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A. INTRODUCTION

The Delaware College of Art and Design (DCAD) has established this Student Conduct Handbook (SCH) to serve as a reference guide for students and describe expected standards of behavior for all students, including academic conduct and general conduct. It outlines students' rights and responsibilities, as well as campus processes for adjudicating alleged violations.

Students' conduct should be orderly and respectful of the rights, safety, and privacy of others. Students are expected to keep the facilities clean, to treat equipment (both DCAD's and other students') carefully, and to avoid conduct or actions which offend or disturb others. Students are expected to act in a responsible manner that is conducive to the welfare of others and to abide by all state and federal laws.

A.1. Jurisdiction

Disciplinary action for violations of the SCH falls within the jurisdiction of a Student Conduct Committee (SCC). The Student Conduct Committee Chairs have the jurisdiction to impose immediate and interim sanctions to ensure the safety of the college community. Similarly, the Title IX Coordinators have the jurisdiction to impose immediate and interim sanctions during sexual misconduct investigations. Should any of these positions be vacant or should parties appear to have a conflict of interest, the college's president may assign an interim person(s) to fulfill duties.

DCAD reserves the right to impose an emergency removal of a student respondent from the College's education programs or activities if the respondent poses an immediate threat to anyone's physical health and safety.

DCAD must immediately notify the Wilmington Police Department for all violations of state or federal law when minors are present. The Wilmington Police Department is also notified for other SCH violations when the responding staff member requires additional assistance to ensure the health and wellness of the community or of the students involved.

A.2. Scope of Handbook

Each DCAD student has an obligation to know and to adhere to the SCH. The SCH applies to behavior that occurs on campus, within college owned and controlled facilities, and during all college sponsored activities. The SCH may also be applied to behaviors that occur online, including e mail or other digital mediums. DCAD does not regularly search for online information, obtain police reports, or receive incident reports from neighboring colleges. However, DCAD may take action if such information is brought to the attention of DCAD employees. Many of the procedures outlined in the SCH have significant exceptions in regards to cases of sexual misconduct. It is important for potential victims of acts of sexual misconduct to be aware of these differences and refer to Appendix A for Title IX procedures and resources.

The SCH applies to a student from the time of application for admission through the awarding of a degree. Behaviors that violate the SCH that occur while classes are no longer in session, are discovered after the awarding of a degree, or are discovered after a student has withdrawn from the college will be adjudicated accordingly, as long as the behavior was committed while the student was an applicant or enrolled at the college. All conduct violations may be considered during the admission or readmission process.

In cases where a SCH violation has occurred after a student has withdrawn, has taken a leave of absence, has been suspended or expelled, or has graduated, the SCC may elect to impose administrative sanctions on the student and adjudicate the violation when the student seeks to re-enroll in the college.

In the event that an individual named in a case has satisfied the academic requirements for a degree, the individual may not receive their degree until the case has been adjudicated.

Adjudication may also be initiated when a student is charged with a violation of a federal, state, or local law or ordinance. In these cases, the SCC may elect to adjudicate prior to, simultaneously with, or following civil or criminal proceedings.

A.3. What is "Good Standing?"

A student is considered to be in good standing with the college if they have no pending judicial cases or ongoing sanctions as a result of a judicial case. For example, if a student is put on probation until the following semester as a sanction for a conduct violation, they are not in good standing with the college until the probation is completed.

A.4. Modification and Changes of SCH

The policies and procedures in the SCH are subject to change.

B. HEARING AND ADJUDICATION PROCEDURES

B.1. Student Conduct Committee (SCC)

The SCC is a group of staff and students selected by the college president. Each member is trained to adjudicate cases in accordance with the SCH. Depending on the nature of the violation, cases may be adjudicated by a specific member individually or as a full committee hearing.

Violations that happen within the classroom are overseen by the Assistant Dean and Registrar and adjudicated within the Academic Conduct Committee (ACC). Violations that happen outside of the classroom are overseen by the Director of Student Services and adjudicated within the General Conduct Committee (GCC).

Student representatives are used only during group adjudications and must be requested by the student who has allegedly violated the SCH. Student representatives are selected and trained on SCC procedures and advertised to the student body in the chart below. Requests for student representation must be made to the SCC Chair at least three (3) business days prior to the hearing.

SCC members receive training annually and are assigned specific roles and responsibilities. DCAD reserves the right to retrain and modify roles and responsibilities throughout the academic year provided that the college informs the student body. Due to DCAD's size and intimate community, on rare occasions, it may become necessary for SCC members to be temporarily substituted in order to provide an unbiased adjudication process. Such modifications must be made prior to the start of the adjudication process and must have the approval of the College President.

SCC Role and Members	Responsibility
Title IX Appeals Officers Jean Dahlgren; President	Adjudicate all Title IX appeals.
ACC Appeal Officer & Title IX Coordinator Katy Ro; Academic Dean	Adjudicate all ACC appeals. Manage all ACC appeal procedures. Oversee administration, adjudication, and resolution procedures of Title IX policy.
GCC Appeal Officer Vacant	Adjudicate all GCC appeals. Manage all GCC appeal procedures.
ACC Chair & Title IX Deputy Krista Rothwell; Assistant Academic Dean	Individually adjudicate for GCC warning level cases only. Oversee and manage all administrative procedures for GCC hearing cases. Non-voting member of all GCC hearing cases beyond warning level. Assigns all GCC cases.
GCC Chair & Title IX Deputy Sarah Garner; Director of Student Services	Individually adjudicate for ACC warning level cases only. Oversee and manage all administrative procedures for ACC hearing cases. Non-voting member of all ACC hearing cases beyond warning level. Assigns all ACC cases.
Deputy GCC & ACC Officer Marcus Freeman; Assistant Director of Student Services	Individually adjudicate for GCC warning level cases only. Assist in the management of all administrative procedures for GCC and ACC hearing cases. Non-voting member of all ACC and GCC hearing cases beyond warning level. Responsible for all database and record keeping management.
ACC Officer(s) Adjunct Faculty	Individually adjudicate for ACC warning level cases only.
ACC & GCC Officer(s) Program Chair(s) Tad Sare; Animation Rachel Bomze; Fine Arts	Individually adjudicate for ACC warning level cases. Participate in the adjudication of all ACC and GCC hearings in which assigned students are accused.

John Breakey; Graphic Design Melissa Fitzgerald; Illustration Casey Smith; Liberal Arts Ron Brignac; Photography	
GCC Officers Randle Reed; Interim Director of Admissions Vacant; Assistant Director of Admissions Vacant Position; Director of the Library Vacant Position; Director of Development Vacant Position; Director of Communications Sharna Patterson; Director of Financial Aid Vacant Position; Director of Finance Wydelah Llanos; Admissions Counselor Hailey McCracken; Registrar Muriel Mhloyi; Bursar Linda Stevenson; Accounting Manager	Cannot adjudicate GCC or ACC cases individually. Participate in the adjudication of ACC and GCC hearings on an as needed basis determined by the GCC or ACC chair.

B.1.a. Interim Sanctions:

In extraordinary circumstances, and after obtaining approval from the college president, the Director of Student Services and the Registrar & Assistant Dean have the authority to enact interim sanctions effective until a meeting with a member of the SCC or a full committee hearing occurs. Such action is authorized when it is necessary to preserve the educational process or the health or safety of the student or of other members of the college community. If interim sanctions are enacted, they are effective immediately and are in effect until the time of adjudication through the SCC process.

B.1.b. Absentia:

If the student, after being provided proper notification, does not attend the scheduled SCC adjudication, the process will continue in the absence of the student. All available reports, evidence, and witnesses will be reviewed as per the adjudication procedures and notification including the outcome, charges, and sanctions will be sent to the student thereafter.

B.2. Adjudication Process

During all SCC individual and committee hearings, as the first order of business, a copy of the report will be provided to those that are involved. Those involved will have the opportunity to comment, add additional facts, and discuss the report. The SCC members, as well as the students involved, may ask questions to clarify the report. At this time, if any witnesses are present, they will be called and may be asked questions by involved students or the conduct officer(s).

After all questions have been answered, copies of the report will be collected by the SCC members and students and witnesses present will be dismissed. The SCC member(s) will then deliberate. SCC members are mandated to ensure what, if any, charges and sanctions are appropriate using the SCH. For ACC committee hearings, outcomes of a responsible and not responsible finding must be obtained by the ACC Chair from the course instructor prior to the hearing, including the academic directive the instructor chooses from their syllabus. At the end of all hearings, copies of the report must be returned to the SCC Deputy Officer.

The SCC member(s) will then inform the SCC Deputy Officer of the outcome. Case notes and the adjudicated outcome will be documented in the student's file and in the electronic database. The student is then emailed the outcome, as well as appeal procedures.

Should a student wish to view a copy of an incident report they are named in, they must submit a request in writing to the SCC Deputy Officer to read a redacted copy in the Student Services office. Copies of the report may not leave the Student Services office except when being viewed during a case hearing.

B.2.a. Adjudication Standards:

DCAD has established "preponderance of evidence" as the official burden of proof for all alleged violations.

"Preponderance of evidence" is a requirement that more than 50% of the evidence points to guilt or innocence.

In cases that are adjudicated by a group of SCC members, not only must preponderance of evidence be met, but a majority vote must also be cast. It is the responsibility of the SCC chair to count and document the vote.

B.3. SCC hearing types

Adjudication may occur through a variety of different hearing types, which are dependent upon the potential sanctioning level. Hearing types include:

In person follow up: These hearings are utilized to quickly adjudicate housing policy violations (such as noise, candles, and health and wellness violations) and may only be used for alleged violations that could result in warning level violations.

Student Conduct Hearing: A private hearing with an individual member of the SCC, in which warning level violations of the Code of Student Conduct are adjudicated.

Committee Hearing: A group hearing comprised of SCC members (and student(s) if requested by the accused party) in which probation and dismissal violations of the SCH are adjudicated. A minimum of five voting members must be present during adjudication.

B.3.a. Representation:

Students may request the presence of an attorney during SCC hearings. Requests should be made in writing with advanced notice of three (3) business days to the SCC member leading the hearing. The attorney may advise the student but may not disrupt or represent the student in proceedings and can be asked to leave at the discretion of the SCC member adjudicating the case.

During a hearing, an attorney may advise the student about answering questions that may be self-incriminating, but may not question any individual, raise objections, or otherwise participate in the hearing. Please note that hearings may be audio recorded.

Legal council is not provided by the college and all financial obligations are the responsibility of the student.

B.4. Notification

After an incident report arrives, it is reviewed by the SCC Chairs and Deputy Officer.

All cases are assigned a SCC member to adjudicate. The SCC member will be given a copy of the report, a list of any prior violations committed by the student, and a copy of the student's academic schedule. A SCC member will then notify the student, via their DCAD issued e-mail address, of a mandatory SCC hearing. The e-mail will include:

- The time, date, and location of the hearing.
- Interim sanctions that may have been imposed.
- Procedures for identifying and bringing witnesses.
- Contact information for the SCC member leading the adjudication process.
- A request for the student's presence to review the report and provide testimony.

Incidents that indicate a violation of DCAD sexual misconduct policy, an immediate or ongoing threat to the campus community, or require a committee to adjudicate are assigned within 24 hours. In these instances, the SCC Chair(s) will notify the student, via their DCAD issued e-mail address, of a mandatory SCC committee hearing. The e-mail will include all of the above information as well as:

- Interim sanctions that may have been imposed.
- Procedures for requesting the presence of a SCC student representative.

SCC hearings will be set based upon the first available gap in the students' academic schedule. Hearings will not be modified to accommodate additional obligations a student may have such as: jobs, work-study, club meetings, social requests, or other personal obligations.

B.4.a. Outcome Notification

The Deputy Chair will receive the outcome and sanctions of every student conduct case. The Deputy Chair will then send a copy of the hearing outcome to the student's DCAD-issued e-mail address, which will include:

- The date of the hearing.
- Whether the student was found responsible or not responsible for a violation.
- The violations the student was found responsible for if applicable.
- The sanctions issued by the officer or committee if applicable.
- An explanation of sanctions and/or supplemental information if applicable.
- Procedures to appeal the officer's or committee's decision.

B.4.b. Note: Special Outcome Notification

In most cases, outcomes will ONLY be provided to the alleged responsible student(s). The exception to this rule is when there is a potential act of sexual misconduct or violence. The Title IX Coordinator will send the outcome of a sexual misconduct case to both the alleged offender and victim/survivor simultaneously. Victims of a crime of violence of other kinds (*use, attempted use, or threatened use of physical force against the person or property of another*) may submit a written request to the GCC Chair to be informed of the outcome of the resulting hearing. If the victim is deceased as a result of the crime or offense, the outcome will be provided to the victim's next of kin.

B.4.c. Parental Notification

The SCC may notify parents and guardians that a violation of the SCH has occurred. Students may or may not be notified of such action and cases may be adjudicated before parental notification is given.

Notification may be made under the following circumstances:

1. If the outcome may change the student's status (i.e., housing or college probation, suspension, and/or expulsion).
2. If the student accepts responsibility, or is found responsible, for the use or possession of alcohol or a controlled substance.
3. If the student has been involved or has involved others in a potentially life-threatening situation and there is reason to believe that notifying parents and guardians may reduce the imminent risk.

C. APPEALS

Upon the conclusion of the adjudication process, a summary of the findings will be sent via email to the student. Within the summary email will be the procedures for appeal. Appeals must be made within two (2) business days of receiving the outcome of the previous SCC hearing, and must be made in writing to appeal officer Katy Ro, Academic Dean.

Before making an appeal, review the SCH, the recommended sanctions for the violation in question, and your conduct case. Appeals may be made on the following grounds:

- Evidence that was not available at the time of the hearing has been discovered;
- A procedural error has been made that has unfairly and significantly affected the outcome; or
- The findings and/or sanctions instituted by the Conduct Committee member(s) were inappropriate for the case.

Written appeals must include:

- The student's name;
- The date of the hearing;
- A detailed rationale for your appeal.

Your rationale should consider all of the details of the case and your conduct history. Here are some questions to help you determine what to include when writing your appeal:

Evidence that was not available at the time of the hearing has been discovered;

- What is the new evidence and how will it affect the outcome of the case?
- Why was this evidence not available at the time of the hearing?

A procedural error has been made that has unfairly and significantly affected the outcome;

- What was the procedural error and who made the error?
- What effect did this error have on the outcome of the case?

NOTE: not attending your scheduled hearing because you did not read your DCAD email does not constitute a procedural error.

The findings and/or sanctions instituted by the Conduct Committee member(s) were inappropriate for the case.

- Does the evidence provided in the case support the finding of the committee? If not, describe how.
- Is the sanction provided inappropriate (too strict or too lenient) for the violation? If you believe it is, what evidence supports your claim? Refer to the sanction chart for the appropriate violation, previous outcome summaries relating to similar violations, and your conduct history for reference.

When an appeal is made, Appeal officers will schedule a meeting with the student(s) within 48 hours. Appeal officers will only be provided copies of the original incident report, the outcome letter, and any evidence or official documentation that was available in the original hearing. Appeal officers may request interviews with any persons listed in the documentation. No testimony regarding committee deliberations will be provided to the appeal officers. Both SCC Appeal Officers will adjudicate all appeals concurrently, and their decision is final. In the event of a split decision, the college president will serve as the deciding vote. A copy of the outcome is sent to the SCC Chairs and Deputy Officer for documentation.

Student conduct case outcomes are only communicated to the alleged responsible party, except for cases involving alleged violations of the sexual misconduct policy. At the conclusion of a Title IX investigation, the outcome is communicated to both the victim/survivor and the alleged responsible party concurrently. In such cases, appeals may be made by BOTH the victim/survivor and the alleged responsible party. Appeals of Title IX cases will be adjudicated by the college president.

D. CHARGES AND SANCTIONS

When a violation of the SCH is confirmed and has met the burden of proof, the SCC will then charge a student according to the appropriate charge code described within this SCH. In the event that multiple violations have occurred, the SCC will assign multiple charge codes.

D.1. Scope of Sanctions

When a student's behavior violates the SCH, and the student is charged for the violation(s) by the SCC, sanctions are also assigned. Disciplinary sanctions attempt to provide fair and just consequences for misconduct, to protect the safety and property of the college and community, and to reduce recurrence by educating students of the outcomes of future violations of the SCH.

In the event that a student has prior charges or multiple charges, the student may be assigned multiple sanctions.

DCAD has three sanctioning levels. Each level has clearly defined student expectations and serves as a template for SCC members when assigning sanctions. In many circumstances, sanctioning levels differ between violations. At times, due to the significant impact of the violation, a violation may be immediately adjudicated at the level of probation or dismissal. Sanctioning levels include:

Warning Level: Warning level sanctions are put into place for first time violations of a specific conduct violation, and are adjudicated through in-person follow-up or private student conduct hearings.

Probation Level: Probation level sanctions are put into place for recurrence of a specific conduct violation or for negatively impacting the college community. Probation level sanctions are adjudicated through SCC committee hearings.

Dismissal Level: Dismissal level sanctions are put into place for repeated violations of the SCH, or for egregious violations. Dismissal level sanctions are adjudicated through SCC committee hearings.

D.2. Sanction Types

D.2.a. Administrative Sanctions (Admin)

Administrative sanctions may be imposed separately or in addition to other sanctions. Administrative sanctions include:

1. **Verbal warning:** A verbal acknowledgement that the code of student conduct and/or expectations have been disregarded.
2. **Change of Room assignment:** Student is moved from one housing assignment to another residence hall location. This may be a temporary or permanent change of assignment.

3. Loss of privileges: Refers to the withdrawal of the use of a service, participation in an activity, or withdrawal of privileges consistent with the inappropriate behavior. A time period, as well as the terms and procedures required to be met before privileges are restored, must be clearly documented and communicated to the student.
4. Administrative directive: Refers to a behavior, act, or obligation a student must fulfill or abide by for a specific period of time or remains in effect until written documentation is provided to the student that releases the directive. An example of this may be requiring a student to not initiate contact with a particular individual or individuals for a length of time or until notified of release of the directive; or mandating weekly meetings with faculty or staff; or hosting an education event for the campus community.
5. Interim housing reassignment/suspension: In certain circumstances, the Director of Student Services or designees may impose an interim housing reassignment or suspension. This requires students to immediately move until a SCC hearing can be adjured to adjudicate the matter. This sanction will only be implemented to ensure the safety, well-being, and/or physical or emotional safety of a student or members of the community.
6. Transcript Notation: A transcription notation may be made if disciplinary suspension of the student from any college program or department is sanctioned. Notation will be made at the discretion of the SCC and if merited due to the serious nature of the offense or because of a significant discipline history.
 - a. A transcription notation will be made if disciplinary expulsion of the student from the college is sanctioned.
7. Academic directive: Refers to an academically related sanction as outlined in a class syllabus. An example of this may be requiring a student to re-submit an assignment or issuing a failing grade for an assignment. A committee may vote on whether to enact an academic directive, but the course instructor must provide the specific sanction from their syllabus to the ACC Chair in advance of a hearing.

D.2.b. Restitution for Damaged or Stolen Property and Lost Keys (Restitution)

When students are found responsible for damaged and/or stolen property or for lost keys owned or supplied by the college, the student will be held responsible for the cost to repair or replace the damaged property, or lost key. Restitution must not exceed the cost of materials plus the cost of labor, fees, and taxes needed to correct the damage or loss of property. Restitution may not include other administrative charges or fees.

Restitution of property and lost keys owned by the college will be billed against the student's account managed in the Bursar's office. If the balance is not paid in a timely manner or if a payment plan is not scheduled, a student may have additional sanctions imposed, or be restricted in regard to college programs, academics, resources, and opportunities.

The college will not facilitate restitution between two private parties. The college may find a student responsible for damage to property and require that the violating student make restitution. In these instances, the college may, when needed, provide an estimate of losses between parties. The sanction will be noted on the student's record. If the college is made aware that the balance was not paid, additional charges and sanctions may be filed.

D.2.c. Suspension from Housing (Housing Suspension)

Suspension from housing is the separation of a Student from housing facilities maintained by the college for a temporary or definite period of time. Conditions for reinstatement of housing must be specified by the SCC during the adjudication process and must be documented with the college Registrar.

D.2.d. Suspension from the College (College Suspension)

Suspension from the college is the separation of a Student from facilities maintained by the college that are used for academic purposes for a temporary period of time. Conditions for readmission must be specified by the SCC during the adjudication process and must be documented with the college Registrar. Subsequent policy violations will result in expulsion from the college.

D.2.e. Expulsion

Expulsion is the permanent separation of the student from any college owned or operated facility resulting in the termination of both classes and housing if applicable. A transcript notation will be made indicating that the student was expelled.

D.3. Effective Dates and Refunds

In the event that a student is suspended or expelled from the college, the date that will be used for record keeping, communication, and calculating refunds, is the date that the final outcome is sent to the student. When a student appeals an outcome, the date of the appeal outcome will be used.

D.4. Documentation and Record Keeping

All incident report(s), correspondence, and outcome notification(s) will be filed within the Student Services office while the student is enrolled at the college. When a student is no longer registered at the college, the file will be moved into the student's record, which is archived and retained per the college's retention and record keeping policies.

Incident reports will also be logged and categorized in a central database.

While students are enrolled at the college, a student may request, in writing, to review of their conduct file. DCAD must produce the file within three business days to the student. The student may only view the file within the Director of Student Services' office. Original documents or copies may not leave the office or be provided to the student.

E. CONFIDENTIALITY

Incident reports may be submitted by all students, faculty, and staff anonymously through the college website. In the event that a student wishes for the college to adjudicate an incident but wishes for their identity to remain confidential, the college will respect the student's request whenever possible. However, the college may be limited in their ability to adjudicate to the fullest extent possible while maintaining confidentiality. Individuals should know that college officials may not be able to maintain confidentiality if identifying information is necessary to adjudicate a case or maintain the safety and security of the campus community. If the SCC believes that they cannot reach a desirable outcome without violating confidentiality, they will request a meeting with the reporting party to discuss their options. Legally confidential reports may be made to licensed counselors, health professionals, or clergy members, none of which are currently employed by DCAD.

Witness(s) that wish to remain confidential may submit testimony in writing. At that time the SCC will redact all personal identifying information (PIN). A copy of the redacted report will be provided to the witness(s) for approval prior to submitting the testimony to the SCC or hearing officer.

The College is committed to providing a safe and nondiscriminatory environment. Members of the SSC are responsible for preserving privacy of all parties involved, including faculty and staff, in any judicial case. Failure to maintain privacy or actions that lead to violations of privacy may result in disciplinary action.

Upon the conclusion of a case, documentation will not be shared with individuals, including family, victims and witnesses, without the consent of the accused individual. The only exception is when the college is obligated to do so through a Federal or State mandate, including Title IX and the Jean Marie Clery Act.

Following committee hearings, the final vote count will be provided in the outcome notification; however, individual opinions and final votes cast by SCC members will not be shared with the involved student(s) including the alleged violator.

For all sanction charts: Mandatory Sanction = X Possible Sanction = O

F. GENERAL CONDUCT VIOLATIONS

F.1. Alcohol

Alcohol offenses refer to any behavior which involves the use of alcohol by persons under the age of 21, and/or inappropriate or destructive behavior brought on by alcohol abuses. Students under the age of 21 may not possess, distribute, or be in the presence of alcohol while on campus. Possession of alcohol includes open and un-opened containers, as well as consumed alcohol in an individual’s bloodstream.

Students 21 years of age and older are permitted to store and consume alcohol in their assigned room on campus. A student may not have more than a six-pack of beer OR one 750 milliliter bottle of any other alcoholic beverage at any given time. Rooms in which both occupants are over the age of 21 may have double this allotted quantity, but 21 year old guests (student or not) cannot increase the alcohol quantity limit for a given room. For example, a 21 year old student with an underage roommate may have no more than a six-pack of beer or 750 milliliter bottle even when hosting a 21 year old guest. Alcohol may not be consumed in public areas such as hallways, lounges, classrooms, the Gallery, etc., in the presence of underage individuals, or to the point of excessive intoxication. Consuming alcohol in these ways will be considered inappropriate consumption. Distribution of alcohol to underage individuals is strictly prohibited.

Students 21 years of age and older that wish to consume alcohol within these terms and conditions must request a new school identification card and will be asked to present their school ID when confronted by staff.

Alcohol “sharing” events are prohibited regardless of quantity. Examples include but are not limited to wine tastings, beer sampling, mixology classes, holiday gift giving, grab bags, and gaming.

Parties on campus are strictly prohibited. The determination of if an event is a “party” will be made by the conduct officer(s) adjudicating the incident report. This determination will be made through evaluating the number of persons present, quantity and origination of alcohol present, additional policy violations such as drugs, noise, reasoning for the gathering, date and time of gathering, as well as intention of the host.

Empty alcohol bottles for studio assignment use are only allowed in student rooms with prior approval from the Student Services office. Approval may be gained by visiting the Student Service office. Students are allowed a maximum of 5 empty alcohol bottles regardless of age. Bottles must be cleaned, empty, and be individually approved by the Student Services office. After approval, stickers will be placed on each bottle. Excessive alcohol bottles or alcohol bottles without an approval sticker will be considered to have been consumed in the room and will be documented as a violation of “in the presence of or possession” policy.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Alcohol Violation – In the presence of or possession	Warning	X	O			
Alcohol Violation – In the presence of or possession	Probation	X	O			

Alcohol Violation – In the presence of or possession	Dismissal		O	X	X	O
Alcohol Violation – Distribution	Probation	X	O	X	O	O
Alcohol Violation – Distribution	Dismissal		O			X
Alcohol Violation – “Sharing” event	Probation	X	O	X	O	O
Alcohol Violation – “Sharing” event	Dismissal		O			X
Alcohol Violation – Party Responsibility	Probation	X	O	O	O	
Alcohol Violation – Party Responsibility	Dismissal		O	X	O	O
Alcohol Violation – 21+ Y.O. excessive quantity	Warning	X	O			
Alcohol Violation – 21+ Y.O. excessive quantity	Probation	X	O			
Alcohol Violation – 21+ Y.O. excessive quantity	Dismissal		O	X	X	O
Alcohol Violation – 21+ Y.O. inappropriate consumption	Warning	X	O			
Alcohol Violation – 21+ Y.O. inappropriate consumption	Probation	X	O			
Alcohol Violation – 21+ Y.O. inappropriate consumption	Dismissal		O	X	X	O

F.2. Drugs

Drugs are strictly prohibited on campus. This includes the purchase, sale, possession, or use of an illegal substance or drug. Possession of drugs also includes consumed substances in an individual’s bloodstream. Prescription drugs are permitted as medically necessary but must be kept in their original container with the name of the student they are prescribed to clearly labeled.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Drug: Marijuana Possession of or use	Warning	X	O	O	O	
Drug: Marijuana Possession of or use	Probation	X	O	O	O	
Drug: Marijuana Possession of or use	Dismissal		O			X
Drug: Marijuana Sale or Distribution	Probation	X	O	O	O	O
Drug: Marijuana Sale or Distribution	Dismissal		O			X
Drug: Other Possession/Use	Warning	X	O	O	O	O
Drug: Other Possession/Use	Probation	X	O	O	O	O
Drug: Other Possession/Use	Dismissal		O	X	X	X
Drug: Other Sale/ Distribution	Probation	X	O	O	O	O
Drug: Other Sale/ Distribution	Dismissal		O			X

F.3. Weapons

Weapons are not permitted on any college owned property. This includes any dangerous instruments, explosives, fireworks, chemical devices, paintball guns, airsoft and projectile guns, nun chucks, decorative and non-decorative swords and knives, and any item used as a weapon. Additionally, the college enforces a ban on the possession on school property of any firearm, weapon, instrument, or device that can be discharged, shot, or used to cause harm (other than by law enforcement personnel or those approved by the College President and CFO). Possession includes carrying, transporting, having custody of, storing, or displaying a weapon. Also not permitted are explosive chemicals or substances brought into college

facilities with the intent of producing visible or audible combustion, explosion, or fire, including fireworks. Possession or a license to possess any of the above listed items does not constitute defense of a violation of this policy. Weapons found may be confiscated and individuals may be subject to criminal prosecution. Legal propellant and repellent sprays used for personal protection and self-defense purposes are allowed, but must be used properly in an emergency or time of threat. Discharge of such sprays, whether by accident or for the purpose of inflicting harm in any form, will be adjudicated as a violation of the weapons policy.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Weapons	Dismissal	O	O			X

F.4. Event Related Misconduct – Minor

“Minor” level events include, but are not limited, to the use of masks, props, costumes, and decorations that is directly related to a College sponsored event(s) in which the outcome has NOT harmed persons or property but had the potential to do so.

Examples include, but are not limited to, Halloween parties in which a person utilized a mask in an inappropriate way, costumes that incorporate swords or other character specific decorations, and school BBQ events that involve activities such as trust falls, water balloon toss, tag, and tug of war.

School sponsored events are intended to be inclusive, welcoming, and positive in nature. Actions that inhibit this outcome may also be considered a violation. Examples include, but are not limited to, intentionally disrupting the production of an event, intentionally violating the rules of a game, causing a distraction, and escalating an activity in a negative way.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Event Related Misconduct - Minor	Warning	X	O			
Event Related Misconduct - Minor	Probation	X	O	O	O	
Event Related Misconduct - Minor	Dismissal	X	O			X

F.5. Event Related Misconduct - Major

“Major” level events include, but are not limited to, rioting, fighting, assault, vandalism, or other misconduct that is directly related to a College sponsored event(s) in which the outcome has harmed persons or property.

Misconduct may also include any behavior(s) or actions that initiate, continue, or elevate harm to persons or property. Examples include, but are not limited to, taunting, cheering, bullying, threatening, and challenging others to participate in event related misconduct.

Examples include, but are not limited to, causing harm to community property during an art opening, setting fire to property during a school holiday or closure, and cyber bullying and taunting through social media acts of aggression during a school open house.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Event Related Misconduct - Major	Dismissal	O	O			X

F.6. Sexual Misconduct

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 *et seq.*, is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Delaware College of Art & Design (the “College”) must comply with Title IX.

Under Title IX, schools must operate free from sex discrimination, including sexual harassment.

Any of the following conduct on the basis of sex constitutes sexual harassment:

- An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (often called “*quid pro quo*” harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking.

The College will take immediate action to eliminate sex discrimination, sexual harassment, or sexual violence, prevent its recurrence, and address its effects. The College has a responsibility to respond promptly and equitably if the College has actual knowledge of or notice of sexual harassment allegations within the College’s campus environment, education program or activity. An education program or activity includes locations, events or circumstances over which the College has exercised substantial control over both the respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.

The College defines Actual Knowledge as notice of sexual harassment or sexual harassment allegations to a school’s Title IX Coordinator, or any official of the school who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary or secondary school.

A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the College of its duty under Title IX to resolve complaints promptly and equitably.

The College does not discriminate on the basis of sex, nor does it tolerate discrimination on the basis of sex in its education programs and activities or employee work environments. The College strives to provide an environment free from sex discrimination, including sexual harassment. The College encourages students, parents, and staff to identify barriers to a discrimination-free environment in all schools. Any person (*e.g.*, the alleged victim or any third party) may make a report to the Title IX Coordinator.

Complaints and/or inquiries concerning allegations of sexual harassment, or discrimination on the basis of sex, shall be directed to the College’s Title IX coordinator in person, or by phone, mail, or e-mail, to Office of Civil Rights, or the Assistant Secretary of the U.S. Department of Education. Any person (*e.g.*, the alleged victim or any third party) may report to the Title IX Coordinator. All complaints will be received and investigated in a prompt and equitable manner.

The College’s Title IX Coordinator is:

Katy Ro, Academic Dean
600 N. Market street

Commented [KR1]: Replace with full policy, will need to include table of adjudication chart (consult with Sarah). Will need to list the Title IX coordinator, investigators, facilitators, decision-makers (panel), and appeal officer (Jean)

Commented [SG2]: Part of the new policy. Will refer to full policy, on the website, at the of this section

Commented [KR3R2]: Updated the URL

Wilmington, DE 19801
 302-622-8000 x210
kro@dcad.edu

The Office of Civil Rights is located:

Office for Civil Rights, Philadelphia
 U.S. Department of Education
 The Wanamaker Building
 100 Penn Square East, Suite 515
 Philadelphia, PA 19107-3323
 Tel: (215) 656-8541
 Fax: (215) 656-8605
 Email: OCR.Philadelphia@ed.gov

Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The College will consider the concerns and rights of both the complainant and the respondent.

Please review the full Title IX policy and procedures in Appendix A and on the DCAD website:
<https://dcad.edu/consumer-information/>

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Sexual Misconduct	Probation	X	O	O	O	O
Sexual Misconduct	Dismissal	O	O			X

F.7. Fire Safety

Fire safety violations include tampering with fire suppression or alarm equipment, malicious activation or use of fire safety equipment, use or ownership of fireworks, possession of flammable materials including propane, lighter fluid, and cooking charcoal, use and possession of grills, using flammable materials in an unintended manner, failure to evacuate during an alarm activation, arson, or creating a condition that endangers the health and safety of the community by fire intentionally or unintentionally.

F.8. Smoking

Smoking, including e-cigarettes and vaping devices, is not allowed in any college building. Employees and students who wish to smoke may do so at a distance of at least 25 yards, or 75 feet, from any DCAD owned, rented or leased property. Because of the fire risk associated with lit cigarettes inside, any instance of smoking indoors also falls under the “Fire Safety” policy.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
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Commented [SG4]: Added another level, does this make sense?

Commented [KR5R4]: I think so. I am going to send you some sample text from Moore College that may be nice to add this section concerning sanctions. It will provide some guide to the range in how sanctions can be applied concerning sexual misconduct

Fire Safety	Probation	X	O	O	O	
Fire Safety	Dismissal		O			X
Smoking	Warning	X	O			
Smoking	Probation	X	O			
Smoking	Dismissal		O	X	X	O

F.9. Bullying/Harassment

Bullying refers to unwelcomed or unreasonable behavior that demeans, intimidates, or humiliates an individual or group of individuals. Harassment refers to repeated disturbing, troubling, and/or pestering acts against another individual. Forms of bullying and harassment include, but are not limited to: direct, indirect, isolated, persistent, verbal, electronic, and physical.

F.10. Disruptive behavior

Disruptive behavior includes actions or behaviors towards others, the public, or one’s self that interrupt or detract from expected participation in an academic or social activity. This includes purposeful disruption of a class or school function, creating a public disturbance or excessive inconvenience.

F.11. Harmful behavior

Harmful behavior includes but is not limited to violence, fighting, endangerment, hazing of a person, and stalking.

In the event that a student is threatening to hurt themselves in any way, DCAD reserves the right to seek immediate medical assistance for the student, contact the student’s parent, and/or contact the Wilmington Police Department. To preserve the wellbeing of the student, acts of self-harm will result in a loss of privileges for the student to attend classes or live on campus until they have received treatment.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Bullying	Probation	X	O	O	O	O
Bullying	Dismissal		O			X
Disruptive Behavior	Warning	X	O			
Disruptive Behavior	Probation	X	O	O	O	O
Disruptive Behavior	Dismissal		O	O	O	O
Violence/Fighting/Harmful Behavior	Probation	X	O	X	O	O
Violence/Fighting/Harmful Behavior	Dismissal		O			X

F.12. Failure to Comply

Failure to comply with a reasonable administrative request made by either a staff or faculty member. Examples include failing to attend a college sanctioned hearing or not replying to an e mail which requires a mandatory reply.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Failure to Comply	Warning	X	O			
Failure to Comply	Probation	X	O	O	O	
Failure to Comply	Dismissal		O	O	O	O

F.13. Gambling

Gambling on college property or at any official function sponsored by the college, student groups, or school affiliated organizations is not permitted.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Gambling	Warning	X	O	O	O	O
Gambling	Probation	X	O	O	O	O
Gambling	Dismissal		O	O	O	O

F.14. Pets

Pets are not allowed in any DCAD building.

The Delaware College of Art and Design is compliant with the Fair Housing Act and ADA guidelines as they pertain to assistance animals and service animals. Assistance and service animals are not pets, and are approved as a reasonable accommodation given that they perform a specific task that alleviates the symptom(s) of a diagnosed mental or physical condition. Assistance and service animals must be approved. During the approval process students are provided an additional contract outlining the expectations, procedures, terms, and conditions for their animal. For additional information please contact the Student Services office.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Pets and Animals	Probation	X	O			
Pets and Animals	Dismissal		O	X		O

F.15. Occupancy (Housing Violation)

Housing Occupancy refers to the use of open spaces in housing facilities. At any given time throughout the school year, there may be unoccupied/unassigned/open spaces within campus housing. Students assigned to a room with open space(s) are to keep the unassigned set(s) of furniture clean and empty. Unassigned spaces are designated as Emergency Spaces and may be filled at any time by the Student Services Office. Student Services staff will do regular checks of all unassigned spaces to ensure they remain open and available should a reassignment occur. Failure to maintain the unassigned space's availability may result in

disciplinary action and/or fines. Students occupying an open space within their room may be fined up to the cost of housing for that semester.

Violation	Level	Admin	Restitution	Fine	Housing Suspension	College Suspension	Expulsion
Housing Violation – Occupancy	Warning	X	O	O			
Housing Violation – Occupancy	Probation	X	O	X	O		
Housing Violation – Occupancy	Dismissal		O	X	X		

F.16. Cleanliness (Housing Violation)

Cleanliness and upkeep of student rooms is the responsibility of the student. The following student guidelines have been established:

- Maintain cleanliness standards by regularly emptying garbage, dusting, vacuuming, sweeping floors, cleaning bathrooms.
- Maintain room / unit safety; no excess storage, no overloading of circuitry, report fire safety equipment malfunctioning.
- Do not keep unwrapped food on counters, tables, floors, or furniture.
- Report maintenance repairs using the online system on DCAD website.

It is the student’s responsibility to take care of their space and to prevent unhealthy room conditions due to excessive trash or filth while they occupy the space. We highly recommend that each student bathroom is cleaned thoroughly once a week to prevent buildup of dirt and residue, especially in the tile grout, in order to prevent lasting damage and stains.

Violation	Level	Admin	Restitution	Fine	Housing Suspension	College Suspension	Expulsion
Housing Violation – Health and Wellness	Warning	X	O	O			
Housing Violation – Health and Wellness	Probation	X	O	X	O		
Housing Violation – Health and Wellness	Dismissal		O	X	X		

F.17. Guests (Housing Violation)

Guests are defined as any person who does not live in an assigned housing unit, – whether they are a student (resident or commuter) at DCAD, or a friend or family member. Guests under the age of 18 are not permitted in the Residence Halls without special approval from the office of Student Services. Requests must be made three days in advance and made in writing.

All guests must be registered through our online guest form. DCAD students staying after 11PM must also be registered. Residents must indicate the duration of the guest’s stay, including daytime or other short term visits. Guests discovered in the building without a registration form on file will be asked to leave, as the guest would be trespassing under those circumstances, and the student host will be processed through the SCH. The college reserves the right to invite guests and remove trespassers.

It is mandatory to obtain your roommate(s)' permission at least 24 hours before inviting overnight guests. Roommates have a right to withhold their approval without explanation or fear of retribution.

A host is allowed a maximum of two guests at any time. A maximum of two guests are allowed in a specific room at a specific time regardless of the amount of students that occupy the room. Guest(s) are allowed to stay for a maximum of three consecutive nights. Hosts may have overnight guest(s) for a maximum of six nights per month.

Residents are responsible for the actions and behaviors of their guests while in the building or other DCAD properties. Responsibility for guests includes being held accountable for guests' acting in accordance with the SCH. Should a residents' guest violate the SCH, the resident will undergo adjudication for the violation as well as violation of the guest policy.

Residents are to accompany their guests at all times. Guests are not to be left in the hosts' room by themselves, or otherwise be permitted in DCAD spaces (residential or academic) unattended. Guests that are disruptive or cause damage will be asked to leave by an RA or a staff member and must do so immediately or they will be considered trespassers and removed by DCAD security or the Wilmington Police Department. Residents or guests must pay for any guest meals or café foods consumed. Additionally, the host will be held financially responsible for damage caused by their guest.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Housing Violation – Guests	Warning	X	O			
Housing Violation – Guests	Probation	X	O	O		
Housing Violation – Guests	Dismissal		O	X		

F.18. Excessive Noise (Housing Violation)

Excessive noise that can be heard from outside a resident's room that interferes with, or has the potential to interfere with, any community member's right to sleep, study, or work in their living environment is prohibited. Residents must comply with all requests to reduce their noise level 24 hours a day, 7 days a week. The noise policy is enforced throughout the year, and violators are subject to judicial action, which may result in termination of the housing contract. There should be no running, yelling, or sitting in the exterior halls at any time. At all times, please be respectful of your neighbors.

Quiet hours are to be observed during the following times:

- Sunday – Thursday 10 PM – 8 AM
- Friday – Saturday 12AM – 10 AM

During quiet hours, apartment doors should be closed, and televisions and stereos should be kept at a volume that cannot be heard in the exterior hallway. These rules also apply to playing musical instruments.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Housing Violation – Quiet Hours	Warning	X	O			
Housing Violation – Quiet Hours	Probation	X	O	O		
Housing Violation – Quiet Hours	Dismissal		O	X		

F.19. Candles and Incense (Housing Violation)

Candles of incense or the use of other open-flamed devices are prohibited for fire safety reasons. This includes possession and/or burning of candles, incense, or other flames.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Housing Violation – Candles and Incense	Warning	X	O			
Housing Violation – Candles and Incense	Probation	X	O			
Housing Violation – Candles and Incense	Dismissal		O	X		O
Housing Violation – Unattended burning candle and/or incense	Probation	X	O	X	O	
Housing Violation – Unattended burning candle and/or incense	Dismissal		O	X		O

F.20. Appliances (Housing Violation)

Appliances brought into the residence halls are permitted contingent on the building and specifications of the appliance. The units in the Saville are already equipped with the major kitchen appliances allowed (refrigerator, stove, oven, and microwave oven). Please refrain from bringing any of these or other major appliances.

Students residing in 707 N. King Street are permitted to bring a mini-refrigerator (no larger than 3.2 cubic feet) and a low power microwave (no larger than 1000 watts).

Toasters and coffee makers are permitted in both buildings. Any small appliance brought into the building must be UL approved and have the factory-installed tag left on them for verification. Toaster Ovens and other grilling devices (i.e. George Forman grills) are not permitted. The Office of Student Services reserves the right to deny the use of any electrical appliance if they feel there are safety concerns over the use of said appliance.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Housing Violation – Unauthorized Appliances	Warning	X	O			
Housing Violation – Unauthorized Appliances	Probation	X	O	O		
Housing Violation – Unauthorized Appliances	Dismissal		O	X		

F.21. Sports and Recreation (Housing Violation)

Sports and recreational activities that may damage the building or injure community members are prohibited. Examples include but are not limited to: kickball, volleyball, common area sports, floor hockey, use of swimming pools and/or waterslides, and climbing/repelling. The SCC reserves the right to determine if an alleged behavior or action meets this definition.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Housing Violation – Sports and Recreation	Warning	X	O			
Housing Violation – Sports and Recreation	Probation	X	O	O		
Housing Violation – Sports and Recreation	Dismissal		O	X		

F.22. Misuse of Keys

Misuse of keys inappropriate access hardware or software, damaging of hardware or software with the intent to gain access to a restricted area, loaning or borrowing of any personal access hardware (Key Fob) endangers the safety and security of the community. All students must keep in their possession at all times their personal access hardware and keys. Keys and Fobs may never be lent to a guest, family member, or another student.

F.23. Unauthorized Access or Entry

Unauthorized Access or Entry into any student room, college classroom, college owned building, maintenance or janitorial closet, roof, basement, attic, crawl space, closet, or any gated area will not be tolerated. This includes propping open doors that would create a risk of unauthorized access or entry into a college owned space. Additionally, students are not permitted to allow unapproved guest/s to enter into any locked or regulated space, which includes residence hall common areas and rooms.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Misuse of keys and/or FOBS	Warning	X	O			
Misuse of keys and/or FOBS	Probation	X	O	O	O	O
Misuse of keys and/or FOBS	Dismissal		O	X	O	O
Unauthorized Access	Warning	X	O			
Unauthorized Access	Probation	X	O	O	O	O
Unauthorized Access	Dismissal		O	X	O	O

F.24. Commercial activity

Commercial activity (sale of products and services) is not appropriate in any facility. Students may not use or maintain a business within the unit, building, or through associated technology. Students may also not host or hire outside vendors or businesses within campus property. Exceptions to this include sale of room materials (furniture, small appliances) that one would sell in a “yard sale” situation. Anything beyond the sale of personal, secondhand items requires the approval of the Director of Student Services.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Housing Violation –Commercial Activity	Warning	X	O			

Housing Violation –Commercial Activity	Probation	X	O	O		
Housing Violation –Commercial Activity	Dismissal		O	X		

F.25. Tattooing

Tattooing of any kind is strictly prohibited on DCAD property. Students may not use or assist in the act of designing, applying, or hiring professional and/or amateur tattoo artists within any college owned property.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Tattooing	Probation	X	O			
Tattooing	Dismissal		O	X	X	

F.26. Theft, Vandalism, or Property Damage

Theft, vandalism, or property damage which includes stealing, damaging, destroying, or defacing college, community, or student property is prohibited.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Theft, Vandalism, or Property Damage	Warning	X	O			
Theft, Vandalism, or Property Damage	Probation	X	O	O	O	O
Theft, Vandalism, or Property Damage	Dismissal		O	X	O	O

F.27. Falsifying Information

Providing false information or falsifying information with the intent to defraud or deceive.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Falsifying Information	Probation	X	O	O	O	
Falsifying Information	Dismissal		O			X

F.28. Misuse of Official Documents

Misuse of official documents includes forgery, alteration, misappropriation, or misuse of academic or non-academic records or identification cards. In the case of academic records, such as grade reports or transcripts, disciplinary action is within the jurisdiction of the Director of Student Services and the Academic Dean.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
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Misuse of Official Documents	Warning	X	O			
Misuse of Official Documents	Probation	X	O	O	O	O
Misuse of Official Documents	Dismissal		O	X	O	O

F.29. Technology Policy

Technology policy violations include, but are not limited to, unauthorized copying, downloading, or transferring of copyrighted materials; unwanted or unsolicited entry into any computer, printer, or network system; knowingly introducing a computer virus; unauthorized access; willful damage, misuse of systems or software, and allowing others to utilize private account information or sharing log in information.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Technology Policy	Warning	X	O			
Technology Policy	Probation	X	O	O	O	O
Technology Policy	Dismissal		O	X	O	O

F.30. Cheating

Cheating includes attempting to copy, force or otherwise gain information from another or from a prohibited source, with the intention of circumventing the academic testing process.

F.31. Plagiarism

Plagiarism is the reproduction of another’s visual, verbal or written material without proper citation and with the intent to deceive. In the written form this includes, but is not limited to, verbatim copying or substantial paraphrasing, and presenting someone else’s work as your own.

F.32. Misrepresentation

Misrepresentation involves submitting work done by another as one’s own or submitting work done at a previous time as new.

Violation	Level	Admin	Restitution	Housing Suspension	College Suspension	Expulsion
Cheating	Warning	X	O			
Cheating	Probation	X	O		O	
Cheating	Dismissal	X	O			X
Plagiarism	Warning	X	O			
Plagiarism	Probation	X	O		O	
Plagiarism	Dismissal	X	O			X
Misrepresentation	Warning	X	O			

Misrepresentation	Probation	X	O		O	
Misrepresentation	Dismissal	X	O			X

G. COMPLAINTS AND GRIEVANCES

Delaware College of Art and Design is committed to providing a diverse and welcoming environment which celebrates student rights and culture and promote integrity among all members.

Informal resolutions of complaints are encouraged when appropriate. In circumstances where the alleged infraction is not possible to solve through informal resolution, students have the right to file a formal written complaint/grievance.

A complaint/grievance is defined as a response to an alleged action made by a college employee or college student that a student believes to be unfair or inconsistent with college policy or procedure and cannot be resolved informally.

Informal resolutions are defined as an attempt to resolve conflicts prior to submitting a written complaint/grievance. Informal resolutions include private meetings during office hours, mediated meetings that include a neutral party, and other processes that create constructive, transparent, and equitable communication. If students are unable to resolve the complaint through informal meeting processes, then a student may file a written complaint/grievance.

Students should not be deterred from bringing forth complaints because of an individual’s position or relationship to students.

A student may report a complaint/grievance to any College employee. At that time the student will be given detailed resources and instructions regarding the Student Complain/Grievance Policy and Procedure. Students may also locate this information online on the Current Students page of the website.

Any complaint/grievance that constitutes a Student Conduct policy violation should be immediately reported by submitting an online incident report found on the DCAD webpage.

G.1. Procedures

- DCAD encourages all students to first attempt an informal resolution if appropriate.
- If a complaint/grievance is not resolved through informal resolution, complete the Complaint/Grievance form.
- Submit the Complaint/Grievance form and any supporting documentation to the Director of Student Services or the Registrar & Assistant Dean.
- Complaints must be submitted within 7 days of the incident. Adjudications will be concluded within 7 days thereafter. The resolution will be sent to your DCAD email account.
- Once you have reviewed the resolution of your complaint/grievance, if you do not believe you were provided with a fair resolution, you may submit an appeal.
- Appeals must be made in writing within two business days of receiving the complaint/grievance resolution. The appeal should include a completed copy of the Student Complaint/Grievance Appeal Statement form and copies of the complaint/grievance resolution(s).
- The appeal will be adjudicated within seven business days by the Student Conduct Committee Appeal Officer(s). The appeal will then be closed and filed as “appeal resolved.” All resolutions made by the Appeal Officer(s) are final. Resolutions will be sent via your DCAD issued email account and will contain a copy of the Appeal Statement form.”

H. APPENDIX A – SEXUAL MISCONDUCT & TITLE IX

Title IX of the Education Amendments of 1972 (“Title IX”), 20 U.S.C. §1681 *et seq.*, is a Federal civil rights law that prohibits discrimination on the basis of sex in education programs and activities. Delaware College of Art & Design (the “College”) must comply with Title IX.

Under Title IX, schools must operate free from sex discrimination, including sexual harassment.

Any of the following conduct on the basis of sex constitutes sexual harassment:

- An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (often called “*quid pro quo*” harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
- Sexual assault, dating violence, domestic violence, or stalking.

The College will take immediate action to eliminate sex discrimination, sexual harassment, or sexual violence, prevent its recurrence, and address its effects. The College has a responsibility to respond promptly and equitably if the College has actual knowledge of or notice of sexual harassment allegations within the College’s campus environment, education program or activity. An education program or activity includes locations, events or circumstances over which the College has exercised substantial control over both the respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.

The College defines Actual Knowledge as notice of sexual harassment or sexual harassment allegations to a school’s Title IX Coordinator, or any official of the school who has authority to institute corrective measures on behalf of the recipient, or to any employee of an elementary or secondary school.

A criminal investigation into allegations of sexual harassment or sexual violence does not relieve the College of its duty under Title IX to resolve complaints promptly and equitably.

The College does not discriminate on the basis of sex, nor does it tolerate discrimination on the basis of sex in its education programs and activities or employee work environments. The College strives to provide an environment free from sex discrimination, including sexual harassment. The College encourages students, parents, and staff to identify barriers to a discrimination-free environment in all schools. Any person (*e.g.*, the alleged victim or any third party) may make a report to the Title IX Coordinator.

Complaints and/or inquiries concerning allegations of sexual harassment, or discrimination on the basis of sex, shall be directed to the College’s Title IX coordinator in person, or by phone, mail, or e-mail, to Office of Civil Rights, or the Assistant Secretary of the U.S. Department of Education. Any person (*e.g.*, the alleged victim or any third party) may report to the Title IX Coordinator. All complaints will be received and investigated in a prompt and equitable manner.

The College’s Title IX Coordinator is:

Katy Ro, Academic Dean
600 N. Market street
Wilmington, DE 19801
302-622-8000 x210
kro@dcad.edu

The Office of Civil Rights is located:

Office	for	Civil	Rights,	Philadelphia
U.S.	Department	of	of	Education
The		Wanamaker		Building
100	Penn	Square	East,	Suite 515
Philadelphia,		PA		19107-3323
Tel:			(215)	656-8541
Fax:			(215)	656-8605
Email:	OCR.Philadelphia@ed.gov			

The Title IX Coordinator's responsibilities include overseeing all complaints of sex discrimination and sexual harassment, and identifying and addressing any patterns or systemic problems that arise during the review of such complaints. If a report of sexual harassment is made to a College employee, the employee will inform the Title IX Coordinator.

When the Title IX Coordinator is aware of an allegation of sexual harassment, the Title IX Coordinator will promptly and confidentially reach out to the student or staff member alleging sexual harassment to discuss available options, including, but not limited to:

- The availability of supportive measures to restore access to the school's education program or activity with or without the filing of a formal complaint;
- The right to file a complaint to initiate an investigation into the sexual harassment allegations; and
- The process for filing a formal complaint.

The Title IX Coordinator will provide the complainant with information concerning the right to supportive measures even if no formal complaint is filed. The College will consider the alleged victim's wishes with respect to requests for supportive measures.

The respondent may also benefit from supportive measures. Supportive measures are free, individualized services designed to restore or preserve equal access to education, protect safety, or deter sexual harassment, not disciplinary or punitive, and without unreasonably burdening any other person. Examples of supportive measures may include:

- Counseling;
- Extensions of deadlines or other course-related or work-related adjustments;
- Modifications of work or class schedules;
- Campus escort services;
- Leave of absence;
- Increased security or monitoring of certain parts of campus; and/or
- Mutual restrictions on contact between individuals.

The College will keep confidential any supportive measures provided to the extent it does not impair the College's ability to provide the supportive measure. The Title IX Coordinator is responsible for coordinating the effective supportive measures.

FORMAL COMPLAINT OF SEXUAL HARASSMENT

A **formal complaint** is an official document alleging sexual harassment. The College will investigate the allegations set forth in a formal complaint.

A formal complaint must be submitted by the employee, student, or the student's parent or legal guardian (in some cases), or signed by the Title IX Coordinator.

Formal complaints may be filed with the Title IX Coordinator in person, by mail, by telephone, or by email:

Katy Ro, Academic Dean
600 N. Market street
Wilmington, DE 19801
302-622-8000 x210
kro@dcad.edu

Even if the student or employee opts not to file a formal complaint, the Title IX Coordinator may decide to file a formal complaint on his/her own, which starts an investigation.

Emergency Removal: A respondent may be removed from the College's work environment, education programs or activities on an emergency basis if the respondent poses an immediate threat to anyone's physical health or safety.

GRIEVANCE PROCESS:

The following are procedures for the grievance process for student and employee complaints of sexual harassment:

- The individuals involved in this grievance process are prohibited from discriminating against a complainant or respondent on the basis of sex.
- Prior to the interview of the respondent, both parties (the complainant and respondent) will receive written notice of the grievance process, notice of the allegations, the presumption of innocence of the respondent, an equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney), an equal opportunity to submit, inspect, and review evidence throughout the investigation, notice of the policy that providing false information or falsifying information for the intention to defraud or deceive is in violation of the College's code of conduct (student or employee), and notice of the opportunity to engage in informal resolution.
- The College will provide written notice of the date, time, location, participants, and purpose of all hearings, interviews, or other meetings, with sufficient time for the party to prepare.
- The College will provide equal opportunities for the parties and their advisors to inspect and review the evidence obtained by the school as part of its investigation, if the information is directly related to the allegations raised in the formal complaint.
- The College will give the parties a meaningful opportunity to respond to the evidence after the College has provided it.
- After gathering evidence, the College will provide an investigative report on the allegations of the formal complaint. The parties will have 10 calendar days to respond to the report in writing. If responses are submitted, the College will consider the response before finalizing the investigative report.
- The investigative report will then be finalized and provided to the parties. The investigative report will be circulated to the parties at least another 10 calendar days before any determination of responsibility, or 10 calendar days before a hearing, if a hearing occurs.

- Temporary delays are permitted only for good cause. Good cause can include law enforcement activities, the absence of a party or witness, the absence of a party's advisor of choice, or the need to provide language assistance or accommodations of disabilities.
- The College will protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during the grievance process.
- No information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it. Neither a party or the school is allowed to seek or permit questions about, or allow the introduction of evidence that is protected by a recognized privilege.
- The relevant evidence, including inculpatory and exculpatory evidence, will be objectively evaluated.
- Credibility determinations will not be made on the basis of a person's status as a complainant, respondent, or witness.
- The College will apply a presumption that the respondent is not responsible during the grievance process (often called a "presumption of innocence").
- The College bears the burden of proof and must correctly apply the standard of evidence. Any finding of responsibility comes at the conclusion of the grievance process. The College will use the preponderance of the evidence standard (the same standard will be used for formal complaints against students as for formal complaints against employees);
- The College will hold a live hearing during the grievance process.
- In the hearing, the parties' advisors are permitted to cross-examine other parties and witnesses. No party is permitted to cross-examine other parties and witnesses. If a party does not have an advisor, the College will provide the party with an advisor of the College's choosing, free of charge, solely for the purpose of conducting relevant cross-examination on that party's behalf. The advisor does not need to be a lawyer.
- If a party or witness chooses not to appear at the live hearing, or chooses not to answer cross-examination questions, the decision-maker will exclude that party's or witness's statements and will evaluate any evidence that does not involve those statements. The decision-maker will not make inferences about the determination regarding responsibility based on the fact that a party or witness did not come to the hearing or submit to cross-examination.
- If either party requests it, the entire hearing will be held with the parties located in separate rooms, with technology enabling everyone to see and hear each other.
- In order to better coordinate schedules, the College may choose to hold the entire live hearing virtually, or the College may allow some participants to appear virtually, with technology that allows everyone to see and hear each other.
- The College will comply with all disability laws, so that individuals with disabilities who participate in a school's grievance process are appropriately accommodated.
- The decision-maker will make a determination as to whether a question asked by a party advisor is relevant BEFORE the party or witness has to answer it.
- Questions and evidence about a complainant's prior sexual history are not relevant, with two limited exceptions:
 1. Where such information is offered to prove that someone other than the respondent committed the alleged sexual harassment; or
 2. It relates to sexual behavior between the complainant and respondent offered to prove consent.
- The College will create an audio or audiovisual recording, or transcript, of any live hearing, and make it available to the parties for inspection and review.

DECISION-MAKER AND DETERMINATION OF RESPONSIBILITY:

- The College will ensure the decision-maker is not the same person as the investigator or the Title IX Coordinator and will ensure there are no other conflicts of interest or bias with any of the individuals involved in the grievance process.
- The College will ensure all decision-makers receive training regarding bias and relevancy of evidence.
- Whether or not a hearing was held, the College's decision-maker will objectively evaluate the relevant evidence and reach conclusions about whether the respondent is responsible for the alleged sexual harassment.
- The decision-maker will weigh the relevant evidence and decide whether it meets the College's standard of evidence for sexual harassment.
- The College will send the written determination simultaneously to the parties, along with information regarding how to appeal the determination.
- The decision-maker's written determination will include the following:
 1. The portion of the school/College's policy that was violated;
 2. A description of the procedural steps that were taken by the College;
 3. A findings of fact section;
 4. A section that draws conclusions after applying the facts to the portion of the school/College's policy that applies;
 5. A statement and rationale for the ultimate determination of responsibility;
 6. Any disciplinary sanctions that the College will impose on the respondent, and a statement regarding whether the College will provide remedies to the complainant;
 7. A statement and rationale for any remedies for the complainant, addressing how those remedies will restore and preserve equal access; and
 8. A statement of the College's procedures that the parties have a right to appeal the initial determination regarding responsibility, and the permissible bases for appeal.
- If a respondent is found responsible for sexual harassment, the College will effectively implement remedies for a complainant designed to preserve or restore equal access to the school's education program or activity.
- A complainant's remedies can be disciplinary against the respondent and can range from a disciplinary referral to a recommendation for expulsion or termination of employment depending on the circumstances. Supportive measures such as the following may also be implemented:
 - Counseling;
 - Extensions of deadlines or other course-related or work-related adjustments;
 - Modifications or work or class schedules;
 - Campus escort services;
 - Leave of absence;
 - Increased security or monitoring of certain parts of campus; and/or
 - Mutual restrictions on contact between individuals (if there is a determination of sexual harassment, a no-contact restriction may be implemented).
- **Dismissal of Complaints:**
 - **Mandatory Dismissals**
 - The College must dismiss a complaint that:
 - Does not describe conduct that meets the definition of sexual harassment;
 - Alleges sexual harassment that did not occur in the College's education program or activity; work environment and/or
 - Alleges sexual harassment that did not occur in the United States at all.
 - These complaints may be addressed under the code of conduct depending on the circumstances.
 - **Discretionary Dismissals:**

- The College may dismiss a complaint if:
 - If the complainant notifies the Title IX coordinator in writing that the complainant wishes to withdraw the formal complaint or some of its allegations;
 - If the respondent is not enrolled in, or employed by, the College; or
 - If specific circumstances prevent the school from gathering evidence sufficient to reach a determination about the allegations.
 - In the event of a dismissal of a formal complaint, the College will promptly send written notice of the dismissal and the reasons to both parties. Either party has the option to appeal the decision.
 - Individuals involved in the process will be trained in accordance with Title IX regulations, and the materials used to train Title IX personnel are available on the College’s website.

APPEAL OF THE DETERMINATION OF RESPONSIBILITY:

The complainant or respondent may appeal the decision-maker’s determination of responsibility or the dismissal of a formal complaint, to the College’s President, Jean Dahlgren, (or designee) within 10 calendar days of receiving the determination of responsibility or the notice of dismissal. The appeal decision-maker will not be the same individual who made the determination of responsibility, the investigator, or the Title IX Coordinator.

The following are permissible grounds for an appeal:

1. A procedural irregularity affected the outcome of the matter;
 2. New evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal; and/or
 3. A conflict of interest on the part of the Title IX Coordinator, an investigator who complied evidence, or a decision-maker, and the conflict of interest affected the outcome.
- If a party files an appeal, the College will notify the parties in writing, and will implement appeal procedures equally.
 - Both parties will have the opportunity to submit a written statement supporting or challenging the outcome.
 - After considering the parties’ written statements, the Superintendent (or designee) will issue a written decision no later than 15 calendar days from the parties’ written submission and send it to the parties simultaneously.
 - The President’s determination regarding whether the respondent is responsible for the sexual harassment allegations becomes final after appeal.

INFORMAL RESOLUTION PROCESS

- In appropriate cases, the College may explore the facilitation of a voluntary, informal resolution of the formal complaint. This is not an option in any case where the respondent is a College employee.
- The College will only attempt informal resolution if each party enters the process completely voluntarily. No party will ever been forced or coerced into engaging in an informal resolution.
- The College will obtain the parties’ voluntary, written consent before using any type of informal resolution process, such as mediation or restorative justice.
- The College will provide a facilitator who is free from conflicts of interest or bias, and who has received special training.
- Even in situations where the parties engage in voluntary informal resolution, the College will provide the complainant and respondent with notice of the allegations, notice of their rights,

information about whether an informal process is confidential, and assurance that any party may withdraw from the informal resolution process at any time before an agreement is reached.

RECORD KEEPING

The College will maintain the following records for 7 years:

1. Records of a school's investigation;
2. Records of any appeal and the materials associated with the appeal;
3. Materials used to train Title IX Coordinators, investigators, decision-makers, and anyone who facilitates an informal resolution; and
4. Records of supportive measures that the College took in response to a report or complaint of sexual harassment.

PROHIBITION OF RETALIATION

The College prohibits retaliation against any individual, including complainants, respondents, and witnesses, for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process.

If any individual feels that he or she has been threatened, coerced, or discriminated against in an effort to chill the exercise of Title IX rights, then he or she should make a report of retaliation. All complaints of retaliation should be reported to the Title IX Coordinator or the President of the College, and the College will ensure a prompt and equitable resolution of the complaint.

It is not retaliation for the College to punish an individual for making a bad faith, materially false, statement during a Title IX grievance process. Additionally, engaging in protected speech under the First Amendment does not constitute retaliation.

The College will keep the identities of parties and witnesses confidential unless disclosure of an individual's identity is required under other laws or is necessary in order to conduct the grievance process.

Any individual shall have the right to file a formal complaint with the U.S. Department of Education, Office of Civil Rights at any time.

Office	for	Civil	Rights,	Philadelphia
U.S.	Department	of		Education
The		Wanamaker		Building
100	Penn	Square	East,	Suite 515
Philadelphia,		PA		19107
Tel:			(215)	656-8541
Fax:			(215)	656-8605
E-mail:	OCR.Philadelphia@ed.gov			

OCR Electronic Complaint Form:

<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>

Resources for Survivors of Acts of Sexual Misconduct

All victims and witnesses are encouraged to report instances of sexual misconduct to local law enforcement. In the event of any emergency, or if you are in immediate danger, please dial 911. The Wilmington Police will form a multidisciplinary interagency sexual assault response team (SART). The SART will not only investigate the reported incident, but will also provide intervention, counseling, and medical

services. The Delaware College of Art and Design will be an integral component of the SART team in conjunction with several other Wilmington Resources.

Preserving DNA evidence is a key tool for law enforcement's investigation and prosecution of a sexual assault case. It is used to prove that a sexual assault occurred and to show that the defendant is the source of biological material left on the victim's body. A Sexual Assault Nurse Examiner (SANE) is a trained professional who collects DNA evidence from the victim's body and/or clothing and this material is often collected at a hospital. Christiana Care, Wilmington Hospital provides 24hr walk in assistance to provide a rape kit and has a forensic nurse on call at all times to assist with the procedure. Contact Lifeline Helpline at 302-761-9100 will also provide 24-hour SANE assistance upon contact of their office. Contact Lifeline Helpline will also provide a rape crisis advocate who will accompany a victim to the hospital or alternative health provider. Please contact their office directly or seek the assistance of a Title IX Coordinator if you are interested in this service.

The most thorough local option to seek treatment for sexual misconduct injuries, preventative treatment for sexually transmitted infections, and other health services is Christiana Care, Wilmington Hospital. Additional resources are provided by Planned Parenthood, including abortion services, HIV testing, Morning-After Pill, pregnancy testing and services, STD/STI testing, treatment and vaccines.

Victims and witnesses always have the right to and are encouraged to share information with local law enforcement. The College will provide support services throughout this process for both witnesses and victims. Students seeking support or who wish to discuss the incident confidentially may contact a Title IX Coordinator. Students also have the right decline to notify local authorities.

To gain legal orders of protection, restraint, no contact, and similar orders local law enforcement and agencies must be contacted. DCAD staff will assist in this process if requested.

Local Resources and Services

Local Law Enforcement 911

Emergency response when in immediate danger. Wilmington Police Department will serve as leaders for DCAD's Sexual Assault Response Team – a multidisciplinary interagency team of public and College officials working collaboratively to provide services, advocacy, support, and emergency response in reaction to an instance of sexual misconduct.

Contact Lifeline / Rape, Crisis & Suicide 302.761.9100

A crisis and sexual misconduct hotline that provides support and advocacy for victims through telephone counseling, crisis intervention, information and referrals, accompaniment to hospitals police & courts, individual counseling for survivors friends & families, in school counseling, group support services, and public awareness/prevention education.

National Sexual Assault Hotline 1.800.656.HOPE (4673)

Immediate connection through the RAINN program (Rape Abuse & Incest National Network) a crisis center hotline connecting more than 1,100 trained volunteers across the country.

Planned Parenthood 302.655.7293

Located at 625 N. Shipley Street; Wilmington, DE 19801 providing local resources including HIV testing, emergency contraception (morning-after pill), pregnancy testing and services, as well as STD/STI testing treatment and vaccines.

Christiana Care, Wilmington Hospital 302.733.1000

Located at 501 W. 14th Street; Wilmington, DE 19801 lies a fully modernized, high-quality health care facility. The facility has a 24 hour walk-in assistance which employs SANE (Sexual Assault Nurse Examiner)

Commented [SG6]: Wondering if we should have this section in here? Or just leave it with the local resources and services

Commented [KR7R6]: If this information is correct, it wouldn't hurt to leave it in honestly.

program an additional component to DCAD’s Sexual Assault Response Team (SART). These trained professionals collect evidence, provide support and resources, and have access to an on call forensic nurse.

Downtown Visions 302.425.4200

Located at 409 N Orange Street; Wilmington, DE 19801 lies the main offices for Downtown Visions. The organization assist the community as good will ambassadors, security patrol, and also provide an escort service.

Domestic Violence Hotline 302.762.6110 or 302.762.6111

The Delaware Coalition Against Domestic Violence (DCADV) is the statewide, nonprofit coalition of agencies and individuals working to stop domestic violence in Delaware.

Mobil Crisis Unit 1.800.652.2929

The State of Delaware offers Crisis Intervention Services 24 hours a day to assist people, 18 years and older, with severe personal, and family or marital problems including depression, unemployment, anxiety, feelings of hopelessness, thoughts of suicide, and many others.

Child Abuse Hotline 1.800.292.9582

Sponsored by the Department of Services for Children, Youth, and Their Families this organization provides 24 hour services for child abuse, prevention, and reporting.

YWCA Delaware – Domestic Abuse Center 302.658.7110 ext. 17

Located in downtown Wilmington, the YWCA promotes advancement of equal opportunity for women, women’s self-sufficiency and family stability, and social and racial justice. The YWCA provides safe and open environments where women can find support and inspiration.

Wilmington Police Department Domestic Violence Coordinator 302.576.3648

The Victim Services division of the Wilmington Police Department has been in existence since 1991 and provides support, crisis counseling, information and referrals to victims of violent crimes in the City of Wilmington.

Sexual Misconduct Definitions

The following are definitions of terms falling under the umbrella of “sexual misconduct” as defined by local jurisdiction within the Delaware Criminal Code, which may differ from Title IX definitions:

“Sexual assault” means physical contact of a sexual nature perpetrated without consent or where consent is unable to be given.

“Stalking” means any person who intentionally engages in a course of conduct directed at a specific person which would cause a reasonable person to;

- A. Fear physical injury to himself or herself, to a friend or associate, or to a member of his or her household or to a third person,
- B. Fear damage to property owned by himself or herself, to a friend of associate, or to a member of his or her household or to a third person, or
- C. Fear that his or her employment, business or career is threatened, where the conduct consists of appearing, telephoning, or initiating contact at such person’s place of employment or business, and the actor was previously clearly informed to cease that conduct, is guilty of the crime of stalking, provided, however, that no person shall be convicted under this subsection as a result of contacting a victim’s place of employment or business regarding a bona fide business dispute.

Commented [SG8]: Is this enough to specify these being DE definitions, not specifically Title IX?

"Dating Violence" involves assaultive and controlling behaviors (often evolving into a pattern of behaviors) that one person uses against another in order to gain or maintain power in a current or past relationship. The abuser intentionally behaves in ways that can cause fear, degradation, humiliation, injury or harm or uses any other coercive behaviors to control the other person. Abuse can occur in both heterosexual and same-sex or serious and casual relationships and covers a wide range of behaviors that include harassment, verbal, emotional and economic abuse, sexual abuse, stalking and physical abuse.

"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.

A person is guilty of "sexual harassment" when:

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

Sexual harassment is an unclassified misdemeanor.

"Without consent" means the defendant compelled the victim to submit by any act of coercion as defined in §§ 791 and 792 of this title 11 of the Delaware Criminal Code, 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

1. The defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or
2. 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
3. Where the defendant is a health professional, as defined herein, or a minister, priest, rabbi or other member of a religious organization engaged in pastoral counseling, the commission of acts of sexual contact, sexual penetration or sexual intercourse by such person shall be deemed to be without consent of the victim where such acts are committed under the guise of providing professional diagnosis, counseling or treatment and where at the times of such acts the victim reasonably believed the acts were for medically or professionally appropriate diagnosis, counseling or treatment, such that resistance by the victim could not reasonably have been manifested. For purposes of this paragraph, "health professional" includes all individuals who are licensed or who hold themselves out to be licensed or who otherwise provide professional physical or mental health services, diagnosis, treatment or counseling and shall include, but not be limited to, doctors of medicine and osteopathy, dentists, nurses, physical therapists, chiropractors, psychologists, social workers, medical technicians, mental health counselors, substance abuse counselors, marriage and family counselors or therapists and hypnotherapists; or
4. 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.)

Commented [SG9]: I may suggest that we remove this section? It is specific to DE laws and I am not sure that we have to have all that info there.

Commented [KR10R9]: We can omit for now and consult with Allyson for DE state definitions. We can always add an additional addendum or document concerning DE Sexual Harrassment definitions.

I. APPENDIX B – COMPLAINT/GRIEVANCE FORM

Student Complaint/Grievance

Step 1. Informal Resolution

Student Name: _____ Date: _____

Staff/Faculty Receiving Report Name: _____

I intend to pursue an informal resolution. I understand the next steps in the process should my informal resolution prove ineffective. Student initials: _____

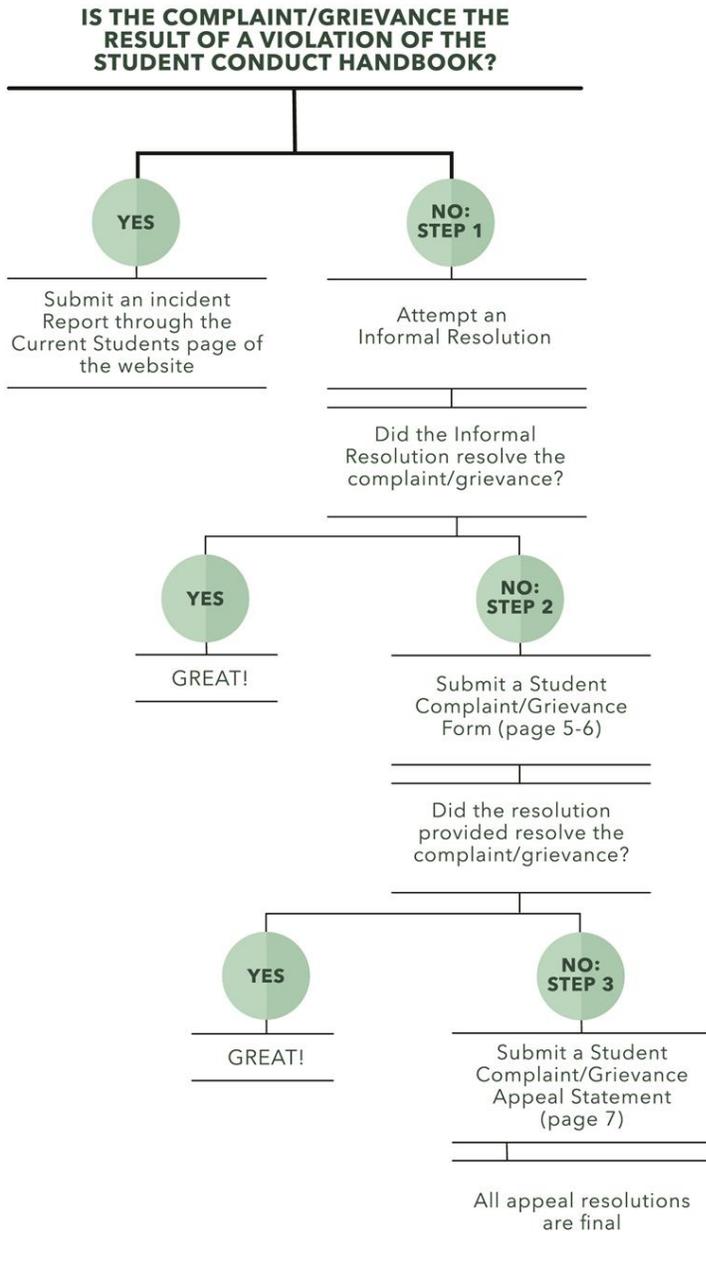
Please provide a brief summary of the complaint/grievance (1-2 sentences):

Please remove this cover page and deliver to the "Complaints/Grievances" mailbox in the mailroom.

Give the rest of the packet to the student.

Student Complaint/Grievance

Procedure Chart



Student Complaint/Grievance

Policy and Procedures

Complaints/grievances that indicate an alleged infraction of the Code of Student Conduct must be made by filing an incident report at http://www.dcad.edu/site/student_life/current_students.

Definitions:

1) **Informal Resolutions:** Students are always encouraged to first attempt to resolve conflicts informally prior to submitting a written complaint/grievance. Informal resolutions are defined as an attempt to resolve conflicts prior to submitting a written complaint/grievance. Informal resolutions include private meetings during office hours, mediated meetings that include a neutral party, and other processes that create constructive, transparent, and equitable communication. If students are unable to resolve the complaint/grievance through informal meeting processes, then a student may file a written complaint/grievance.

2) **Complaint/grievance:** An action made by a College employee or College student that a student believes to be unfair or inconsistent with College policy or procedure and cannot be resolved informally.

Complaint/grievances must be submitted in writing. A .pdf of the complaint/grievance form can be found on the current students webpage.

Procedures for submitting a complaint/grievance:

- 1) DCAD encourages all students to first attempt an informal resolution if appropriate.
- 2) If a complaint/grievance is not resolved through informal resolution complete the complaint/grievance form.
- 3) Submit the complaint/grievance form and any supporting documentation to the Director of Student Services or the Registrar & Assistant Dean.
- 4) Complaints/grievances must be submitted within 7 days of the incident or the informal resolution date. Adjudications will be concluded within 7 days thereafter.

Student Complaint/Grievance

Step 2. Submit Student Complaint/Grievance Form Below

Does the complaint/grievance indicate an alleged infraction of the Code of Student Conduct? If so, please file an incident report at http://www.dcad.edu/site/student_life/current_students.

Student Name (Please Print): _____ Student Name (Please Sign): _____

DCAD email address: _____@dcad.edu

Complaint/Grievance against (person, policy, resource, etc.): _____

Have you attempted informal resolution with this person: Yes No (Please Circle one)

Date of attempted informal resolution: _____ Date of original incident: _____

The following questions must be answered and submitted before the resolution process can begin. During the process you may be contacted to clarify or expand on the information that you share. You may also be asked to answer additional questions if the investigators determine that more information is needed.

In the space provided please describe the nature of the complaint/grievance. Please be as specific as possible and list dates, times, locations, and any information that may assist in the investigation process. If need please attach copies of supporting documentation. Examples of supporting documentation included, but are not limited to, copies of e mail and other electronic communications, photos, and written witness statements.

In the space provided please describe or list any of the actions you have taken to resolve this issue:

Please describe the resolution to your complaint/grievance that you are currently seeking.

Once the form has been completed please submit the form to one of the following offices via email or in person:

To: Sarah Garner, Director of Student Services
600 N. Market Street, Room 111
sgarner@dcad.edu

To: Krista Rothwell; Assistant Dean
600 N Market Street, Room 421
krothwell@dcad.edu

Complaints/grievances will be adjudicated within 7 days of receiving the form. The resolution will be sent via your DCAD email account and will contain a copy of this form. The complaint/grievance process will then be closed and filed as "complaint/grievance resolved." Should you wish to submit an appeal thereafter, resubmit this form and sign the "Appeal Statement" on the following page.

The appeal will then be closed and filed as "appeal resolved." All resolutions made by the appeal officers are final. Resolutions will be sent via your DCAD issued email account and will contain a copy of this form.