). The University will disclose to the Complainant the sanctions imposed on the Respondent that directly relate to the Complainant when such disclosure is necessary to ensure equal access to their educational programs and activities.

Remedies are designed to restore or preserve equal access to the recipient's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Remedies that do not impact the Respondent will not be disclosed in their written determination; rather, the determination will simply state that remedies were provided.

Whatever the outcome of the investigation, hearing, or appeal, the Complainant and Respondent may request ongoing or additional supportive measures. Ongoing supportive measures that do not unreasonably burden a party may be considered and provided even if the Respondent is found not responsible.

Sanctions for students include but are not limited to:

- a. Permanent dismissal from the University. Note: If a student is suspended or dismissed from the University and is later reinstated, credits for courses at other institutions of higher learning are not transferrable
- b. Dismissal from the University with permission to reapply after a specified period of time. Conditions precedent to readmission may be established in conjunction with such a dismissal
- c. Suspension from the University for a specified period of time. Any suspension may be followed by a probationary period and may include restriction or forfeiture of privileges.
- d. A delay as to when a degree is to be conferred upon the student
- e. A determination that the student is not entitled to have their degree conferred
- f. Disciplinary probation with or without loss of designated privileges for a specified period of time
- g. Restricted privileges such as removal from elective or appointed office and/or ineligibility in representing the University
- h. Mandatory training
- i. Letter of warning regarding conduct
- j. No contact directive

Sanctions for employees include but are not limited to:

- a. Disciplinary probation with or without loss of designated privileges for a specified period
- b. Mandatory training
- c. No contact directive
- d. Mandated attendance in educational program or referral to another provider
- e. Written or verbal warning
- f. Suspension
- g. Demotion
- h. Dismissal-Separation from employment

9.5 Appeal

Appeals are available after a complaint dismissal or after a final determination is made. The Complainant and the Respondent have equal rights to an impartial appeal. All appeals will be referred to an Appellate Decision-Maker appointed by the Title IX Coordinator or designee. The Decision-Maker for the appeal will not have served as the Investigators or Decision-Maker in the previous steps of the process.

A Complainant or Respondent may file a written appeal with the Title IX Coordinator on the grounds that:

- A. Procedural irregularity that affected the outcome of the matter;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and/or
- C. The Title IX Coordinator, investigator(s), or Decision-Maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The purpose of an appeal is not to initiate a review of substantive issues of fact or a new determination of whether a violation of University rules has occurred. The appellate Decision-Maker may decide to uphold the original decision, to alter the imposed penalty, or to return the case for additional proceedings or other action.

The deadline for filing a written appeal is five (5) business days from the date the Parties are provided the written determination of responsibility. If no appeal is filed, or if an appeal is not timely, the original finding will stand effective on the date the appeal period expires. The submission of an appeal stays (puts on hold) any sanctions for the pendency of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal. If a party appeals, the Title IX Coordinator will as soon as practicable notify the other party in writing of the appeal; however, the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal. Appeals will be decided by an individual, who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or Decision-Maker in the same matter.

The Title IX Coordinator will have primary responsibility for interactions with the Parties, for the gathering of information needed for the appeal, and for notifying both Parties in writing of the outcome of any appeal. The written decision regarding the appeal will be provided simultaneously within five (5) business days after the conclusion of the review and will describe the results of the appeal and the rationale for each result. The decision made by the appellate decision maker will be final.

10 Record-Keeping and Annual Reports

The University will keep for seven (7) years the following:

- All information obtained as part of each Prohibited Conduct investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript; any disciplinary sanctions and/or remedies; any appeal, including the result of the appeal; and any informal resolution and the result therefrom.
- All information regarding any action taken, including supportive measures, and a rationale as to why a complaint was not filed. If a Complainant was not provided

supportive measures, a rationale must be provided as to why supportive measures were not provided.

- All training materials used to train Title IX Coordinators, Investigators, Decision Makers, and those who facilitate the informal resolution process.

Generally, information from a student's discipline file is not released without the student's written consent. However, certain information may be provided to individuals within or outside the University who have a legitimate legal or educational interest in obtaining it. Typically, information released to those outside the University is limited to information associated with "in violation" findings that resulted in a suspension or expulsion (discipline file). Please refer to the federal Family Educational Rights and Privacy Act of 1974 (FERPA).

Employee personnel files are the property of the University and will not be shared without a subpoena.

11 Training of Title IX Personnel

The University will require that the Title IX Coordinator, Investigators, Decision-Makers, or anyone who facilitates an informal resolution process receive annual training per the requirements of Title IX and the Clery Act-VAWA. They will not have a conflict of interest or bias for or against any complainant or respondent.

The annual training provided includes, but is not limited to the following: the definition of sexual harassment, including an understanding of educational program or activity; how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes; how to serve impartially, including avoiding prejudgment about the facts at issue, conflicts of interest, and bias; the technology to be used at a live hearing; issues of relevance, including questioning, and investigative reports.

12 Disability Accommodations and Interpretive Services

The University makes every reasonable effort to accommodate individuals with disabilities per Section 504 of the Rehabilitation Act of 1973 (504) and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). In compliance with this commitment, Wilmington employs the Office of Student Accessibility Services to determine reasonable and appropriate accommodations and auxiliary aids for access and participation in college-sponsored classes, services and programs.

Students with a disability who desire accommodation regarding this policy must request it with the Title IX Coordinator. The Title IX Coordinator will make a determination regarding the request after consultation with the Office of Student Accessibility Services and notify the appropriate parties. An Individual will not be considered to have a disability allowing for accommodation unless and until the student has met with the Office of Student Accessibility Services and been noted as a person to whom accommodations should be provided. Find

information about the Office of Student Accessibility Services at the University at:
<https://www.wilmu.edu/accessibility/index.aspx>

Employees with a disability should provide the required documentation to Human Resources.

13 Revision and Interpretation

The Policy is maintained by the Human Resources Department and was most recently approved by the Wilmington University Executive team on February 5, 2025. The University reserves the right to review and update the policy in accordance with changing legal requirements and specific needs of the University.

Any questions of interpretation regarding the Policy shall be referred to the Title IX Coordinator. The Title IX Coordinator's determination is final.

All reports received by the University after this date will be administered per the procedures described under this policy.

14 Free Speech and Academic Freedom

The University recognizes the value of free speech and academic freedom. This policy is intended to protect members of the University community from sex discrimination. It is not designed to regulate pedagogical discourse or conduct legitimately related to course content, teaching methods, scholarship, or public commentary of an individual faculty member or students' educational, political, artistic, or literary expression in classrooms. However, freedom of speech and academic freedom do not condone speech or expressive conduct that violates federal or state anti-discrimination laws.

15 Related Policies

15.4 Students:

- Family Education and Privacy Act (FERPA):
- Student Code of Conduct

15.5 Employees:

- Minors on Campus
- Consensual Relations Policy
- Employee Code of Conduct

EDUCATION AND PREVENTION PROGRAMS

EDUCATION AND PREVENTION PROGRAMS

The University engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that: are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- Uses definitions provided both by the Department of Education, as well as state statutes, what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- Defines what behavior and actions constitute consent to sexual activity in the State of Delaware depending on which campus(es) the student is attending or the employee is employed and/ using the definition of consent found in the Student Code of Conduct and the purposes for which that definition is used;
- Provides a description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act. Information regarding:
 - a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
 - b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
 - c. existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as

described in “Assistance for Victims: Rights and Options” elsewhere in this document); and

- d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document);
- e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document);

The University has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students new employees, and an ongoing educational campaign for all students and employees.

The University offered the following primary prevention and awareness programs for all **NEW employees** in 2024:

Name of Program	Date Held	Location	Which Prohibited Behavior Covered?*
CSA Training	Summer Fall 2024	Online	DoV, DaV, SA, S
Preventing Discrimination & Sexual Violence: Title IX, VAWA & Clery Overview	Upon hiring and every other year	Online	DoV, DaV, SA, S

Wilmington University offered the following prevention and awareness programs for all **INCOMING students** in 2024:

Name of Program	Date Held	Location	Which Prohibited Behavior Covered?*
Title IX and Clery for International Students	January, May, and August	Online	DoV, DaV, SA, S
Title IX and Clery for New Students	Beginning of each block	Online	DoV, DaV, SA, S

The University offered the following ongoing awareness and prevention programs for **ALL employees and students** in 2024:

Name of Program	Date Held	Location Held	Which Prohibited Behavior Covered?*
Delaware Sexual Assault Awareness Day	September 25	All Campuses	SA: In conjunction with the other colleges in the state of Delaware, Wilmington University had a Sexual Assault Awareness Day. Teal bracelets were available at the Delaware campuses. Students and employees were encouraged to wear teal and send in pictures to a special site to raise awareness.

Alcohol Awareness	September	New Castle	DoV, DaV, SA, S: The Title IX Coordinator held a “mocktail party” where attendees enjoyed alcohol-free drink alternatives and were given resources.
Domestic Violence and Sexual Assault Awareness Month	Month of October	All Campuses/ Online	Do: Email blasts were sent out to all employees and students containing information and resources about domestic violence and sexual assault. Purple bracelets were available at all Delaware campuses. Those who could not make it to campus were sent pins when requested. Students and employees were encouraged to wear purple and submit their photos online.
International Student Orientation	Throughout the year	Online	DoV, DaV, SA, S: Title IX/Clery overview, domestic/dating violence, personal safety, reporting instructions, conduct expectations, active shooter preparedness.
Student-Athlete Training	January	Online	DoV, DaV, SA, S: All student-athletes completed an interactive online course regarding Title IX, Clery, and healthy relationships.
Student-Athlete Training	February	New Castle	DoV, DaV, SA, S: All student-athletes attended an in-person session with the Title IX/ Clery Coordinator. The session built on what was learned in the online training, and provided case studies and scenarios regarding bystander intervention and healthy relationships.
Stalking Awareness Month	January, 2024	All Campuses/ Online	S: Emails were sent out to all employees and students containing information and resources about stalking. Yellow bracelets were available at all Delaware locations and via mail by contacting the Title IX Coordinator.
Dating Violence Awareness Month	February, 2024	All Campuses/ Online	Da, S: Emails were sent out to all employees and students containing information and resources about dating violence. Orange bracelets were available at all Delaware locations and via mail by contacting the Title IX Coordinator.
Bystander Awareness Month	March, 2024	All Campuses/ Online	Do, Da, SA, S: Emails were sent out to all employees and students containing information and resources about being an active bystander.
Alcohol Awareness Month	April, 2024	All Campuses/ Online	DoV, DaV, SA, S: Emails were sent out to all employees and students containing information and resources about alcohol awareness. The Title IX Coordinator held a “mocktail party” where attendees enjoyed alcohol-free drink alternatives and were given resources.
Sexual Assault Awareness Month	April, 2023	All Campuses/ Online	SA: DoV, DaV, SA, S: Emails were sent out to all employees and students containing information and resources about sexual assault awareness. The Title IX Coordinator hosted a table with cupcakes where she gave out information about sexual assault and met with attendees.

***Key: DoV=Domestic Violence
DaV=Dating Violence
SA=Sexual Assault
S=Stalking**

University-Initiated Protective Measures

In addition to those protective measures previously described, the Title IX Coordinator will determine whether interim interventions and protective measures should be implemented, and if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to: a University order of no contact, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Wilmington University.

How to be an Active Bystander...*because we all have a role and responsibility*

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. For further free training, go to: <https://www.wilmu.edu/titleix/student-training-policy.aspx>

We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt. Below is a list¹² of some ways to be an active bystander:

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

Risk Reduction...*be proactive*

¹² Bystander intervention strategies adapted from Stanford University's Office of Sexual Assault & Relationship Abuse

Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (obtained from Rape, Abuse, & Incest National Network, www.rainn.org):

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash on hand for transportation.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid being distracted with your phone or having earbuds/headphones in both ears so that you may be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.

- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

SEX OFFENDER REGISTRY

In accordance to section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained through a direct link to the Delaware Sex Offender Central Registry: (<https://sexoffender.dsp.delaware.gov/>). This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student.

In Delaware, information regarding registered sex offenders is maintained by the Delaware Department of Safety and Homeland Security, Division of State Police. The Delaware State Police have created the Sex Offender Central Registry. The Sex Offender Central Registry may be accessed by the internet at: <https://sexoffender.dsp.delaware.gov/>. Sex offenders from out of state are required to register with the Delaware State Police within three (3) business days of establishing permanent or temporary residence within the State of Delaware. All registrants must provide an address and place of employment and/or study.

Upon annual review, registered sex offenders, who reside, work, or attend school as reported to the Sex Offender Central Registry, in close proximity (approximately 2 mile radius) to a Wilmington University campus, will be included in the Daily Crime Log located at security station at the respective campus.

In **Delaware**, convicted sex offenders must register within 3 days if they move residences, gain employment, or attend school in the State of Delaware, with the State Bureau of Identification at:

In New Castle County (by appointment only)

The office is located at Delaware State Police Troop 2, on Route 40, in Bear, just west of the Fox Run Shopping Center, between routes 72 and 896.

The hours of operation are:

- Mon, Wed, Thurs, and Fri, 8:30 a.m. to 3:15 p.m.
- Tuesday, 11:30 a.m. to 6:15 p.m.
- To schedule an appointment call 302-739-2528, or toll free in DE at 1-800-464-4357

In Kent County (no appointment needed)

The office is located at 655 South Bay Road, Suite 1B, Dover, DE 19901, in the Blue Hen Corporate Center. Enter the road between Kent County Levy Court and Firestone, then follow the fingerprint signs.

Hours of operation are:

- Mondays, 8:30 a.m. to 6:30 p.m.
- Tuesday through Friday, 8:30 a.m. to 3:30 p.m.

In Sussex County (by appointment only)

The office is located at Delaware State Police Troop 4, in Georgetown, on the corner of Shortly Road and Route 113, across from Motor Vehicle Department.

Hours of operation are:

- Every other Wednesday, from Noon to 6:30 p.m.
- To schedule an appointment call 302-739-2528, or toll free in DE at 1-800-464-4357
- CASH IS NOT ACCEPTED at this location.

You can link to this information, which appears at:

<http://dsp.delaware.gov/StateBureauofIdentification.shtml>

THE STOP CAMPUS HAZING ACT

Wilmington University is committed to the safety and wellness of every student. The University is committed to fostering an environment of learning, respect, and social responsibility. In compliance with the Stop Campus Hazing Act, hazing is any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons, regardless of the willingness of such other person or persons to participate, that:

- Is committed during initiation into, affiliation with, or the maintenance of membership in a student organization; and
- Causes or creates a risk, above the reasonable risk encountered in the course of participation at Wilmington University or the organization (such as physical preparation necessary for participation in an athletic team), of physical or psychological injury, including:
 - Whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity
 - Requiring participation in drinking games, requiring individual(s) to ingest alcohol or other substances
 - Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity
 - Causing coercing or otherwise inducing another person to perform sexual acts;
 - Requiring individual(s) to sing, chant, or recite in public that is not part of an activity but to bring humiliation to self or others
 - Placing restrictions on who individuals may and may not associate with;
 - Requiring individual(s) to wear clothing that is embarrassing or not part of the uniform and/or requiring individuals to not bathe/ groom for extended periods;
 - Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct
 - Screaming, yelling, cursing, and/ or degrading members

- Any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law
- Any activity that induces, causes, or requires a person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law.

Wilmington University has determined that any form of hazing done by any member of the Wilmington University community, faculty, students, staff, volunteers, or alumni is a violation of human rights and dignity and is prohibited. Therefore, no one shall practice hazing or any form of team or group initiation rituals that includes anything that humiliates, degrades, abuse, or endangers the lives of others. Hazing in any form is unacceptable behavior and will not be tolerated.

Any member of the Wilmington University community, faculty, students, staff, and volunteer staff who are aware of any form of hazing must report the incident to the Office of Student Concerns immediately. This includes any incidents that occur on campus, during a campus-sponsored activity, or off campus. In cases involving athletic teams, the Director of Athletics must also be notified.

Once a case of hazing has been reported, the Clery Coordinator will also be advised so that it can be included in the Daily Crime Log. The Clery Coordinator will also work to determine if any other Clery issues have been triggered, such as:

- If the incident occurred in Clery geography
- If other Clery laws were violated
- Need for Timely Warning or Emergency Notification.

The Office of Student Concerns will review any reports of hazing and determine if an investigation is needed. The inquiry will follow standard student code of violation procedures. Click here: [Violations review procedures](#)

Incidents that include conduct that is a violation of Title IX and/or the Violence Against Women Act (VAWA), including sexual assault, non-consensual sexual contact, dating/ domestic violence, and stalking, will also be reviewed using the Wilmington University *Policies and Procedures for Addressing Sex-Based Harassment*.

Penalties for being found responsible for hazing may include [Code of conduct violation sanctions](#)

Reporting Obligations

The University must include reports of any hazing activity (founded or unfounded) in its crime statistics in the Annual Security Report.

In addition, the Office of Student Concerns will include any founded cases of hazing in the Campus Hazing Transparency Report (CHTR), which is published biannually in December and June and found on the website.

The Campus Hazing Transparency Report will include any cases of hazing that the Office of Student Concerns found. The Report will not include any personally identifiable information (PII). For each incident, the CHTR will consist of:

- The name of the student organization responsible for the hazing
- A general description of the violation
- Whether hazing involved the abuse or illegal use of alcohol or drugs
- Key dates in the incident:
 - Date of the incident
 - Start of the investigation
 - End of the investigation (determination of responsibility)
 - Outcome of notification to student organization
- Finding (rationale) for the determination of responsibility
- Sanctions imposed

Stop Campus Hazing Programs

Wilmington University will begin offering hazing awareness and prevention programs to students, club advisors, and Athletic Department employees beginning in Fall, 2025.

HATE CRIME DEFINITIONS

Delaware Criminal Code – Title 11

Hate crimes:

(a) Any person who commits, or attempts to commit, any crime as defined by the laws of this State, and who intentionally:

(1) Commits said crime for the purpose of interfering with the victim's free exercise or enjoyment of any right, privilege or immunity protected by the First Amendment to the United States Constitution, or commits said crime because the victim has exercised or enjoyed said rights; or

(2) Selects the victim because of the victim's race, religion, color, disability, sexual orientation, gender identity, national origin or ancestry, shall be guilty of a hate crime. For purposes of this section, the term "sexual orientation" means heterosexuality, bisexuality, or homosexuality, and the term "gender identity" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

United States Department of Justice defines Hate Crime as:

Hate crime is the violence of intolerance and bigotry, intended to hurt and intimidate someone because of their race, ethnicity, national origin, religious, sexual orientation, or disability. The purveyors of hate use explosives, arson, weapons, vandalism, physical violence, and verbal threats of violence to instill fear in their victims, leaving them vulnerable to more attacks and feeling alienated, helpless, suspicious and fearful. Others may become frustrated and angry if they believe the local government and other groups in the community will not protect them. When perpetrators of hate are not prosecuted as criminals and their acts not publicly condemned, their crimes can weaken even those communities with the healthiest race relations.

Obtained from: <http://www.justice.gov/crs/hate-crime>

APPENDICES

APPENDIX A—COUNSELING AND EMOTIONAL SUPPORT SERVICES

Delaware Crisis Service Locations

Northern Delaware:

Crisis Intervention Services, Northern Delaware

Location & Hours: 14 Central Ave., New Castle, DE 19720; Staffed 24 hours a day, 7 days a week

https://www.dhss.delaware.gov/dsamh/crisis_intervention.html

Phone: (302)-577-2484 or (800)-652-2929

Serves all of New Castle County and greater Smyrna in Northern Kent County.

Provides phone support, mobile outreach and walk-in crisis services.

CAPES Unit - Wilmington Hospital Emergency Department

Location & Hours: 501 W 14th St, Wilmington, DE 19801; 24 hours/day, everyday

<https://christianacare.org/us/en/care/behavioral-care/inpatient-psychiatry>

Phone: (302) 428-2118

Southern Delaware

Crisis Intervention Services, Southern Delaware

Location & Hours: 700 Main Street (Rear Entrance), Ellendale, DE 19941; Staffed 24 hours a day, 7 days a week

Phone: (302) 577-2484 or (800) 345-6785

Serves all of Sussex County and Kent County south of greater Smyrna.

Provides phone support, mobile outreach and walk-in crisis services.

Community Mental Health--Dover Center

Location & Hours: Williams State Service Center, 805 River Road, Dover, DE 19901; 8 a.m. - 4:30 p.m.

Phone: (302) 739-4275

Georgetown Mental Health Center

Location & Hours: Adams State Service Center, 546 S. Bedford Street, Georgetown, DE 19947; 8 a.m. - 4:30 p.m.

Phone: (302) 856-5490

Recovery Response Center

Location & Hours: 700 Main Street, Ellendale, DE 19941; Staffed 24/7

Phone: (302) 424-5660

Provides recovery support services and crisis stabilization services to divert people from inpatient hospitalization and communicate the message of hope and the possibility of recovery. The RRC Living Room is a crisis alternative where people having a difficult time can become a guest where they receive comfort and hope from a team of Peer Support Specialists in recovery.

APPENDIX B—CRIME DEFINITIONS

As per the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program:

SEX OFFENSES

- A. Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.
- B. RAPE: Is defined 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 or another person without consent of the victim.
- C. FONDLING: Is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- D. INCEST: Is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- E. STATUTORY RAPE: Is defined as sexual intercourse with a person who is under the statutory age of consent.

CRIME DEFINITIONS FROM THE UNIFORM CRIME REPORTING (UCR) HANDBOOK

- A. AGGRAVATED ASSAULT: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely
- B. to produce death or serious bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.
- C. ARSON: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, building, motor vehicle or aircraft, personal property, etc.
- D. BURGLARY: The unlawful entry of a structure to commit a felony or a theft. For reporting purpose this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

- E. **MOTOR VEHICLE THEFT:** The theft or attempted theft of a motor vehicle. This includes cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned– including joyriding.
- F. **MURDER AND NON-NEGLIGENT MANSLAUGHTER:** The willful (non-negligent) killing of one human being by another.
- G. **MANSLAUGHTER BY NEGLIGENCE:** The killing of another person through gross negligence.
- H. **ROBBERY:** The taking of/ or attempting to take anything of value from the care, custody, or control, of a person or persons by force or threat of force, violence, and/or causing the victim to fear.
- I. **WEAPON LAW VIOLATIONS:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale or possession of deadly weapons; carrying deadly weapons, concealed
- J. or openly; furnishing deadly weapons to minors; aliens possessing weapons; all attempt to commit any of the aforementioned.
- K. **DRUG ABUSE VIOLATIONS:** Violations of state and local laws relating to the unlawful possession, sale, use growing, manufacturing and making of narcotic drugs. The relevant substances include: opium or cocaine
- L. and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- M. **LIQUOR LAW VIOLATIONS:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

OFFENSE DEFINITIONS RELATING TO HATE/BIAS RELATED CRIME STATISTICS

As per the UCR Hate Crime Reporting Guidelines:

- A. **SIMPLE ASSAULT:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious serve or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, sever laceration or loss of consciousness.
- B. **INTIMIDATION:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

- C. LARCENY: the wrongful taking and carrying away of the personal goods of another from his or her possession with intent to convert them to the taker's own use.
- D. THEFT: the act of stealing; the wrongful taking and carrying away of the personal goods or property of another
- E. DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

APPENDIX C— GEOGRAPHY DEFINITIONS FROM THE CLERY ACT

ON-CAMPUS—DEFINED AS: (1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and (2) Any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports an institutional purpose (such as a food or retail vendor).

NON-CAMPUS BUILDING OR PROPERTY—DEFINED AS: (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purpose, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution, (e.g.—practice and competition facilities used by athletic teams, hotels used for short-stay away trips, etc.)

PUBLIC PROPERTY—DEFINED AS: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

NOTE: Wilmington University crime statistics do not include crimes that occur in private homes or commercial establishments regardless of their proximity to campus boundaries, unless otherwise determined to be within our Clery geography (owned or controlled by University).

CRIME AND ARREST STATISTICS

Delaware:

NEW CASTLE CAMPUS

CLERY ACT CRIME STATISTICS

Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Manslaughter by Negligence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Rape	2024	0	0	0	0
	2023	0	1	0	1
	2022	0	1	0	1
Fondling	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	1	0	1
Incest	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Statutory Rape	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Robbery	2024	0	1	0	1
	2023	0	2	0	2
	2022	0	0	0	0
Aggravated Assault	2024	0	0	0	0
	2023	0	1	0	1
	2022	0	1	0	1
Burglary	2024	0	0	0	0
	2023	0	6	0	6
	2022	0	1	0	1
Motor Vehicle Theft	2024	0	1	0	1
	2023	0	1	0	1
	2022	0	0	0	0
Liquor Law Arrests	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Drug Law Arrests	2024	0	1	0	1
	2023	0	3	0	3
	2022	0	2	0	2
Weapons Law Arrests	2024	0	0	0	0
	2023	0	3	0	3
	2022	0	6	0	6
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

Drug Law Violations Referred for Disciplinary Action	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0
Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non- Campus	Public Property	Total
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

Arson	2024	0	0	0	0
	2023	0	1	0	1
	2022	0	0	0	0
Domestic Violence	2024	1	13	0	14
	2023	0	17	0	17
	2022	0	0	0	0
Dating Violence	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	1	0	1
Stalking	2024	0	0	0	0
	2023	0	0	0	0
	2022	0	0	0	0

Hazing	2024	0	0	0	0
		0	0	0	0
		0	0	0	0

NOTE: This campus does not have any residential facilities.

HATE CRIME REPORTING: There were no hate crimes reported for 2022, 2023, 2024.

NO UNFOUNDED CRIMES.

BRANDYWINE CAMPUS

CLERY ACT CRIME STATISTICS

Offense (Reported By Hierarchy)	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Manslaughter by Negligence	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Rape	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Fondling	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Incest	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Statutory Rape	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Robbery	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Aggravated Assault	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Burglary	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Liquor Law Arrests	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Drug Law Arrests	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Weapons Law Arrests	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0
	2023	0	0	0
	2022	0	0	0

Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Public Property	Total
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0
	2023	0	0	0
	2022	0	0	0

Arson	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Domestic Violence	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Dating Violence	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Stalking	2024	0	0	0
	2023	0	0	0
	2022	0	0	0

NOTE: This campus does not have any residential facilities.

HATE CRIME REPORTING: There were no hate crimes reported for 2022, 2023, and 2024.

NO UNFOUNDED CRIMES.

DOVER CAMPUS

CLERY ACT CRIME STATISTICS

Offense (Reported By Hierarchy)	Year	On Campus	Public Property	Total
Murder/Non Negligent Manslaughter	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Manslaughter by Negligence	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Rape	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Fondling	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Incest	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Statutory Rape	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Robbery	2024	0	0	0
	2023	0	0	0
	2022	1	0	1
Aggravated Assault	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Burglary	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Motor Vehicle Theft	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Liquor Law Arrests	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Drug Law Arrests	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Weapons Law Arrests	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Drug Law Violations Referred for Disciplinary Action	2024	0	0	0
	2023	0	0	0
	2022	0	0	0

Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Public Property	Total
Weapons Law Violations Referred for Disciplinary Action	2024	0	0	0
	2023	0	0	0
	2022	0	0	0

Arson	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Domestic Violence	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Dating Violence	2024	0	0	0
	2023	0	0	0
	2022	0	0	0
Stalking	2024	0	0	0
	2023	0	0	0
	2022	0	0	0

NOTE: This campus does not have any residential facilities.

HATE CRIME REPORTING: There were no hate crimes reported for 2022, 2023, and 2024.

NO UNFOUNDED CRIMES.

ADDITIONAL RESOURCES

DEPARTMENT OF UNIVERSITY SAFETY	
NEW CASTLE CAMPUS	(302) 325-3333
DOVER CAMPUS	(302) 325-3333
BRANDYWINE CAMPUS	(302) 325-3333
ATHLETICS COMPLEX	(302) 325-3333
POLICE/FIRE/AMBULANCE	911
HOSPITALS	
A.I. DUPONT HOSPITAL FOR CHILDREN	(302) 651-4200
BAYHEALTH MEDICAL CENTER, DOVER	(302) 674-4700
CHRISTIANA CARE CHRISTIANA/WILMINGTON HOSPITALS	(302) 733-1000
ABUSE AND ASSAULT	
DELAWARE STATE POLICE VICTIMS SERVICES UNIT	(302) 736-7134
DOMESTIC VIOLENCE HOTLINE	(302) 762-6110
RAPE CRISIS / CONTACT LIFELINE	1-800-262-9800
VIOLENT CRIME COMPENSATION BOARD	(302) 255-1770
ALCOHOL AND DRUG ABUSE	
ALCOHOLICS ANONYMOUS	(302) 655-5113
NARCOTICS ANONYMOUS	1-800-407-7135
CRIME INFORMATION	
DELAWARE CENTER FOR JUSTICE	(302) 658-7174
DELAWARE CRIME STOPPERS	1- 800-847-3333
WILMINGTON UNIVERSITY OFFICE OF STUDENT AFFAIRS	
STUDENT ACTIVITIES	(302) 356-6966
STUDENT CONCERNS	(302) 356-2026
OFFICE OF STUDENT ACCESSIBILITY	(302) 356-6937

This publication was modeled after guidance provided by the U.S. Department of Education Handbook for Campus Safety and Security Reporting. For additional information, go online to: <http://ope.ed.gov/campussafety/#/> or contact Wilmington University Executive Director of Title IX, Clery, and Regulatory Affairs, Linda M. Van Drie Andrzejewski, Ed.D., office: 302-356-6754 linda.m.andrzejewski@wilmu.edu.

Thank you to all of our internal and external contributors.
And always stay safe!

