

The purpose of this publication is to promote an academic and work environment that is free from all forms of sex discrimination and sexual harassment including sexual violence. Each section is set up to easily identify a pertinent topic area about sex discrimination and sexual harassment at the University of Delaware: policies; definitions and examples; reporting obligations; procedures; and resources. Some sections may refer to a website due to the changing nature of individuals and offices responsible, resource contact information, University policies, and federal and state laws.

NOTICE OF NON-DISCRIMINATION

The University of Delaware does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, gender identity or expression, or sexual orientation in its employment, educational programs and activities, and admissions as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and University policies. The University of Delaware prohibits sexual harassment, including sexual violence.

Inquiries or complaints may be addressed to:

Susan L. Groff, Ed. D.
Director, Institutional Equity & Title IX Coordinator
305 Hullihen Hall
Newark, DE 19716
(302) 831-3666

For complaints related to Section 504 of the
Rehabilitation Act of 1973, please contact:
Anne L. Jannarone, M.Ed., Ed.S.
Director, Office of Disability Support Services
Alison Hall, Suite 130
Newark, DE 19716
(302) 831-4643

OR contact the U.S. Department of Education—Office for Civil Rights
<https://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>

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Notice of
Non-Discrimination

DEFINITIONS

SEXUAL MISCONDUCT: This term is used to encompass unwanted or unwelcome conduct of a sexual nature that is committed without consent. Sexual misconduct can be committed by anyone including former and current partners as well as acquaintances and strangers. Other sexual misconduct such as dating violence, domestic violence, hate crimes, and stalking could be forms of sexual harassment covered under Title IX. Definitions, warning signs, and examples of all of these terms, as well as the policies covering faculty, staff and students can be found on www.udel.edu/gbv.

TITLE IX: Title IX of the Educational Amendments of 1972 is the landmark legislation that bans sex discrimination in schools, whether it be in academics or athletics. Title IX states: “No person in the U.S. shall, on the basis of sex, be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid.” Title IX of the Education Amendments and UD policy prohibits sexual harassment, including sexual misconduct, and sex discrimination in education and education employment. For more information regarding Title IX at UD, visit www.udel.edu/titleix.

SEXUAL HARASSMENT: Sexual harassment is a form of sex discrimination and is a violation of federal and state law, including Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Delaware Fair Employment Practices Act. Sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic advancement,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual, or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

SEXUAL VIOLENCE: Sexual violence is physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion. All such acts of sexual violence are forms of sexual harassment covered under Title IX.

RETALIATION: Retaliation is an adverse action against a person which dissuades that individual from filing or supporting a complaint or acts to discourage one's participation in a complaint process. It is a violation of University policy to retaliate in any way against students or employees because they have raised allegations of policy violations or they participated in an investigation. Any individual whose allegations are found to be falsely reported or whose allegations have been brought with malicious intent will be subject to disciplinary action.

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Definitions

EXAMPLES

SOME EXAMPLES OF VERBAL BEHAVIOR THAT MIGHT BE CONSIDERED SEXUAL MISCONDUCT

- ▲ Continuous idle chatter of a sexual nature and graphic sexual descriptions
- ▲ Sexual slurs, sexual innuendoes and other comments about a person's clothing, body and/or sexual activities
- ▲ Offensive and persistent risqué jokes or jesting and kidding about sex or gender-specific traits
- ▲ Suggestive or insulting sounds such as whistling, wolf calls or kissing sounds
- ▲ Sexually provocative comments or compliments about a person's clothing or the way their clothes fit
- ▲ Comments of a sexual nature about weight, body shape, size or figure
- ▲ Comments about the sensuality of a person, or his/her spouse or significant other
- ▲ Distribution of written or graphic materials that are derogatory and are of a sexual nature
- ▲ Repeated unsolicited propositions for dates and/or sexual relations
- ▲ Asking about sexual fantasies, preferences or history
- ▲ Repeatedly sending messages via text, email, social media or telephone

SOME EXAMPLES OF GESTURES OR NON-VERBAL BEHAVIORS THAT MIGHT BE CONSIDERED SEXUAL MISCONDUCT

- ▲ Sexual looks such as leering and ogling with suggestive overtones
- ▲ Licking lips or teeth, winking or throwing kisses
- ▲ Holding or eating food provocatively

- ▲ Lewd gestures to denote sexual activity
- ▲ Staring at an individual or looking a person up and down (elevator eyes)
- ▲ Regularly following a person or showing up at a person's location
- ▲ Repeatedly sending unwanted gifts, letters, or cards

SOME EXAMPLES OF PHYSICAL CONTACT, RANGING FROM OFFENSIVE BEHAVIOR TO CRIMINAL ACTS, THAT MIGHT BE CONSIDERED SEXUAL MISCONDUCT

- ▲ Touching that is unwanted, such as patting, pinching, stroking or brushing up against the body
- ▲ Cornering or mauling
- ▲ Invading another's "personal space"
- ▲ Attempted or actual kissing or fondling
- ▲ Physical assault
- ▲ Coerced sexual relations
- ▲ Rape or attempted rape
- ▲ Giving an unwanted massage around the neck or shoulders
- ▲ Touching or rubbing oneself sexually around another person
- ▲ Pranks such as exposing underwear or parts of the body
- ▲ Intentionally blocking someone's path

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Examples

REPORTING OBLIGATIONS

TITLE IX OBLIGATIONS: If you are contacted regarding allegations of sexual misconduct, including sexual harassment, you need to promptly notify the Title IX Coordinator. UD's Title IX Coordinator is listed on www.udel.edu/titleix and on the "Legal Notices" link at the bottom of UD websites.

In order to meet the University's legal obligations, the Title IX Coordinator may determine that an investigation is warranted, without a formal complaint, if the University has sufficient notice that sexual misconduct may have occurred and/or the allegations of sexual misconduct are particularly serious (such as coerced sexual acts). Pursuant to its Title IX obligations, the University may take interim measures it deems necessary during an investigation to ensure the safety and well-being of the victim and/or University community.

CHILD ABUSE REPORTING: If you see, hear about or know about possible child abuse, including sexual abuse, on our campus, you must take the following three steps. Immediate action is essential to protect all children on our campus, and is required by Delaware law.

1. You must immediately contact University Police by calling 911 or (302) 831-2222.
2. You must immediately report what you know by calling the state's child abuse reporting line which is available 24/7 at 1-800-292-9582.
3. Once you have made your telephone reports, you must inform your immediate supervisor, who will in turn notify the appropriate vice president.

The Delaware Child Abuse Protection Act applies to ANY person in Delaware who knows about child abuse or has good-faith reason to suspect that someone has committed child abuse. This means ANY member of our University community is responsible for reporting incidents to the state's child abuse reporting line (1-800-292-9582), regardless of when and where the incident occurred.

OTHER BEHAVIORS: Certain behaviors such as bullying, inappropriate language or conduct of a sexual nature may not rise to the level of sexual misconduct or sex discrimination. These behaviors may be unprofessional in the workplace, disruptive in the classroom, or violate other University policies, and could warrant remedial actions and/or discipline. There are no legal obligations to report these behaviors, but we encourage you to take action and to discourage inappropriate behavior and conduct. Offices such as Human Resources and Dean of Students are equipped to assist supervisors/targets to take action.

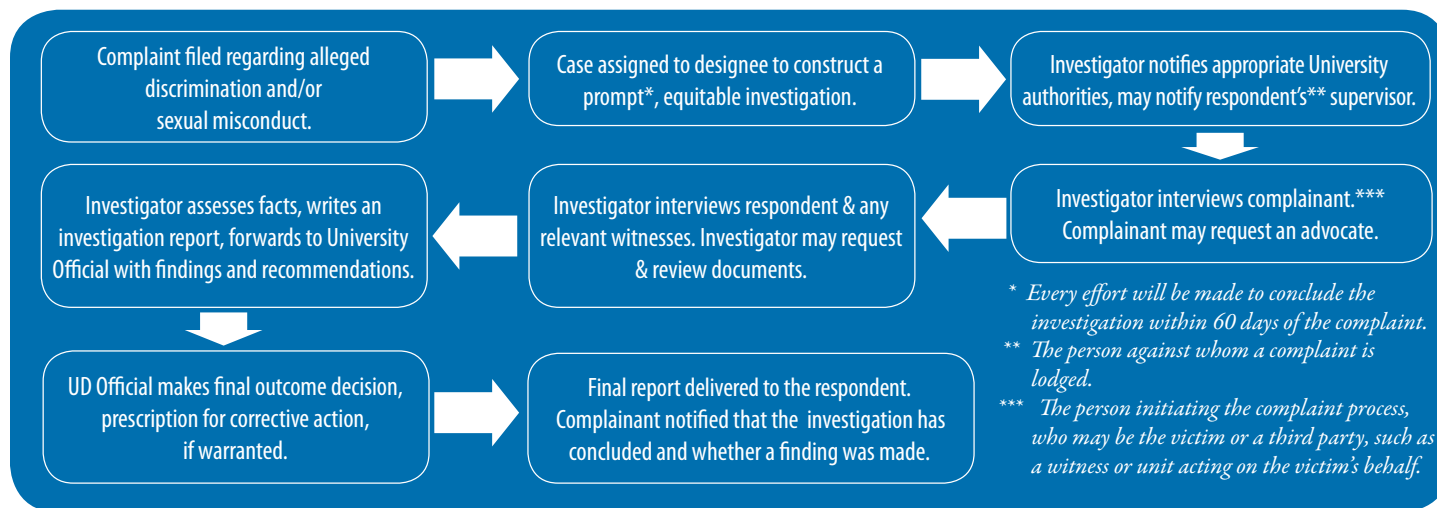
CONFIDENTIALITY: All employees must notify the Title IX Coordinator immediately (no matter when the incident occurred) if anyone reports or discloses a situation that may constitute sexual misconduct. These include situations of sexual harassment and sexual violence such as sexual assault, domestic/dating violence and stalking. You cannot guarantee confidentiality unless you are serving in the role of a confidential resource, such as a licensed counselor or member of the clergy. You may advise the victim that you will keep private anything he or she says to you but you should also make it clear that you are obligated to make a report to the University's Title IX Coordinator and that the Title IX Coordinator may be in touch with him or her. You may also be obligated to complete UDPD's Clery Act reporting form if you have been identified as a campus security authority (CSA) by the University and a crime is reported to you that occurred on the campus. If you are unclear about your status as a CSA, contact your supervisor or the Clery Compliance Coordinator on campus.

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Reporting Obligations

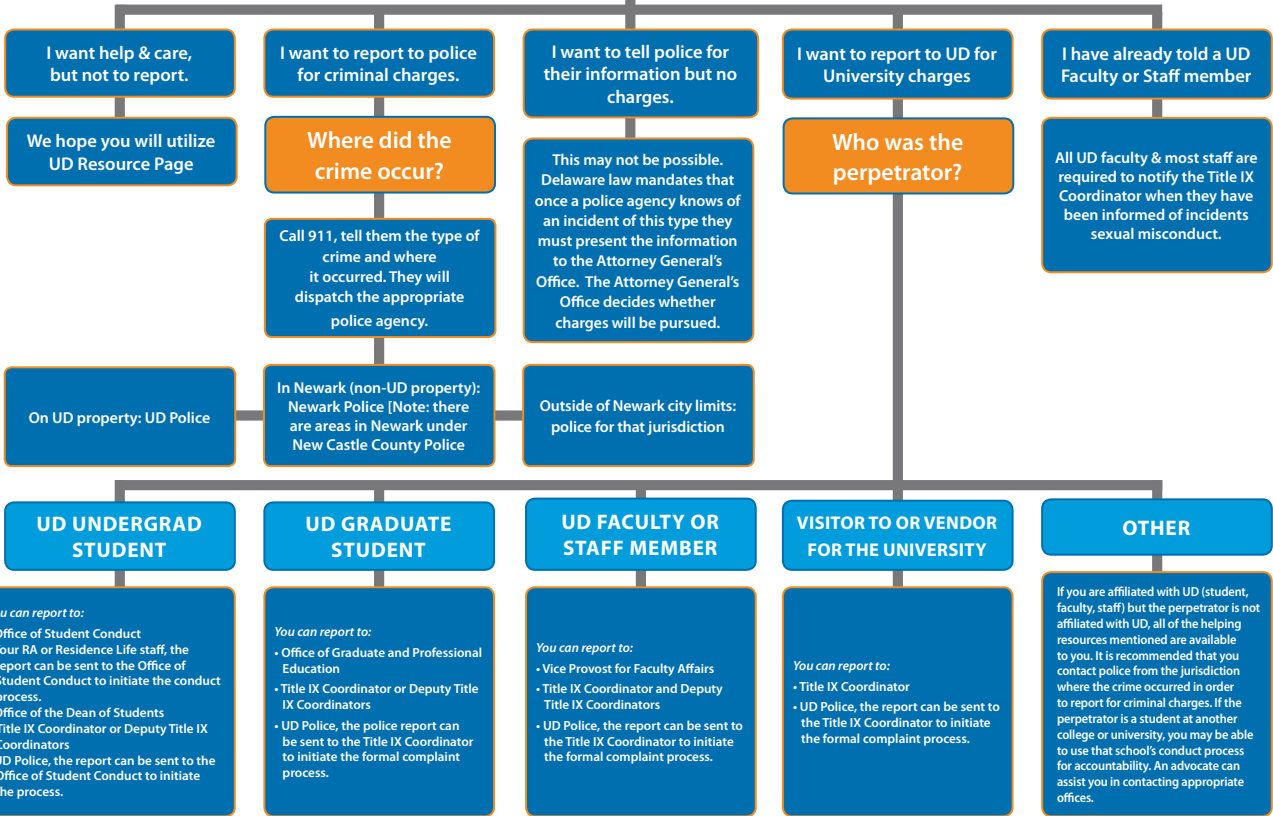
REPORT PROCESS: Oftentimes, a victim is hesitant to come forward because they are afraid of retaliation, they do not define the conduct/behavior they have experienced as unlawful, or they are worried about who will find out and what will happen to them if they do report an incident. Each case is handled dependent upon the situation and the specific facts, the victim, the alleged perpetrator, and where and when the conduct/behavior occurred. In general, the flowchart describes what happens when a misconduct/discrimination complaint is processed and investigated.

FORMAL INVESTIGATIVE FLOW CHART



REPORTING OPTIONS FOR VICTIMS

What action do you want to take?



This flowchart is meant to assist in understanding reporting options at UD. For detailed, comprehensive information about all of the options and offices mentioned, please go to www.udel.edu/gbv.

Students, faculty, staff, visitors, and vendors who believe they have been subjected to discrimination on the basis of sex or experienced sexual misconduct may file a complaint directly with the Title IX Coordinator. The Title IX Coordinator will review all Title IX complaints submitted and may conduct an inquiry or investigation.

For more information contact:

Susan L. Groff, Ed. D.,
 Director, Institutional Equity and University Title IX Coordinator
 Office of Equity and Inclusion
 305 Hullahen Hall
 302-831-3666 (direct)
 302-831-8063 (main)
groff@udel.edu

WHERE TO TURN TO REPORT

Individuals who would like assistance in taking action or filing a report can contact the Office of Equity and Inclusion, and a representative will aid them in the process. Other concerns can be reported as outlined in this table.

Who?	What?	Where?
Faculty, Staff & Students	Inquiries or complaints regarding the Americans with Disabilities Act, the Rehabilitation Act	Office of Disabilities Support Services Alison Hall, Suite 130 • Newark, DE 19716 302-831-4643 • www.udel.edu/dss
Faculty, Staff & Students	Inquiries and concerns regarding discrimination and sexual misconduct policies and procedures	Office of Equity and Inclusion 305 Hulliher Hall • Newark, DE 19716 302-831-8063 • www.udel.edu/oei
Faculty, Staff & Students	Inquiries, notifications, and to report a complaint regarding Title IX	Susan L. Groff, Ed.D., Title IX Coordinator/Director Office of Equity & Inclusion • 305 Hulliher Hall 302-831-3666 • groff@udel.edu • www.udel.edu/titleix
Anyone	To report a bias-based crime such as a hate crime or threats	University of Delaware Police 413 Academy Street • Newark, DE 19716 302-831-2222 • www.udel.edu/police
Anyone	To discuss gender-based violence or get 24/7 advocacy, advice, & help	S.O.S. – Sexual Offense Support: 24/7 confidential crisis support hotline 302-831-2226, ask for SOS advocate on duty www.udel.edu/studentwellness/sos/

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