2019 ANNUAL
DELAWARE STATE UNIVERSITY
SECURITY & FIRE REPORT
Dover main campus | Wilmington | Georgetown

It All MATTERS.

Contains crime and fire statistics for 2016-2018
MESSAGE FROM THE PRESIDENT

At Delaware State University, we take the safety of our students, faculty and staff personal. It is a constant and top priority and will remain so at all levels of our institution.

For us it is more than having our own Police Department with state-certified police who have full arrest powers. It’s more than being dogged about training and staff for the entire campus community. It’s more than rigorously reporting our standing with respect to successes and areas that need our attention and improvement.

For Delaware State University, it’s about each of us being committed to taking care of one another every day. That means, if you see something, say something and if something doesn’t feel right, there is a good chance it’s not right.

In accordance with the Clery Act, the University continues to be transparent concerning its police activities, as demonstrated by the latest one-year crime statistics and information provided in this year’s report. But being in compliance is the price of admission.

What is most important is that we are our brother’s and sister’s keeper -- a point proven by 128 years of history against what many called impossible odds in 1891.

Dr. Wilma Mishoe
President
Delaware State University
MESSAGE FROM THE CHIEF OF POLICE

As Delaware State University continues to grow through student enrollment and infrastructure, the University Police Department makes the necessary adjustments to keep our campus safe! The Department has a strong philosophy and culture which allows everyone to be innovative and proactive, keeping “safety” in the forefront. We also value the partnership of our federal, state and local law enforcement partners.

The Delaware State University Police Department will always strive to move forward through research and innovation to address campus safety and operate in an efficient manner.

We reflect on the comments in our Vision Statement: “As one of the top university police departments, the Delaware State University Police Department will be renowned for a standard of service excellence in community policing that makes Delaware State University one of the safest college campuses in the nation.”

Harry W. Downes, Jr.
Assistant Director of Student Affairs
Chief of Police
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Purpose of the Annual Security and Fire Report
The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, better known as the Clery Act, was established to afford students and employees, both prospective and current, the opportunity to educate themselves about campus safety information as well as policies related to sexual violence and emergency situations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Access to the Main Campus -- Gate Hours of Operation**
Monday through Thursday - 6 a.m. to 8 p.m.
Friday - 6 a.m. to 5 p.m.
Saturday and Sunday - Closed
Holidays - Closed

The main gate is open 24 hours a day; however, after 8 p.m. a 100% identification check is conducted.

**Note:** The securing of gates may be altered to accommodate on-campus events. Additionally, Gate 3 may be opened during weekend hours for the convenience of the University’s President and his/her family.
CAMPUS LAW ENFORCEMENT

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

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

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

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

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

Student, Campus Oriented Policing and Education (S.C.O.P.E.) Model
The Delaware State University Police Department developed a policing model to enhance service to students and the campus community at Delaware State University. This model allows the Police Department to be an integral part of the University achieving the same goals -- in particular, student success. Student, Campus Oriented Policing and Education (S.C.O.P.E.) is a community policing-based model which urges all personnel of the Police Department to develop a leadership mentality, build quality relations with the campus community and utilize each contact, when necessary, to educate the community on how to be successful and remain safe while attending or working at Delaware State University.
Student -- The primary focus is providing an environment which allows for “student success”:
- Educate students about the Delaware State University Police
- Assess students when making contact during an incident
- Refer students to resources as needed (e.g. mental health counseling, academic counseling, pastoral counseling, financial aid, disabilities services, life center, etc.)
- Follow up with the student 30, 60, and 90 days after initial contact to obtain an update or provide additional resources
- Provide students and student groups with information on how to be safe on and off campus

Campus -- The primary focus is providing a safe learning and working environment for everyone within the campus community:
- Educate the campus community about the operations, goals, and objectives of the Delaware State University Police
- Provide quality up-to-date training for the officers and staff which meets the demands/challenges in today’s policing
- Build quality relations with students, staff, faculty, vendors, and stakeholders of Delaware State University
- Maintain up-to-date policies to help direct daily operations

Oriented Policing -- The primary focus of this community-oriented policing model is to direct how “business” is conducted by the Delaware State University Police.
- Officers and staff are trained and must take on leadership roles in their daily work performance.
- Officers and staff must strive to be innovators and be progressive, along with the organization as a whole.
- Officers and staff must assess problems, provide solutions, and train each other.
- Officers and staff must understand and embrace the overall importance of building quality relationships with the campus community and its stakeholders.

Education -- The primary focus is utilizing every opportunity to educate students, staff, and the campus community on how to be safe, how to prevent crimes, and how to prevent becoming a victim of crime:
- Provide information about the operations of the Delaware State University Police to the campus community (e.g., University Seminar, Citizen Police Academy, brochures, social media, etc.)
- Provide Crime Prevention Seminars
- Provide seminars addressing current threats to campus communities
- Provide information regarding how to interact with police during any encounter
- Provide current crime statistics at Delaware State University (e.g., Daily Crime and Fire Log, Annual Security and Fire Report, at internal meetings, during community meetings, etc.)
- Remain transparent as an organization
- When making an arrest, advise the suspect/defendant why the act is illegal and how it can be prevented in the future
**Working Relationships**

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

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

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

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

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

**Off-Campus Incidents**

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

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

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

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

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

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

Select faculty and staff members may also apply for the opportunity to partake in the Citizen’s Police Academy. Those selected individuals meet once weekly over a six-week period to discuss different aspects of the Police Department as well as their responsibility to provide a safe and secure campus environment.

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

Any institution with a campus police or security department must create, maintain and make available a daily crime log. Any institution with on-campus student housing facilities is required to also make available a fire log. The Delaware State University Main Campus located in Dover, Delaware, has both a police department and on-campus student housing facilities. A combined Daily Crime and Fire Log is maintained by the Delaware State University Police Department and contains information only for the Main Campus. Any changes made to the Daily Crime and Fire Log, including entry updates or changes in disposition, will be posted within two business days of receiving the information. It can be accessed online at [https://www.desu.edu/about/police-department/daily-crime-fire-log](https://www.desu.edu/about/police-department/daily-crime-fire-log). Information documented on the log includes:

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

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

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

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

A Daily Crime and Fire Log is not maintained by Delaware State University for the Georgetown or Kirkwood campuses. The Georgetown Campus has security personnel on-site who are not contracted by Delaware State University to provide services to our faculty, staff or students, nor are there on-campus student housing facilities. Inquiries regarding incidents at the Georgetown Campus should be directed to Delaware Technical Community College’s Public Safety Department. A Daily Crime and Fire Log is not maintained for the Kirkwood Campus as there are no contracted police or security at the location, the University Police do not patrol that location, nor are there on-campus student housing facilities.
**Walking Escort Service**
The Delaware State University Police Department provides an escort service on the Main Campus which consists of a walking partner for students, staff, faculty and visitors to or from any location on campus or within the designated escort perimeter. The escort service is conducted by Police Department personnel and is operational nightly.

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

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

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

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

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

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

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

Crimes and other emergencies may be reported in person at the University Police Department located at 1200 N. DuPont Hwy. (Bldg. 52), Dover, DE 19901, which is located directly behind the Price Building, or by telephone at (302) 857-7911. In emergency situations, University community members may also activate an emergency blue light telephone. Picking up the receiver or pushing the button will automatically dial the Police Department. Officers are dispatched to the location when an emergency is identified, or no contact is made with the individual pressing the button.

Georgetown Campus
Incidents impacting students at the Georgetown Campus, crimes and other emergencies may be reported to:

Delaware Technical Community College’s Public Safety
William C. Jason Technology Center, Room 199 | (302) 259-6241
Georgetown Police Department
335 N. Race Street, Georgetown, DE 19947 | (302) 856-6613

The responding agency will investigate alleged crimes and other emergencies and secure additional resources as necessary.

Kirkwood Campus
Incidents impacting students at the Kirkwood Campus, crimes and other emergencies may be reported to either the Delaware State University Police Department (as described above) or to:

Delaware State Police - Troop 6
3301 Kirkwood Highway, Wilmington, DE 19808 | (302) 633-5000
The responding agency will investigate alleged crimes and other emergencies and secure additional resources as necessary.

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

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

**Main Campus (1200 N. DuPont Hwy, Dover DE)**
- Delaware State University Police Department………………………………………………………………………………………………………(302) 857-7911
- Department of Housing and Residential Education……………………………………………………………………………………………………(302) 857-6326
- Student Affairs………………………………………………………………………………………………………………………………………………………………………(302) 857-7585
- Title IX………………………………………………………………………………………………………………………………………………………………………………(302) 857-6300
- Judicial Affairs…………………………………………………………………………………………………………………………………………………………………………………(302) 857-6470
- Human Resources………………………………………………………………………………………………………………………………………………………………………(302) 857-6261
- Athletics…………………………………………………………………………………………………………………………………………………………………………………(302) 857-6030

**Georgetown Campus (21179 Seashore Highway, Georgetown DE)**
- Director…………………………………………………………………………………………………………………………………………………………………………………(302) 500-7011
- Associate Director……………………………………………………………………………………………………………………………………………………………………(302) 500-7015

**Kirkwood Campus (3931 Kirkwood Highway, Wilmington DE)**
- Dean of Graduate, Adult and Extended Studies……………………………………………………………………………………………………………………………(302) 857-6800

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

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

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

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

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

Anonymous Reporting

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

Off-Campus Incidents

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

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

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

Delaware State Police- Troop 3
3759 S. State Street, Camden, DE 19934 | (302) 697-4454

Delaware State Police- Troop 9
414 Main Street, Odessa, DE 19730 | (302) 378-5749
EMERGENCY CONTACT NUMBERS

All Campuses
University Police Department.................................................................(302) 857-7911
University Police Department Anonymous Tip Line...............................(302) 857-7918
University Counseling Services.............................................................(302) 857-7381
University Pastoral Counseling............................................................(302) 857-7627
Student Affairs....................................................................................(302) 857-7585
Judicial Affairs....................................................................................(302) 857-6470
Title IX..............................................................................................(302) 857-6300
Human Resources..............................................................................(302) 857-6260
Athletics............................................................................................(302) 857-6030
Facilities Management......................................................................(302) 857-6230
Enterprise Risk Management..............................................................(302) 857-7095

Main Campus (1200 N. DuPont Hwy, Dover DE)
Student Health Center.........................................................................(302) 857-6393
Department of Housing and Residential Education...............................(302) 857-6326
Dover Police Department Non-Emergency Line.....................................(302) 736-7111
Dover Police Department Emergency Line...........................................911
Kent General Hospital.........................................................................(302) 674-4700

Georgetown Campus (21179 Seashore Hwy, Georgetown, DE)
Campus Department of Public Safety...................................................(302) 259-6241
Georgetown Police Department............................................................(302) 856-6613
Nanticoke Memorial Hospital..............................................................(302) 629-6611

Kirkwood Campus (3931 Kirkwood Hwy, Wilmington, DE)
Delaware State Police - Troop 6...........................................................(302) 633-5000
Christiana Hospital............................................................................(302) 733-1000
IMPORTANT CONTACT NUMBERS

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

Attorney General’s Office
Kent County ............................................................................................................. (302) 739-4211
New Castle County .................................................................................................. (302) 255-0112
Sussex County ......................................................................................................... (302) 856-5353

Attorney General’s Witness Service Unit
Kent County ............................................................................................................. (302) 739-4111
New Castle County .................................................................................................. (302) 577-8500
Sussex County ......................................................................................................... (302) 856-5353
Toll Free .................................................................................................................... 1-800-870-1790

Police Agency Victim Services
Delaware State Police Victim Center ........................................................................ 1-800-VICTIM1
Dover Police Victim Services .................................................................................... (302) 736-7134
Georgetown Police Victim Services .......................................................................... (302) 856-6613
New Castle County Police Victim Services ............................................................. (302) 395-8135
Newark Police Victims Services ............................................................................... (302) 366-7110
Wilmington Police Victim Services .......................................................................... (302) 576-3622
Crime Victims Compensation Fund ........................................................................... (302) 995-8383

Family Court
Kent County ............................................................................................................. (302) 672-1000
New Castle County .................................................................................................. (302) 255-0300
Sussex County ......................................................................................................... (302) 855-7400

Legal Services
Kent County ............................................................................................................. (302) 674-8500
New Castle County .................................................................................................. (302) 478-8680

Other Organizations
Prevent Child Abuse Delaware ................................................................................... (302) 425-7490
Victim Notification System (VINE Program) ............................................................ 1-877-338-8463

Domestic Violence
Kent & Sussex County ............................................................................................... (302) 422-8058
New Castle County .................................................................................................. (302) 762-6110
Número para asistencia ............................................................................................ 1-800-262-9800

Rape Crisis / Contact
Kent & Sussex County ............................................................................................... 1-800-262-9800
New Castle County .................................................................................................. (302) 761-9100
EMERGENCY RESPONSE PROCEDURES

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

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

Students, faculty and staff may opt to receive notifications via cell phone (both voice and text message), home or residence hall phone, email, Facebook or Twitter. Multiple avenues may be selected to receive such alerts; however, those who have not modified their request will automatically be notified through their Delaware State University email. It is incumbent upon University community members to provide and update contact information as it becomes available and/or changes.

Students, faculty and staff may access this service at:
https://www.desu.edu/about/police-department/emergency-alerts

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

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

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

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

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

a. The University Police Department will notify local and state law enforcement for assistance if necessary.

b. The University Police Department or Chief Risk Officer will issue an emergency text message or email to all subscribers with accurate information regarding the emergency including instructions and directions.

c. The Chief of Police or Chief Risk Officer or designee may also authorize the Executive Director of Marketing and Communications to issue an emergency e-mail with information regarding the emergency with instructions and directions to faculty, staff and students.

d. If safe to do so, the hall director in a residential building with a public address system will (under the direction of the Vice President for Student Affairs) make an announcement of the emergency.

e. The University Police Department will notify the campus Child Development Center of the emergency with instructions and directions.

f. When practical, the administrative emergency phone tree will be initiated.

g. The Executive Director of Marketing & Communications will be notified to update the University Website with pertinent emergency notification information and to provide updated information and instructions.

h. The Executive Director of Marketing & Communications will notify local media outlets regarding the campus emergency and seek their assistance in providing instructions and directions to potential visitors.

i. The University Police will assign a police officer or employee to utilize a mobile public address system to alert the campus community of the emergency situation and provide specific instructions and directions.

In the event that the situation threatens the operation of the entire campus or when it is probable that a large segment of the University community will be affected by the situation, then a campus-wide notification will be made. In cases where only a small segment of the University community would be affected and identification of these individuals could be easily made, then a notification will be issued to only those affected individuals. In instances where only a small segment of the community will be notified, dissemination of pertinent information may be performed through alternative mediums rather than use of the mass notification system. While it is unlikely, content may vary depending on the situation, scale of the incident and recipient of the notification.
Once a University community member receives alert that an emergency situation has arisen, appropriate measures should be taken. To ensure their own safety as well as the safety of others, it is imperative that all University community members strictly adhere to the instructions outlined in the emergency notification. Deviating from these instructions may result in serious injury or death to you or others. Wait for official instructions or updates via the emergency notification system declaring an end to the emergency (as per the University President or designee).

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

The decision to issue a timely warning will be incumbent upon the following factors:
- nature of the crime
- continuing danger to the campus community
- possible risk of compromising law enforcement efforts

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

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

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

Notification will be communicated through the following modes:
- Internet – www.desu.edu
- The University’s email distribution system
- The University’s Emergency Alert mass notification system
- The University’s information line (302-857-SNOW)
- Local media (if necessary)
Notice to the Public
While faculty, staff and students have a right to privacy, Delaware State University is a public institution and as such must be sensitive to the public's right to know. All calls from the media should be forwarded to the University’s Office of Public Relations (302) 857-6062. The Office of Public Relations will handle any inquiries arising from members outside of the University community as quickly and reasonably as possible. Essential facts of a crisis or emergency will be released as it is determined to be factual information.

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

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

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

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

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

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

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

The University also tests the Emergency Alert system on a semiannual basis. This is performed to ensure that notifications are sent and received properly in case of emergency situations. Any issues with the functionality of the Emergency Alert system are evaluated and addressed. Records of these tests are maintained by the University’s Police Department or Clery Compliance Officer for a period of three years.
**Campus Lockdown/Access Restriction**
The term “Access Restriction” is defined as an emergency course of action or protocol, ordered by a University official with command authority, to contain a problem or incident within the area of its origin by controlling the movement of people.

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

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

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

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

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

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

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

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

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

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

The illegal use, sale, purchase, transfer, possession or presence in one’s system of drugs is strictly prohibited. Similarly, the use, sale, purchase, transfer, possession or presence in one’s system of alcoholic beverages while on duty is prohibited. The employee is subject to disciplinary action up to and including termination for violation of this policy.

Smoking Policy
As of August 2015, Delaware State University implemented its totally tobacco-free policy. Smoking includes drug paraphernalia, cigarettes, e-cigarettes and vapor pins. Students are prohibited from smoking in cars, buildings, and residential housing or on any property of Delaware State University. All individuals found smoking on Delaware State University property and adjacent properties will be found in violation of the Student Code of Conduct and sanctioned accordingly.
### Violations and Possible Sanctions – Students

<table>
<thead>
<tr>
<th>Violations</th>
<th>Possible Sanctions</th>
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</thead>
<tbody>
<tr>
<td>• Sale, trafficking, manufacturing, dispersing, and/or distribution of drugs</td>
<td>• Disciplinary suspension from the University for a minimum of one year; possible expulsion depending on severity</td>
</tr>
<tr>
<td>• Illegal use, possession, consumption of drugs</td>
<td>• Automatic expulsion</td>
</tr>
<tr>
<td>• Under age 21 possession and/or consumption</td>
<td>• Disciplinary probation with privileges</td>
</tr>
<tr>
<td>• Open container of alcohol in public</td>
<td>• Disciplinary probation without privileges</td>
</tr>
<tr>
<td>• Hosting a party involving the use of alcohol</td>
<td>• Community service</td>
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<tr>
<td>• Dispensing alcohol to minors</td>
<td>• Substance abuse counseling</td>
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<tr>
<td>• Intoxication</td>
<td>• Minimum $200 fine</td>
</tr>
<tr>
<td>• Constitution of a public nuisance by being offensive to public order or decency</td>
<td>• Parental notification (if under 21)</td>
</tr>
<tr>
<td>• Under age 21 possession and/or consumption</td>
<td>• Disciplinary suspension from the University for a minimum of one year</td>
</tr>
<tr>
<td>• Open container of alcohol in public</td>
<td>• Expulsion from the University</td>
</tr>
<tr>
<td>• Hosting a party involving the use of alcohol</td>
<td>• Disciplinary probation with privileges for one year</td>
</tr>
<tr>
<td>• Dispensing alcohol to minors</td>
<td>• Alcohol education</td>
</tr>
<tr>
<td>• Intoxication</td>
<td>• Minimum $100 fine</td>
</tr>
<tr>
<td>• Constitution of a public nuisance by being offensive to public order or decency</td>
<td>• Disciplinary probation without privileges for one year</td>
</tr>
<tr>
<td>• Under age 21 possession and/or consumption</td>
<td>• Possible suspension from residence halls for one year</td>
</tr>
<tr>
<td>• Open container of alcohol in public</td>
<td>• Substance abuse referral</td>
</tr>
<tr>
<td>• Hosting a party involving the use of alcohol</td>
<td>• Parental notification (if under 21)</td>
</tr>
<tr>
<td>• Dispensing alcohol to minors</td>
<td>• Suspension from the University for one year. The student will be held responsible for the full cost of the residence hall for the remainder of the academic year.</td>
</tr>
<tr>
<td>• Intoxication</td>
<td>• Community service</td>
</tr>
<tr>
<td>• Constitution of a public nuisance by being offensive to public order or decency</td>
<td></td>
</tr>
</tbody>
</table>

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

Substance Abuse Programs
The Drug-Free Schools and Communities Act Amendments of 1989 require an institution of higher education, as a condition of receiving funds or any other form of financial assistance under any federal program, to certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students. As a part of its substance abuse programs, Delaware State University annually distributes to its students in writing the following information:

• Standards of conduct that clearly prohibit the unlawful possession, use or distribution of illicit drugs and alcohol on school property or as part of any school activities;

• A clear statement of the disciplinary sanctions that the University will impose on students who violate the standards of conduct;

• A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;

• A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;

• A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students.

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

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

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

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

Critical Signs and Symptoms of an Alcohol Overdose
  • Mental confusion, stupor, coma, or person cannot be roused
  • Vomiting
  • Seizures
  • Slow breathing (fewer than eight breaths per minute)
  • Irregular breathing (10 seconds or more between breaths)
  • Hypothermia (low body temperature), bluish skin color, paleness

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

What Can Happen to Someone With an Alcohol Overdose That Goes Untreated?
  • Victim chokes on his or her own vomit.
  • Breathing slows, becomes irregular, or stops.
  • Heart beats irregularly or stops.
  • Hypothermia (low body temperature).
  • Hypoglycemia (too little blood sugar) leads to seizures.
  • Untreated severe dehydration from vomiting can cause seizures, permanent brain damage, or death.

*obtained from http://www.collegedrinkingprevention.gov/parentsandstudents/students/factsheets/factsaboutalcoholpoisoning.aspx#WhatHappens
Health Risks Associated with Alcohol and Drug Use
Drug and alcohol abuse are problems of overwhelming proportions in our society today. While alcoholism may develop in anyone, it tends to first appear between the ages of 20 and 40 and may be more prevalent in persons with a family history of alcoholism.

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

Alcohol abuse is usually characterized by one of three different patterns: regular daily intoxication, consumption of large amounts of alcohol at specific times (binge drinking), or periods of heavy daily drinking. Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions. Chronic alcohol abuse can produce irreversible changes, including dementia, sexual impotence, cirrhosis of the liver and heart disease. [Death can occur either as a complication of one of these chronic problems; acutely, as a result of alcohol intoxication by poisoning or aspiration of vomiting; and as the result of an automobile accident while driving intoxicated.]

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

Students and employees seeking rehabilitative programs should contact Counseling Services. Questions concerning the health risks associated with drug and alcohol use/abuse should be directed to:

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

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

Employee Assistance Program
An Employee Assistance Program (EAP) is available to any employee enrolled in the State of Delaware health benefits option. This program is provided to help employees if and when they are faced with problems that are overwhelming or when they are unable to cope and/or resolve their problems alone. This program offers confidential assessment and counseling services for employees and members of their established household. Examples of the areas professional counselors can assist with include feelings of being overwhelmed, marriage and family difficulties, parent/child conflicts, dealing with aging parents, emotional issues, drug and alcohol problems, career decisions, personal and job stress, grieving the loss of a loved one, enhancing communication skills, and improving coping skills. Professional counselors will also make legal and financial referrals if needed.
WORKPLACE VIOLENCE

General Statement
Behavior that results in violence on campus and at the workplace is prohibited. To ensure the work environment is safe and secure, Delaware State University has implemented the following policy: The University prohibits any acts or threats of violence by any current or former University employee or student (or any other member of the University community) against any employee or individual in or on the University's premises. The University does not condone any acts or threats of violence against any member of the University community, or any visitors on its premises at any time.

Any student, faculty or staff member who is the victim of, becomes aware of, or believes that he/she has witnessed an incident of violent or threatening behavior, should immediately report the incident(s) to the Delaware State University Police, a supervisor, or the Office of Human Resources regardless of whether the victim wants to pursue criminal prosecution. If the employee believes that someone may be in imminent danger or if the incident in question results in anyone being physically harmed, the employee or his/her supervisor must immediately contact the Delaware State University Police at (302) 857-7911.

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

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

Prevention Policy
The State of Delaware adopts a statewide zero tolerance policy for workplace violence. Therefore, except as may be required as a condition of employment:

1. No employee shall bring into any University site any weapon or dangerous instrument as defined herein.
2. No employee shall use, attempt to use, or threaten to use any such weapon or dangerous instrument at the University.
3. No employee shall cause or threaten to cause death or physical injury to any individual at the University.

Weapon means any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having an automatic spring release device, a stiletto, any police baton or nightstick or any martial arts weapon or electronic defense weapon.

Dangerous instrument means any instrument, article, or substance that, under the circumstances, is capable of causing death or serious physical injury.

Any weapon or dangerous instrument found at the University will be confiscated, and there is no reasonable expectation of privacy with respect to such items in the workplace. Violation of the above reasonable work rules shall subject the employee to disciplinary action up to and including discharge.
FIREARMS AND OTHER PROHIBITED WEAPONS POLICY

The University is concerned about the increase of violence in our society and with the rising number of incidents occurring on university campuses involving firearms and other prohibited weapons. Therefore, possession of firearms and any other prohibited weapons stated in federal and local laws are prohibited on University property. The only exception is trained law enforcement personnel.

Delaware State University strictly prohibits possessing, using, storing, or transporting firearms or other weapons, explosives, fireworks, ammunition, dangerous chemicals or other lethal weapons in motor vehicles, buildings or elsewhere on any University owned or leased properties or during University activities.

Violation of federal and state laws or regulations and University policies dealing with firearms or weapons offenses will be prosecuted to the maximum extent allowable under the law for each violation. This includes offenses such as possession or use of a deadly weapon or firearm; carrying, opened or concealed; furnishing a deadly weapon or firearm to another (including minors); and all attempts to commit any of the above offenses.

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 nearby 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.

SEX OFFENDER REGISTRATION AND NOTIFICATION ACT

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

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

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

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

Reporting Missing Persons
Anyone receiving a missing student report should immediately notify the Delaware State University Police Department so that an investigation may commence, regardless of whether the student resides on campus. The Department of Housing and Residential Education may also be contacted to report a missing student, so long as there is an immediate referral to the Police Department. For students attending the Main Campus in Dover, reports should be made in person at 1200 N. DuPont Hwy. (Bldg. 52), Dover, DE 19901, which is located directly behind the John R. Price Building, or by dialing (302) 857-7911.

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

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

Investigating officers will attempt to determine the student’s whereabouts by contacting the student’s friends, associates, professors and employers to determine whether or not he/she has been attending classes, labs, and scheduled organizational or academic meetings and appearing for scheduled work. If located, the student’s state of health and intention of returning to the campus will be verified. When it is appropriate, a referral will be forwarded to the University’s Counseling Services and/or the Student Health Center.
Notification Procedures
If not located during the initial canvass, as part of the ongoing investigation, the Missing Person Contact will be notified within 24 hours of the determination that the student is missing. If the missing student is under the age of 18 and is not an emancipated individual, in addition to notifying the Missing Person Contact, the Delaware State University Police Department or designee will notify the student’s parent or legal guardian within 24 hours of the determination that the student is missing.

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

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

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

POLICIES PROHIBITING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

Dating Violence, Domestic Violence, Sexual Assault and Stalking Policy
Delaware State University affirms its commitment to promote the goals of fairness and equity in all aspects of the educational enterprise. All crimes of dating violence, domestic violence, sexual assault and stalking (as defined by the Clery Act) are prohibited on University property. Delaware State University reserves the right to act on incidents occurring on campus or off campus, at University-sponsored events, or online, when the conduct could have an on-campus impact or impact on the educational mission of Delaware State University.

Delaware State University will act on any formal or informal complaint or notice of violation of the policy on Equal Opportunity, Harassment and Nondiscrimination that is received by the Title IX Coordinator, deputies, any member of the Equity Resolution Panel, or a member of the administration. Confidentiality will be maintained where possible and desired, but safety and security of the campus must be the first and controlling objective. All complaints are subject to resolution using Delaware State University’s Equity Resolution Process. The Equity Resolution Process is applicable regardless of the status of the parties involved, who may be members or non-members of the campus community, students, student organizations, faculty, administrators and/or staff.
**University Policy on Consensual Relationships**

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

Given that a consensual casual and/or romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are, at a minimum, unethical, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor. Disclosure of the relationship will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities or shift a party out of being supervised or evaluated by someone with whom they have established a consensual relationship. This includes, without limitation, RAs and students over whom they have direct responsibility. While no relationships are forbidden by this policy, failure to self-report such relationships to a supervisor as required will result in disciplinary action for an employee.

**PROGRAMS AND EDUCATION CONCERNING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING**

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

The University has implemented primary and ongoing prevention and awareness programs that are:
- culturally relevant,
- inclusive of diverse communities and identities,
- sustainable,
- responsive to community needs,
- informed by research or assessed for value, effectiveness or outcome, and
- consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.
**Primary Prevention and Awareness Programs**

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

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

**Ongoing Prevention and Awareness Programs**

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

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

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

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

To be a reactive bystander who positively intervenes in instances of sexual harassment or sexual violence:
- Get campus police or other authorities involved
- Tell someone else
- Get help
- Ask a friend in a potentially dangerous situation if he/she wants to leave
- Make sure he/she gets home safely
- Ask a victim if he/she is okay
- Provide options and a listening ear
- Call the campus or local counseling/crisis center for support and options

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

**Risk Reduction**

Risk reduction is defined as options designed to:
- decrease perpetration and bystander inaction
- increase empowerment for victims in order to promote safety
- help individuals and communities address conditions that facilitate violence

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

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

Federal Clery Act Definitions
Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
For the purposes of this definition -
- dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- dating violence does not include acts covered under the definition of domestic violence.

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

Sexual Assault: An offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's UCR program.
Rape: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
Fondling: The touching of private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to -

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

For purposes of this definition -

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

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

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

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**State of Delaware Definitions**

**Consent:** While “consent” is not defined in the State of Delaware’s criminal code, “without consent” is being provided for comparative purposes.

“**Without consent**” means:

a. 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

b. The defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or

c. 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

d. 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 license 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
e. 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.

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

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

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

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

“Teen Dating Violence” means assaultive, threatening, or controlling behavior, including stalking as defined in § 1312 of Title 11, that one person uses against another person in order to gain or maintain power or control in a current or past relationship and can occur in both heterosexual and same sex relationships and in serious or casual relationships.
Domestic Violence: Abuse perpetrated by 1 member against another member of the following protected classes:

a. Family, as that term is defined in Title 10, Section 901(12), regardless, however, of state of residence of the parties, or whether parental rights have been terminated; or

b. former spouses; persons cohabitating together who are holding themselves out as a couple, with or without child in common; persons living separate and apart with a child in common; or persons in a current or former substantive dating relationship. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a substantive dating relationship. Factors to consider for a substantive dating relationship may include the length of relationship, or the type of relationship, or the frequency of interaction between the parties.

“Family” means spouses; a couple cohabitating in a home in which there is a child of either or both; custodian and child; or any group of persons related by blood or marriage who are residing in 1 home under 1 head or where 1 is related to the other by any of the following degrees of relationship, both parties being residents of this State:

- a. mother
- b. father
- c. mother-in-law
- d. father-in-law
- e. brother
- f. sister
- g. brother-in-law
- h. sister-in-law
- i. son
- j. daughter
- k. son-in-law
- l. daughter-in-law
- m. grandfather
- n. grandmother
- o. grandson
- p. granddaughter
- q. stepfather
- r. stepmother
- s. stepson
- t. stepdaughter

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

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

Sexual assault: Means physical contact of a sexual nature perpetrated without consent or where consent is unable to be given.

The State of Delaware defines “sexual offense” as any offense defined by Title 11, subsections 763-780, 783(4), 783(6), 783A(4), 783A(6), 787(b)(3), 787(b)(4), 1100A, 1108-1112B, 1335(a)(6), 1335(a)(7), 1352(2), and 1353(2), and 1361(b) of this title.
Rape in the fourth degree; class C felony.
(a) A person is guilty of rape in the fourth degree when the person:
   (1) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim’s sixteenth birthday; or
   (2) Intentionally engages in sexual intercourse with another person, and the victim has not yet reached that victim’s eighteenth birthday, and the person is 30 years of age or older, except that such intercourse shall not be unlawful if the victim and person are married at the time of such intercourse; or
   (3) Intentionally engages in sexual penetration with another person under any of the following circumstances:
      a. The sexual penetration occurs without the victim’s consent; or
      b. The victim has not reached that victim’s sixteenth birthday.
   (4) [Repealed.]

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

Rape in the third degree; class B felony.
(a) A person is guilty of rape in the third degree when the person:
   (1) Intentionally engages in sexual intercourse with another person, and the victim has not reached that victim’s sixteenth birthday and the person is at least 10 years older than the victim, or the victim has not yet reached that victim’s fourteenth birthday and the person has reached that person’s nineteenth birthday and is not otherwise subject to prosecution pursuant to § 772 or § 773 of this title; or
   (2) Intentionally engages in sexual penetration with another person under any of the following circumstances:
      a. The sexual penetration occurs without the victim’s consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim; or
      b. The victim has not reached that victim’s sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury or serious mental or emotional injury to the victim.
   (3) [Repealed.]

(b) Paragraph (a)(2) of this section does not apply to a licensed medical doctor or nurse who places 1 or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment, or to a law-enforcement officer who is engaged in the lawful performance of his or her duties.
(c) Notwithstanding any law to the contrary, in any case in which a violation of subsection (a) of this section has resulted in the birth of a child who is in the custody and care of the victim or the victim’s legal guardian or guardians, the court shall order that the defendant, as a condition of any probation imposed pursuant to a conviction under this section, timely pay any child support ordered by the Family Court for such child.
(d) Nothing in this section shall preclude a separate charge, conviction and sentence for any other crime set forth in this title, or in the Delaware Code.
Rape in the third degree is a class B felony.
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; terrorist threatening; unlawfully administering drugs; unlawful imprisonment in the second degree; coercion or criminal trespass in the first, second or third degree; or
   c. The victim has not yet reached that victim’s sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person causes serious physical injury to the victim; or
   d. The sexual penetration occurs without the victim’s consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
   e. The victim has not yet reached that victim’s sixteenth birthday and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, the person displays what appears to be a deadly weapon or represents by word or conduct that the person is in possession or control of a deadly weapon or dangerous instrument; or
   f. The sexual penetration occurs without the victim’s consent, and a principal-accomplice relationship within the meaning set forth in § 271 of this title existed between the defendant and another person or persons with respect to the commission of the crime; or
   g. The victim has not yet reached that victim’s twelfth birthday, and the defendant has reached that defendant’s eighteenth birthday.

h. [Repealed.]

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

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

Rape in the second degree is a class B felony.
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.
Rape in the first degree is a class A felony.

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

Unlawful sexual contact in the second degree; class F felony.
A person is guilty of unlawful sexual contact in the second degree when the person intentionally has sexual contact with another person who is less than 18 years of age or causes the victim to have sexual contact with the person or a third person. Unlawful sexual contact in the second degree is a class F felony.
Unlawful sexual contact in the first degree; class D felony.
(a) A person is guilty of unlawful sexual contact in the first degree when:
   (1) In the course of committing unlawful sexual contact in the third degree or in the course of
       committing unlawful sexual contact in the second degree, or during the immediate flight from the
       crime, or during an attempt to prevent the reporting of the crime, the person causes physical injury
       to the victim or the person displays what appears to be a deadly weapon or dangerous instrument;
       or represents by word or conduct that the person is in possession or control of a deadly weapon or
       dangerous instrument.
   (2) [Repealed.]
   (3) The person intentionally has sexual contact with another person who is less than 13 years of age
       or causes the victim to have sexual contact with the person or a third person.
(b) Unlawful sexual contact in the first degree is a class D felony.

Incest; class A misdemeanor:
(a) A person is guilty of incest if the person engages in sexual intercourse with another person with whom
    the person has 1 of the following relationships:
    - A male and his child.
    - A male and his parent.
    - A male and his brother.
    - A male and his sister.
    - A male and his grandchild.
    - A male and his niece or nephew.
    - A male and his father’s sister or brother.
    - A male and his mother’s sister or brother.
    - A male and his father’s wife.
    - A male and his wife’s child.
    - A male and the child of his wife’s son or daughter.
    - A female and her parent.
    - A female and her child.
    - A female and her brother.
    - A female and her sister.
    - A female and her grandchild.
    - A female and her niece or nephew.
    - A female and her father’s sister or brother.
    - A female and her mother’s sister or brother.
    - A female and her mother’s husband.
    - A female and the child of her husband’s son or daughter.

(b) The relationships referred to herein include blood relationships without regard to legitimacy and
    relationships by adoption.

Incest is a class A misdemeanor and is an offense within the original jurisdiction of the Family Court.

Statutory Rape: A child who has not yet reached that child’s sixteenth birthday is deemed unable to consent
to a sexual act with a person more than 4 years older than said child. Children who have not yet reached
their twelfth birthday are deemed unable to consent to a sexual act under any circumstances.

Stalking; class G felony, class F felony, class C felony.
(a) A person is guilty of stalking when the person knowingly engages in a course of conduct directed at a
    specific person and that conduct would cause a reasonable person to:
    (1) Fear physical injury to himself or herself or that of another person; or
    (2) Suffer other significant mental anguish or distress that may, but does not necessarily, require medical
        or other professional treatment or counseling.
(b) A violation of subsection (a) of this section is a class G felony.
(c) Stalking is a class F felony if a person is guilty of stalking and 1 or more of the following exists:
(1) The person is age 21 or older and the victim is under the age of 14; or
(2) The person violated any order prohibiting contact with the victim; or
(3) The victim is age 62 years of age or older; or
(4) The course of conduct includes a threat of death or threat of serious physical injury to the victim, or to another person; or
(5) The person causes physical injury to the victim.

(d) Stalking is a class C felony if the person is guilty of stalking and 1 or more of the following exists:
(1) The person possesses a deadly weapon during any act; or
(2) The person causes serious physical injury to the victim.

(e) Definitions. — The following terms shall have the following meaning as used in this section:
(1) “Course of Conduct” means 3 or more separate incidents, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about another, or interferes with, jeopardizes, damages, or disrupts another’s daily activities, property, employment, business, career, education, or medical care. A conviction is not required for any predicate act relied upon to establish a course of conduct. A conviction for any predicate act relied upon to establish a course of conduct does not preclude prosecution under this section. Prosecution under this section does not preclude prosecution under any other section of the Code.

(2) “A Reasonable Person” means a reasonable person in the victim’s circumstances.

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

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

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

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

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

**Delaware State University Definitions**

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

**Domestic/Relationship Violence:** Assault and battery to a person who is a relative, spouse, boyfriend, girlfriend or other intimate of the student.
Sexual Assault: Any unwanted touching of a sexual nature or any other conduct that would be defined as assault or rape under Delaware law. This includes, but is not limited to:

- Unwanted kissing, touching or fondling;
- Penetration with a finger or a foreign object;
- Rape (vaginal or anal intercourse, oral-genital contact).

These acts constitute sexual assault when they are attempted or committed through force, threat, or intimidation; when the perpetrator has been informed that his/her actions are unwanted; or by taking advantage of the victim’s incapacity or helplessness caused by alcohol or other drugs.

Rape: Unlawful sexual intercourse by force or deception. A person is guilty of rape in the first degree when he/she intentionally engages in sexual intercourse with another person without consent. “Rape” can occur in many forms, including:

- **Stranger Rape**: The sexual assault of an individual by someone the victim does not know.

- **Date/Acquaintance Rape**: The sexual assault of an individual by someone the victim knows, usually an acquaintance or a date. Date rape is the most common type of rape occurring on college or university campuses, but the least frequently reported.

- **Group/Gang Rape**: The sexual assault of an individual by multiple perpetrators. Many gang rapes on college campuses occur in residence halls, fraternity houses or at off-campus parties and in vehicles.

- **Statutory Rape**: Sexual intercourse with or penetration of an individual under the age of 16; intercourse with an individual under the age of 18 by a person 30 years of age or older; or intercourse with or penetration of an individual under the age of 18 by a person who is in a position of authority over the minor.

Stalking: A pattern of repeated unwanted attention, harassment, contact, or conduct directed at a specific person or group that would cause a reasonable person or group to:

(a) Fear for their safety or the safety of others.

(b) Suffer substantial emotional distress.

Consent: Knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual respondent accused of sexual misconduct was him or herself intoxicated and, therefore, did not realize the incapacity of the other.

For purposes of this definition -

**Incapacitation**: A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.
PROCEDURES FOR REPORTING A CRIME OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

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

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

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

If you plan to have a SANE examination done, DO NOT:
- Shower
- Eat
- Drink
- Smoke
- Comb your hair
- Douche
- Urinate
- Change clothing

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

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

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

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

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

**Nanticoke Memorial**
801 Middleford Road
Seaford, DE 19973
(302) 629-6611X2555

**Christiana Care**
4755 Ogletown- Stanton Road
Newark, DE 19713
(302) 733-1644
Reporting an Incident of Dating Violence, Domestic Violence, Sexual Assault or Stalking

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

Reporting to Title IX Coordinator

Complainants may file a report of dating violence, domestic violence, sexual assault or stalking in person with the Title IX Coordinator located at Office 314 of the Martin Luther King Jr. Student Center, through the University Police or by submitting a completed Incident Report Form, located on the University’s website:

https://www.desu.edu/about/administration/university-policies-procedures/sexual-misconduct-harassment-sex-1

Involvement of Law Enforcement and Campus Authorities

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

Students

University Police Department................................................................. (302) 857-7911
Georgetown Police Department............................................................... (302) 856-6613
Delaware State Police - Troop 6.............................................................. (302) 633-5000
Counseling Services................................................................................. (302) 857-7381
University Counselor............................................................................... (302) 420-5751
After-hours University Counselor (will be transferred by Police Department)..... (302) 857-7911
Department of Housing and Residential Education................................. (302) 857-6326
Judicial Affairs.......................................................................................... (302) 857-6470
Title IX..................................................................................................... (302) 857-6300
Student Health Services........................................................................... (302) 857-6393

Employees

University Police Department................................................................. (302) 857-7911
Georgetown Police Department............................................................... (302) 856-6613
Delaware State Police - Troop 6.............................................................. (302) 633-5000
Title IX..................................................................................................... (302) 857-6300
Human Resources.................................................................................... (302) 857-6261
Police Investigations

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

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

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

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

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

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

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

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

For incidents that are not reported to the University Police, requests for University protection orders should be made with the University Police or Title IX.
PROTECTIVE MEASURES FOR VICTIMS OF CRIMES OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

Notification of Rights
Delaware State University is dedicated to making the University a safe and supportive place for students, employees, volunteers, and all visitors to our community. The Title IX Coordinator will provide the complainant of a dating violence, domestic violence, sexual assault or stalking incident with a written statement of their rights when they report to the institution that an offense has occurred, regardless of whether it occurred on or off campus.

Students and employees who meet with the Title IX Coordinator will be provided with written notification about existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid and other services available for victims both within the institution and in the community. Additional information can be obtained through the Title IX Office or by contacting the resources directly. Information for resources on and off campus can be viewed under the “Emergency Contact Numbers” and “Important Contact Numbers” headings of this publication.

Delaware State University will also provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation and working situations or protective measures. Delaware State University is obligated to comply with a student’s reasonable request for a living and/or academic situation change following an alleged sexual offense regardless of whether the victim chooses to report the crime to law enforcement. The Title IX Coordinator is responsible for determining what measures to take and will consider such factors as:

- the specific need expressed by the complainant
- the age of the individuals involved
- the severity or pervasiveness of the allegations
- any continuing effects on the complainant
- whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location
- whether other judicial measures have been taken to protect the complainant.

Range of Accommodations
The following is a list of protective measures offered to victims of dating violence, domestic violence, sexual assault and stalking. This is not a comprehensive list but is merely used to describe the range of resources offered by the University.

- Transportation assistance and security escorts
- “Safe Housing” (including use of Life Center)
- Academic accommodations or modifications to class or work schedules
- Orders of protection
- Amnesty for minor student misconduct that is ancillary to the incident
- Confidentiality (except as required for reporting purposes)
- Psychological counseling
Confidentiality
The information shared by a victim of dating violence, domestic violence, sexual assault or stalking will remain confidential. Certain aspects of the report (e.g., location, time of event) may have to be shared with the Title IX Coordinator and Clery Compliance Officer to satisfy accurate reporting requirements. Any of the victim’s personally identifying information (e.g., name, address, contact information, identification number) will not be included in any publicly accessible records, including the Daily Crime and Fire Log or the Annual Security Report. Furthermore, if a Timely Warning is issued on the basis of a report of dating violence, domestic violence, sexual assault or stalking, the name of the victim and other personally identifying information about the victim will be withheld. This may include the specific location where an incident is reported to have occurred when reporting the location could inadvertently identify the victim.

Personally identifying information may be shared with Counseling Services, Director of Housing and Residential Education, Judicial Affairs, Title IX, Student Health Services, Police Department or outside resources in the event that the information is necessary to provide accommodations or protective measures to the victim. The sharing of personally identifying information will be limited to the extent of providing enough information to satisfy the accommodation or protective measure. The Title IX Coordinator is responsible for determining what information about a victim should be disclosed and to whom.

In the event that personally identifying information must be shared to ensure that accommodations or protective measures are granted, the victim will be informed of the same. Verbal authorization of this type of sharing is sufficient; however, a signed authorization of release may be completed.

The incident must be shared with the victim’s parents if he/she is under 18 years of age.

Statement of Complainant’s Rights
• To be treated with respect by Delaware State University officials.
• To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplains, and Delaware State University Student Health Services, or EAP services for employees).
• To experience a safe living, educational and work environment.
• To have an advisor during this process.
• To refuse to have an allegation resolved through conflict resolution procedures.
• To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident.
• To be free from retaliation.
• To have complaints heard in substantial accordance with these procedures.
• To have full participation of the injured party in any ERP process whether the injured party is serving as the complainant or Delaware State University is serving as the complainant.
• To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and rationale for the outcome where permissible.
• Refer to law enforcement and have assistance.
• Housing and living accommodations if required as interim measures.
• No contacts between the parties if required.
Victim Bill of Rights
In addition to the Statement of Complainant’s Rights, if the victim of a dating violence, domestic violence, sexual assault or stalking incident files a police report, the following information will be shared with the victim.

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

Statement of Respondent’s Rights

- To be treated with respect by Delaware State University officials.
- To take advantage of campus support resources (such as Counseling & Psychological Services, the Office of the Chaplains, and Delaware State University Student Health Services, or EAP services for employees).
- To have an advisor during this process.
- To refuse to have an allegation resolved through conflict resolution procedures.
- To have complaints heard in substantial accordance with these procedures.
- To full participation of the injured party in any ERP process whether the injured party is serving as the complainant or Delaware State University is serving as the complainant.
- To be informed in writing of the outcome/resolution of the complaint, sanctions where permissible and rationale for the outcome where permissible.

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

The following individuals are permitted to file for an Order of Protection:
1. Family as that term is defined in 10 Del. C. §901(12), regardless, however, of the state of residence of the parties, or whether parental rights have been terminated; OR
2. Former spouses; persons cohabiting together who are holding themselves out as a couple, with or without a child in common; persons living separate and apart with a child in common; or persons who are or were involved in a substantive dating relationship.

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

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

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

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

Sussex County
22 The Circle
Georgetown 19947
(302) 855-7400

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

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

Kent County
Attorney General………………………………………………………………………………………………………………………… (302) 739-4211
Legal Services………………………………………………………………………………………………………………………………… (302) 674-8500

New Castle County
Attorney General………………………………………………………………………………………………………………………………… (302) 255-0112
Legal Services………………………………………………………………………………………………………………………………… (302) 478-8680

Sussex County
Attorney General………………………………………………………………………………………………………………………………… (302) 856-5353

The following website may also be reviewed to obtain more details:
**No Contact Order - State**
Crimes of dating violence, domestic violence, sexual assault and stalking all include an inherent risk to the victim, which may be physical or emotional. To prevent any additional injury to the victim, a No Contact Order may be issued by a local court.

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

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

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

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

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

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

If a suspect is in violation of a current No Contact Order, then either the University Police Department (302-857-7911) or the Title IX Office (302-857-6300) should be notified immediately so that the appropriate action can be taken.
INSTITUTIONAL PROCEDURES FOR CRIMES OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

Training of Equity Resolution Panel Members
Equity Resolution Panel members receive mandatory annual training organized by the Title IX Coordinator, including a review of Delaware State University policies and procedures, so that they are able to provide accurate information to members of the community. Some of this training is performed online in an independent setting. Members of the Equity Resolution Panel are trained annually in all aspects of the resolution process, and can serve in any of the following roles, at the direction of the Title IX Coordinator or his/her designee:

- To provide sensitive intake and initial counseling of complainants
- To serve in a mediation role in conflict resolution
- To investigate complaints
- To act as advisors to those involved in complaints
- To serve on hearing panels for complaints
- To serve on appeal panels for complaints.

Determination for Full Investigation
All allegations of dating violence, domestic violence, sexual assault and stalking will be processed through the Title IX Office in a prompt, fair and impartial process from the initial investigation to the final result. Following receipt of a notice or a complaint, the Title IX Coordinator will promptly assign an Equity Response Panel member to work as advisor to the person bringing the complaint or that person may choose from the ERP pool or choose a non-trained advisor from outside the pool or proceed without an advisor. The accused will have the same rights to an advisor, either appointed by the Coordinator or selected by the accused.

Normally, within two business days, an initial determination is made whether a policy violation may have occurred and/or whether conflict resolution might be appropriate. If the complaint does not appear to allege a policy violation or if conflict resolution is desired by the person bringing the complaint, and it appears appropriate given the nature of the alleged behavior, then the complaint does not proceed to investigation. A full investigation will necessarily be pursued if there is evidence of a pattern of misconduct or a perceived threat of further harm to the community or any of its members. Delaware State University aims to complete all investigations within a 60 business day time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties.

If a complainant wishes to pursue a formal complaint or if Delaware State University, based on the alleged policy violation, wishes to pursue a formal complaint, then the Title IX Coordinator appoints ERP members to conduct the investigation, such appointments usually occurring within two business days of determining that a complaint should proceed. Investigation of complaints brought directly by those alleging harm should be completed expeditiously. Investigation may take longer when initial complaints fail to provide direct, first-hand information. Delaware State University may agree to a short delay to allow evidence collection when criminal charges on the basis of the same behaviors that invoke this process are being investigated. University action will not be altered or precluded on the grounds that civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced. All investigations will be thorough, reliable and impartial, and will entail interviews with all relevant parties and witnesses, obtaining available evidence and identifying sources of expert information, if necessary.
Advisors
Both complainants and respondents may have the assistance of an Equity Resolution Panel member, or other advisor, at the hearing. Advisors may be chosen from the pool of trained Equity Resolution Panel advisors provided by the University, or the parties may select any other advisor of their choosing. The parties to the hearing are expected to ask and respond to questions on their own behalf, without representation by their advisor. The advisor may consult with the advisee quietly or in writing, or outside the hearing during breaks, but may not speak on behalf of the advisee to the panel.

Any member of the faculty, staff or student body of the University can serve as an advisor. The role of the advisor is to give assistance, and he/she may not question nor address anyone other than the advisee. An advisor may not be an attorney, someone who attends law school or a parent or guardian. Under University policy, attorneys cannot act as advisors. During such hearings, the attorney is only permitted to advise the student how to best protect his/her rights for the parallel criminal proceeding. The attorney is not allowed to make arguments, question witnesses, or otherwise assist the student’s case in the disciplinary hearing.

Hearing Process - Title IX
1) Notification of a hearing will be sent to the complainant/respondent approximately 2-3 business days before the hearing takes place.

2) The Equity Resolution Panelist (3) along with the Chairperson of the committee will be identified to the complainant/respondent prior to the hearing.

3) The complainant/respondent are asked to submit all evidence prior to the hearing or bring additional copies of new evidence to the hearing for all members of the ERP.

4) The complainant/respondent’s “advisor” may attend the hearing process; however, he/she will not be able to speak on the complainant/respondent’s behalf. The advisor can advise the complainant/respondent through writing notes, whispering, or leaving the room with the complainant/respondent.

5) The complainant/respondent should prepare the opening, questions and closing statements for his or her hearing procedures.

6) The complainant/respondent will not be allowed to bring cell phones, iPods, or electronics into the hearing room.

7) The complainant/respondent will be asked to affirm to tell the truth and will be expected to uphold that affirmation.

8) The complainant and respondent will be in the same hearing during the same time, unless a request is made by the complainant not to be in the same room with the respondent.

9) The complainant/respondent will be notified in writing of the results from his/her hearing by the Office of Title IX.

10) The hearings are recorded and documented.
INSTITUTIONAL SANCTIONS FOR CRIMES OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING

Standard of Evidence
The University has the burden of proof by preponderance of the evidence (not beyond a reasonable doubt, as in the courts). Burden of proof by a preponderance of the evidence may similarly be understood as proof that it is more likely than not that the accused student is responsible.

General Statement Regarding Sanctions
The sanctions for committing dating violence, domestic violence, sexual assault or stalking violations will depend upon the circumstances and facts surrounding the violation. Generally speaking, Delaware State University considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, Delaware State University reserves the right to impose any level of sanction, up to and including suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses based on the facts and circumstances of the particular complaint. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved.

Sanctions or responsive actions will be determined by the ERP panel hearing the case. Factors considered when determining a sanction/responsive action may include:

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

Employee Sanctions
Sanctions for an employee who has engaged in harassment, discrimination and/or retaliation include warning, required counseling, demotion, suspension with pay, suspension without pay and termination, or any other sanctions as deemed appropriate.
**Student Sanctions**
The following are the usual, but not the exclusive, sanctions that may be imposed upon students or student organizations singularly or in combination:

- Warning
- Official Reprimand (letter expressing disapproval)
- Disciplinary Probation (may be imposed with or without loss of designated privileges for a definite or indefinite period of time)
- Suspension (not to exceed three years and/or until specific criteria are met; must make request to return; dependent on educational and personal history; automatically placed on probation through remainder of tenure upon return)
- Expulsion (complete revocation of rights to be on campus for any reason or to attend Delaware State University-sponsored events)
- Withholding Diploma (for a specified period of time and/or deny student participation in commencement activities)
- Revocation of Degree
- Organizational Sanctions (deactivation, de-recognition, loss of all privileges for a specified period of time)
- Suspension from University Housing (for a minimum of one full semester)
- University Housing Expulsion (permanent separation from University housing)
- Community Service (required number of work hours for the University without pay; between 10-100 hours; fee assessed if not completed)
- Fine (between $25-$500)
- Restitution (pay damages)
- Compensatory Damages (in amount of medical or counseling expenses, etc.)
- Discretionary Sanctions (fulfill some specified act or correction; may include counseling, substance abuse evaluation, presenting or attending educational programs, or submitting written assignments)

Delaware State University may assign any other sanctions as deemed appropriate.

**Notification of Results**
In cases of dating violence, domestic violence, sexual assault or stalking, the Title IX Coordinator will inform the accused individual and the complainant of the final determination within 2 business days of completion of the hearing or receipt of the Chair’s report, whichever is later. There will be no substantial delay between notice to each of the parties. Notification will be made in writing and may be delivered by any reasonable means. Once sent by the chosen means, notice will be presumptively delivered. Notification includes the procedures to appeal the result of the institutional disciplinary proceeding.

Upon written request, the institution will disclose the report of the results of any disciplinary hearing against the accused individual to the complainant of a crime of violence or a non-forcible sex offense. In the event that the crime resulted in the complainant’s death, then upon written request, the next of kin will be notified of the results.
**Appeals**

All requests for appeal must be submitted in writing to the Title IX Coordinator within three (3) business days of the delivery of the written finding of the Equity Resolution Panel. Requests must state the explicit grounds for the appeal.

A three-member panel of the Equity Resolution Panel designated by the Title IX Coordinator, none of whom were involved in the complaint previously, will consider all appeal requests. Any party may request an appeal, but appeals are limited to the following:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)
- To consider new evidence, unknown or unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.
- The sanctions imposed are substantially disproportionate to the severity of the violation or fall outside the range of sanctions the Delaware State University has designated for this offense.

The appeals panel of the Equity Resolution Panel will review the appeal request(s). The original finding and sanction/responsive actions will stand if the appeal is not timely or is not based on at least one of the grounds listed above, and such a decision is final. When any party requests an appeal, the other party (parties) will be notified and joined in the appeal. The party requesting appeal must show that the grounds for an appeal request have been met, and the other party or parties may show the grounds have not been met, or that additional grounds are met. The original finding and sanction are presumed to have been decided reasonably and appropriately.

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

- Appeals decisions by the Equity Resolution Appeals Panel are to be deferential to the original decision, making changes to the finding only where there is clear error and to the sanctions/responsive action only if there is compelling justification to do so.
- Appeals are not intended to be full rehearings of the complaint. In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. The appeals panel may elect to listen to the recording of the original hearing, in its sole discretion. Appeals granted based on new evidence should normally be remanded to the original hearing panel for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or heard by the Equity Resolution Appeals Panel.
- Sanctions imposed are implemented immediately unless the Title IX Coordinator or designee stays their implementation in extraordinary circumstances, pending the outcome of the appeal.
- The Title IX Coordinator will normally, after conferring with the Equity Resolution Appeals Panel, render a written decision on the appeal to all parties within 2-3 business days from hearing of the appeal. There will be no substantial delay between notice to each of the parties.
- All parties must be informed of whether the grounds for an appeal are accepted and the results of the appeal decision.
- Once an appeal is decided, the outcome is final: further appeals are not permitted.
DEFINITIONS

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

Clery Act Crimes

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

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

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

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

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

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

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result when a gun, knife or other weapon that could cause serious personal injury is used.

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

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

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
Domestic Violence: A felony or misdemeanor crime of violence committed -
• by a current or former spouse or intimate partner of the victim.
• by a person with whom the victim shares a child in common.
• by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
• by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
• by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to -
• fear for the person’s safety or the safety of others; or
• suffer substantial emotional distress.
For purposes of this definition -
Course of Conduct: Two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
Reasonable person: A reasonable person under similar circumstances and with similar identities to the victim.
Substantial emotional distress: Significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

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

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

Weapons Law Violations: Violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as the manufacture, sale, or possession of deadly weapons; the carrying of deadly weapons, concealed or openly; using, manufacturing, etc. of silencers; the furnishing of deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned acts.
Hate Crimes
A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. While there are a number of different categories of bias, for the purposes of Clery reporting, only the following are recognized.

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

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

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

Definitions for the additional criminal offenses are listed below.

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

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

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

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

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

**On campus:** Includes the total number of crimes that occurred on campus, including crimes that occurred in student housing facilities.
  - Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and
  - Any building or property that is within or reasonably contiguous to the area of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

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

**Non-campus buildings or property:**
  - Any building or property owned or controlled by a student organization that is officially recognized by the institution;
  - or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
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<th>Type of Offense</th>
<th>Year</th>
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<th>Non-Campus Property</th>
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* Caveat: 35 incidents of statutory rape, both on campus and in a residential hall, are an estimated figure representing the interactions between the same two individuals over a period of approximately one year.

---

### MAIN CAMPUS (DOVER)

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### JUDICIAL REFERRALS

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Hate Crimes
2018: There were no reported hate crimes.
2017: There were no reported hate crimes.
2016: There were no reported hate crimes.

Unfounded Crimes
2018: One report of on-campus fondling and stalking was determined to be unfounded.
2017: There were no reported unfounded crimes.
2016: There were no reported unfounded crimes.
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*Caveat: There are no residential facilities at the Georgetown Campus.*
Hate Crimes
2018: There were no reported hate crimes.

2017: One on-campus intimidation incident characterized by religious bias.

2016: There were no reported hate crimes.

Unfounded Crimes
2018: There were no reported unfounded crimes.

2017: There were no reported unfounded crimes.

2016: There were no reported unfounded crimes.
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| **JUDICIAL REFERRALS**        | 2018 | 0         | 0                    | 0                   | 0               |
| DRUG ABUSE VIOLATIONS        | 2017 | 0         | 0                    | 0                   | 0               |
|                              | 2016 | 0         | 0                    | 0                   | 0               |
| LIQUOR LAW VIOLATIONS        | 2018 | 0         | 0                    | 0                   | 0               |
|                              | 2017 | 0         | 0                    | 0                   | 0               |
|                              | 2016 | 0         | 0                    | 0                   | 0               |
| WEAPONS VIOLATIONS           | 2018 | 0         | 0                    | 0                   | 0               |
|                              | 2017 | 0         | 0                    | 0                   | 0               |
|                              | 2016 | 0         | 0                    | 0                   | 0               |

*Caveat: There are no residential facilities or non-campus properties at the Kirkwood Campus.*
Hate Crimes
2018: There were no reported hate crimes.
2017: There were no reported hate crimes.
2016: There were no reported hate crimes.

Unfounded Crimes
2018: There were no reported unfounded crimes.
2017: There were no reported unfounded crimes.
2016: There were no reported unfounded crimes.
ON-CAMPUS STUDENT HOUSING FACILITIES
FIRE SAFETY INFORMATION

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

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

FIRE SAFETY PROCEDURES

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

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

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

Before a fire occurs:

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

In the event of a fire emergency:

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

If you become trapped in a building during a fire:

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

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

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

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

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

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

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

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

- Extension cords and multi-tap electric units without a breaker
- Items stored closer than 18 inches from a sprinkler head
- Blocking of electrical panels
- Blocking of egress (exit) pathways
- Evidence of burning of candles, incense, or tobacco products
- Evidence of cooking, or cooking appliances, even if unused
- Evidence of a heavy load of combustibles in a room, on the walls, or ceiling
- Covering a door with paper or other combustible material
- Use of electrical wiring, devices, and appliances which are modified or damaged
- Use of portable heaters
- Smoke detectors that have been tampered with
- Use of halogen lamp/lighting
- Unsafe lifting or propping of beds
- Strings of lights, twinkle lights, holiday lights
**Intentional Destruction or Tampering**
Arson or the setting of fire, tampering with or misuse of fire safety equipment (including automatic door closures, smoke detectors, sprinkler heads), fire-alarm systems, fire-fighting equipment, or building security systems is prohibited, extremely dangerous, and illegal. Immediate evacuation when an alarm sounds is mandatory, and reentry into a building before an alarm is silenced or staff authorization is given is prohibited.

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

**Rules Regarding Open Flames**
The burning of candles, incense, and similar materials is a fire hazard and is prohibited in residence hall rooms and on exterior window sills. The storage and use of flammable or combustible fluid is also prohibited.

**Smoking in Residential Halls**
Smoking and the use of tobacco products is prohibited on University premises, including within residential facilities. Additional information can be reviewed under the heading “Smoking Policy” within this publication.
Portable Electrical Appliances

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

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

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

Residents of Medgar Evers Hall and Meta V. Jenkins Hall are encouraged to utilize the salons located within the dormitories; however, the following appliances may be used with reasonable caution:

- Blow dryers
- Irons
- Curling Irons

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

- Clocks
- Radios
- Computers
- Stereo
- Fans
- Televisions
- Lamps
- Typewriters

Other Prohibited Items

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

Pets are prohibited on University premises unless working as a service animal or if the student has received an accommodation letter through Student Accessibility Services.

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

Firearm, knives, and other weapons as well as fireworks, paintball guns, airguns and BB guns are also prohibited. Additional information can be reviewed under the heading “Firearms and Other Prohibited Weapons Policy” within this publication.

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

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

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

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

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

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

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

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

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

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

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

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Caveat: Lydia P. Laws Hall and Harriet Tubman Hall were demolished in May 2018 and May 2019, respectively. Tubman Laws Hall was constructed and began housing students in August 2019.
## STATISTICS AND RELATED INFORMATION REGARDING FIRES FOR RESIDENTIAL FACILITIES

### 2018

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Caveat: Tubman Laws Hall was utilized as on-campus student housing beginning in 2019.
### STATISTICS AND RELATED INFORMATION REGARDING FIRES FOR RESIDENTIAL FACILITIES

#### 2017

<table>
<thead>
<tr>
<th>Residence Hall</th>
<th>Total Number of Fires</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
<th>Value of Property Damage</th>
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<td><strong>1200 N DuPont Highway</strong></td>
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<tr>
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<tr>
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*Caveat: Tubman Laws Hall was utilized as on-campus student housing beginning in 2019.*
# STATISTICS AND RELATED INFORMATION REGARDING FIRES FOR RESIDENTIAL FACILITIES

## 2016

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<thead>
<tr>
<th>Residence Hall</th>
<th>Total Number of Fires</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries</th>
<th>Number of Deaths</th>
<th>Value of Property Damage</th>
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<tbody>
<tr>
<td><strong>1200 N DuPont Highway</strong></td>
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<tr>
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Caveat: Tubman Laws Hall was utilized as on-campus student housing beginning in 2019.
This report is prepared and published by Delaware State University’s Police Department. We encourage members of the entire Delaware State University community to use this report as a guide for information and engaging in safe activities on and off campus. A copy of this report is available on the Department’s website at http://www.desu.edu/police. To obtain a hard copy of the Annual Security Report or to view the Daily Crime Log, contact the Police Department at (302) 857-7911.